



Charging for Copies of Patient Records in Virginia Physician Practices

Frequently Asked Questions

Question: How much can my practice charge a patient for copies of medical records?

Answer: Virginia’s Health Records Privacy statute [[§ 32.1-127.1:03](#) (J)] states “*If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information [and] postage when the individual requests that such information be mailed.*”

Question: What is a “reasonable cost-based fee”?

A practice may assess:

1. a supply portion of the charge based on the total number of pages copied, factoring in the average per page cost of paper, toner, and expenses associated with leasing or owning a copy machine; and
2. a labor portion of the charge based on the time it takes to copy the records, factoring in wages paid to the individual who is likely to produce such copies.

Question: How much can my practice charge attorneys, insurers and others authorized by patients to receive copies of their medical records?

Code of VA [§ 8.01-413](#) (B) permits health care entities to charge fees to attorneys, insurers and others authorized by the patient for copies of medical records.

Scenario	Format of Records Maintained	Format of Records Produced for Release	Maximum Reasonable Fee
1	Paper/hard copy <u>or</u> electronically stored	Paper/hard copy	\$0.50 per page up to 50 pages \$0.25 each additional page Search/handling fee not to exceed \$20.00 Plus all shipping costs
2	Microfilm or other micrographic process	Paper/hard copy	\$1.00 per page Search/handling fee not to exceed \$20.00 Plus all shipping costs
3	Electronically stored	Electronic format	\$0.37 per page up to 50 pages \$0.18 each additional page Search/handling fee not to exceed \$20.00 Plus all shipping costs \$150.00 Maximum Total
4	Combination of paper/hard copy not stored in electronic format <u>and</u> electronically stored – for example, if part of a record is stored in the EHR while simultaneously storing part of the record on paper	Combination of paper/hard copy and electronic format	The portion of the fee pertaining to the records stored as paper/hard copy are subject to the maximums described in Scenario 1. The portion of the fee pertaining to the records stored in electronic format are subject to the maximums described in Scenario 3. \$20.00 search/handling fee maximum if records are

			produced in both paper/hard copy and electronic formats
5	Patient account balances stored as paper/hard copy or electronically	Paper/hard copy or electronic format	Patient account balances or itemized listing of charges must be supplied at no cost up to 3 times every 12 months, either to the patient or the patient's attorney.
6	X-ray, study or other imaging stored as hard copy or electronically	Electronic format	\$25.00 per x-ray series, study or other imaging Search/handling fee not to exceed \$10.00 Plus all shipping costs
7	X-ray, study or other imaging stored as hard copy	Hard copy	Search/handling fee not to exceed \$10.00 Plus actual cost of supplies and labor of copying the requested images Plus all shipping costs

Question: Can my office withhold records until payment is made?

No, records cannot be withheld or delayed solely on the grounds of nonpayment for such records.