

Appeals

- Q. Can I appeal a denial?**
- A.** Yes. When a physician denies you access, he or she must provide a form explaining the appeals process.
- Q. How does the appeals process work?**
- A.** A written appeal must be filed with the New York State Health Department. A provider has 10 days to provide copies of the records and an explanation for the denial to the chair of the state Medical Records Access Review Committee. Within 90 days, the committee reviews the records, provides the physician and individual requesting the records an opportunity to be heard, and issues a written decision. If the committee finds that the records should be made available, the practitioner must comply. If the appeal is denied, the individual can seek disclosure through the courts. If the committee decides that parts of the record are personal notes, the decision is final and can't be reviewed in court.
- Q. What happens if a physician still refuses to provide my records, even after I win an appeal?**
- A.** Under state law, failure to provide medical records is misconduct. A physician who fails to comply can be subject to disciplinary action by the New York State Health Department.

For More Information

For information regarding records held by physicians, health care facilities and other health professionals.

Write to:

Access to Patient Information Coordinator
Office of Professional Medical Conduct
433 River Street, Suite 303
Troy, New York 12180-2299

**For additional information call:
800-663-6114**

For information regarding records held by hospitals, direct your initial inquiry to the hospital.

**For additional information call:
800-804-5447**

For information regarding records held by facilities licensed or operated by the New York State Office of Mental Health, direct your initial written request to the director of the individual facility.

**For additional information call:
800-597-8481**

For questions regarding substance abuse records, direct your initial inquiry to the individual facility.

For additional information or assistance, contact:

Public Information Office
NYS Office of Alcoholism & Substance Abuse Services
1450 Western Avenue
Albany, NY 12203-3526

**For additional information call:
518-473-3460**

**Patient's Rights, Medicare,
Medicare Fraud, EPIC Helpline**
800-333-4374

Medical Records

Q & A



STATE  WIDE

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Your Medical Records

Q. Are doctors & hospitals required to keep medical records?

A. Yes, but not forever. Physicians & hospitals are required by state law



to maintain patient records for at least six years from the date of the patient's last visit. Other laws may apply for obstetrical and records for children.

Q. Are there any parts of my medical record to which my physician can deny me access?

A. A physician can deny you access to information that is:

- ◆ Personal and or confidential notes and observations.*
- ◆ Information the practitioner believes should not be disclosed regarding the treatment of a minor.
- ◆ Believed to cause substantial harm to the patient.
- ◆ Obtained from other physicians who are still in practice.
- ◆ Substance abuse program records and clinical records of facilities licensed or operated by the Office of Mental Health.

* The law defines personal notes and observations as "a practitioner's speculations, impressions (other than a tentative or actual diagnosis) & reminders..."

Request for Medical Records

Q. Who can request medical records?

A. An individual can request his or her own medical records. By law, other "qualified persons" include parents or guardians when they approved the care or when it was provided on an emergency basis, attorneys representing patients, and a committee appointed to represent the needs of an incompetent patient.

Q. How do I request the records?

A. A request must be made in writing to either the individual physician or the Health Care facility. Requests should identify the provider from whom the information is requested and describe the information being sought. If the records are to be sent to a third party, such as another physician, provide the name and address of that individual. Requests must be signed and may need to be notarized.

Q. How long will it take to see my records?

A. Once your request is received, a physician or Health Care facility has 10 days to provide you with an opportunity to inspect your records. The law does not provide a specific time period by which copies of your records must be provided but state agencies consider 10–14 days to be a reasonable time to respond to such a request.



Medical Record Fees

Q. If I want copies of my records, do I have to pay for them?



A. By law, physicians and institutions can charge no more than 75 cents a page, plus postage, for paper copies of medical records. Physicians may charge the reproduction costs for radiographic materials, such as X-rays or MRI films. A provider may not impose a charge for mammogram films, but may charge postage. However, an individual cannot be denied access to information solely because he/she is unable to pay.

Q. Can a physician or institution charge a search and retrieval fee for getting my records?

A. No.

Q. Can a physician refuse to let me see my records if I haven't paid my medical bill?

A. No.



DID YOU KNOW...

All information concerning or relating to your examination or treatment must be available for your review.