



2020 MEDICAL RECORD QUICK GUIDE

Compliments of your Illinois State Medical Society

ISMS is pleased to provide you with this handy, quick reference guide to medical record fees and the retention of medical records. Additional information on the retention of medical records is available to ISMS members in the ISMS Medical Legal Library, conveniently located in the Patient & Member Resources section at www.isms.org.

Medical Records Retention

Overall general guideline: Retain medical records of minor patients for the longer of 10 years from the last patient encounter or until the minor turns 22, and retain medical records of adult patients for 10 years from the last patient encounter – with the following exceptions:

- Records of an individual with permanent disabilities or a legal disability.....Permanently*
- Records of occupational exposure.....Employment plus 30 years
- Records involved in a malpractice claim.....Permanently*

Permanently means as long as the physician has a license to practice medicine, PLUS the applicable statute of limitations period.

Medical Record Fees for Patients

Patients may only be charged permissible fees per HIPAA. For complete discussion see “Individual and Third Party Access to Medical Records” located online in the Patient & Member Resources section at www.isms.org.

The allowable fee for medical records provided to the individual or their personal representative is equal to the actual costs of copying the medical record: supplies and labor plus postage. No handling fee is allowed. There are three ways to calculate the fee charged to an individual or their personal representative:

1. Actual costs. Can charge for actual labor (reasonable rates for copying) + applicable supplies such as paper (although cannot charge for electronic storage media) + postage.
2. Average costs. Can develop a schedule of costs for labor based on average labor costs to fulfill standard access requests.
3. Flat fee for electronic copies of PHI maintained electronically. Fee cannot exceed \$6.50, inclusive of all labor, supplies, and postage. *Requests of less than 13 electronic pages should be provided for free. Requests of 13+ pages are limited to \$6.50.

Medical Record Fees for Persons Other Than Patients

Formula for calculating medical record fees: \$29.09 handling fee
 PLUS \$1.09 each for pages 1-25,
 \$.073 each for pages 26-50, and
 \$0.36 each for pages 51 to end;
 PLUS actual postage.

Electronic records retrieved from a scanning, digital imaging, electronic information or other digital format in an electronic document may charge 50% of the per-page fee. No fee may be charged for the storage media, such as a CD-ROM or USB drive.

- Charges for microfiche or microfilm copies may not exceed \$1.82 per page.
- Reasonable cost for duplication may be charged for copies of record information that cannot be duplicated on a copy machine.
- Insurance company contracts or policies may prohibit or limit billing for records. Medicare and Medicaid do not pay for records. See also our Workers’ Compensation Records Guidelines at https://www.isms.org/Resources/Members/Legal/Workers_Compensation_Records_Guidelines/.

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