



State law allows patients to obtain copies of their medical records and limits charges for these copies. See the FAQs inside this brochure for details about these allowable charges.

Maintenance of Medical Records

A physician must maintain patient medical records for seven years from the date of last patient contact or until the patient is nine years old, if longer than seven years.

After seven years, a physician can give his/her former patients their original medical records or destroy the records. There is no requirement that the physician notify the patients before destroying records. It is wise to request a copy of your medical record when changing physicians.



**Commonwealth of Massachusetts
Board of Registration in Medicine
560 Harrison Ave. Suite G-4
Boston, MA 02118**

**Commonwealth of
Massachusetts**

Deval L. Patrick
Governor

Timothy P. Murray
Lieut. Governor



**Massachusetts Board of
Registration in Medicine**

The Board of Registration in Medicine is the state agency that licenses and regulates Massachusetts physicians. In addition, the Board reviews consumer complaints about licensed physicians.

As part of its strong public protection mandate, the Board has the authority to discipline physicians who violate the Board's statutes and regulations.

Consumers are invited to learn more about the agency's work by visiting the Board's website at:

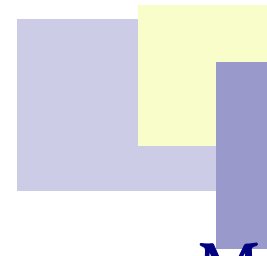
www.massmedboard.org

Consumers without Internet access can request public information and get other assistance by calling

617-654-9830

or

1-800-377-0550



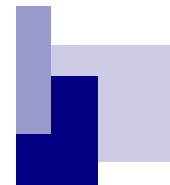
**YOUR
MEDICAL
RECORDS**

Know Your Rights



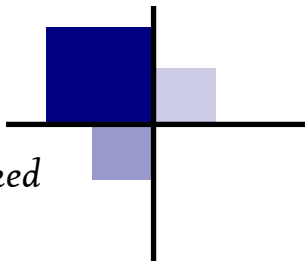
**Commonwealth of
Massachusetts**

**BOARD OF
REGISTRATION IN
MEDICINE**



Medical Records

Frequently Asked Questions



Can I Get My Original Medical Record Instead of a Copy ?

A patient is entitled to receive a copy of his or her medical record, not the original. Patients may assume that the record belongs to them since the information in the medical record is about them. The Board requires that a physician maintain the original to ensure that a patient's medical history will be available to assist any future health care provider.

What If My Physician Retires or Dies?

A retiring physician, his/her successor, or the estate of a deceased physician must maintain a patient's record.

How Long Should It Take?

A physician must provide copies of a medical record in a timely manner to the patient or the patient's representative. Two to three weeks is considered "reasonable" by the Board. In the case of a medical emergency, records should be provided as soon as possible.



What Are the Allowable Costs for Copies of Medical Records ?

Chapter 135 of the Acts of 2003 established a new schedule of charges allowable for medical records. You may be charged a base fee of \$15 for each transaction. Additionally, physicians may charge up to \$.50 per page for the copying costs of the first 100 pages of medical record, and \$.25 per page in excess of 100 pages. Physicians are also allowed to recover any postage expenses they incur for mailing your record. Chapter 135 also provides that the base and maximum copying charges may be increased to reflect increases in the consumer price index, so these charges may go up over time.

Charges for copies of x-rays and other records not reproducible by ordinary photocopying shall be at the physician's actual cost, plus reasonable clerical fees not in excess of \$20.00 per hour. Physicians may not refuse to release a copy of your medical record if you owe money for medical services. They may hold the copy until you pay the cost to reproduce the record.

Who Can Obtain a Copy ?

A patient's medical record cannot be released to a spouse, family member, or any other person without the patient's authorization, except when directed by a written court order or if the patient is a minor. If a patient is deceased, the appointed executor or administrator of the estate may obtain copies of the medical record.



Are Psychiatric and Other Mental Health Records Handled Differently ?

The Board regulation pertaining to providing copies of medical records relating to mental health allows a physician to provide a summary of the record instead of a complete copy if the physician believes that the information in the full medical record would be harmful to the patient's well being. A copy of the entire record must be provided to another psycho-therapist or the patient's attorney, at the patient's request.

Medical Reports

Patients may contract with a physician to write a report about a medical condition. These reports may relate to a lawsuit or Worker's Compensation claim. The Board does not have jurisdiction over these reports. A patient should negotiate with the physician to set the price of the report in advance.

What is HIPAA ?

HIPAA (Health Insurance Portability and Accountability Act) is a federal law that deals with medical records and patient privacy. The law affects health care professionals, hospitals, and insurers. Patients may receive notices about the steps being taken to comply with these new federal regulations. Most patients do not need to take any steps in response to these notices.