



## Medical Records Copying Fees as of December 2023

Generally, health care providers are permitted to charge third parties and sometimes patients a fee for copying medical records. Violations of state or federal law concerning medical record access and fees may subject a physician to civil penalties and discipline by the Maryland Board of Physicians.

### **Paper Format**

The fee for copying paper records must not exceed 76 cents for each page of the medical record in addition to the actual cost of postage and handling. Health care providers may **only** charge a preparation fee of \$22.88 if the records are transferred to a person other than the patient or the patient's personal representative.

### **Electronic Format**

The fee for copying records in electronic format is 75% of the per paper page fee and may not exceed \$80.00 in addition to the actual cost of postage and handling. Health care providers may **only** charge a fixed preparation fee of \$22.88 if the records are transferred to a person other than the patient or the patient's personal representative. **It is important to remember that no fees may be charged for providing electronic records to a patient in the format the records are already stored in.** For example, if a provider's EHR has the ability to share medical records with a patient via a patient portal, a provider may not charge fees for allowing a patient to access their medical records via the patient portal.

### **Special Circumstances**

- A health care provider or a representative of the health care provider may not charge a fee for providing copies of a medical record that will be used for the purpose of filing a claim regarding or appealing a denial of Social Security disability income or Social Security benefits under Title II or Title XVI of the Social Security Act.
- No fee may be charged to transfer the records of a Medicaid recipient to another provider.
- A practitioner may not withhold medical records because of unpaid fees for medical services.
- The records may not be withheld under an emergency request from a state or local governmental unit concerning a child protective services or adult protective services case pending payment.
- A physician should not withhold records that have been subpoenaed pending payment of copying and preparation charges but may bill any non-governmental entities subpoenaing records.

In the opinion of MedChi's Committee on Ethics and Judicial Affairs, records should not be withheld from another health practitioner pending payment of the copying fees if to do so would hinder an ill patient from receiving needed medical attention.

*The information contained is for informational purposes only and not for the purpose of providing legal advice on any subject matter. You should contact your attorney to obtain advice with respect to any particular issue or problem. Any communication of information does not create an attorney-client relationship between Medical and Chirurgical Faculty of the State of Maryland or any of its affiliates or subsidiaries and the recipient.*