

Bulletin
Maryland State Board of Dental Examiners
Patient Records and What a Dentist May Charge for Copies

A frequent source of complaints received by the Dental Board stems from confusion regarding the law governing the release of copies of medical records. The applicable law can be found in the Code of Federal Regulations (“CFR”) 45 CFR §164.524(c) and the Annotated Code of Maryland, Health General Article, (“HG”) §§ 4-304 and 4-309. The law provides that dentists, as well as other health care providers, are required to release copies of medical records to patients who request them in writing, within 21 working days of the request. The patient may also request that the records be forwarded directly to another dentist. The originals may be retained by the treating dentist, or if the practice has been sold, the new dentist owner may retain the original records. Although the law provides for 21 working days to provide the copies, *the Board appreciates dentists providing the copies at the earliest opportunity* since the patient usually seeks the records for subsequent dental treatment. The Board also asks that dentists contact patients at their earliest opportunity once a request for a copy of records has been made, whether the request was made orally or in writing, so that any confusion over the request, or the payment of copying fees may be avoided. In short, there should be communication.

Please note the following:

A patient is entitled to a copy of their records, or the patient may request that the copies be forwarded to another health care provider;

A dentist may not refuse to provide copies of records because of the failure of the patient to pay for health care (in other words, any outstanding balance the patient may owe for treatment is irrelevant);

A dentist may require that the appropriate copying fees be paid prior to providing the copies;

Dentists may charge no more than the following for copies of dental records:

- 76 cents per page for copying of each page of the medical record. (No copying fee if originals are released. This cost has been adjusted in accordance with the Consumer Price Index as allowed by HG §4-304); Add to this figure:
 - For copies of x-rays, models, and photographs, a dentist may charge a reasonable, cost based fee, provided that the fee includes only the cost of copying, including the cost of supplies for and labor of copying. (No copying fee if the originals are released); Add to this figure:
 - Actual cost of postage (stamps) only if the records are mailed.
- Note that for those records that are transmitted electronically, the allowable charge is only the reasonable cost of actual labor associated with the transmission.

Please note that pursuant to the CFR a preparation fee and retrieval fee which was formerly permitted under HG §4-304(c) may no longer be charged.

There are no other applicable fees for copying medical records or x-rays. Please note that the records laws and fees affected by the Consumer Price Index may change with time.