

## Fees for Copying Medical Records

**Step 1: Is the request for copies related to a Workers' Compensation claim?** If yes, then use the following guidelines. If no, then proceed to Step 2.

TITLE 19 LABOR  
DELAWARE ADMINISTRATIVE CODE  
1000 DEPARTMENT OF LABOR  
1300 Division of Industrial Affairs  
1340 The Office of Workers' Compensation  
1341 Workers' Compensation Regulations

### 4.19 Fees for Non-Clinical Services

4.19.1 Pursuant to 19 Del.C. §2322B(m), fees for certain non-clinical services are set as follows, and will be periodically revised upon recommendation of the Health Care Advisory Panel to reflect changes in the cost of providing such services:

4.19.1.1 Retrieving, copying and transmitting existing medical reports and records, to include copying of medical notes and/or records supporting a bill or invoice for charges for treatment or services:

- \$25.00 for search and retrieval
- \$1.25 per page for first 20 pages
- \$.90 per page for pages 21 through 60
- \$.30 per page for pages 61 and thereafter

**Step 2: Is the request for copies from the patient or the patient's personal representative (e.g. patient's guardian or Power-of-Attorney)?** If yes, then use the following guidelines. If no, then proceed to Step 3.

TITLE 24 REGULATED PROFESSIONS AND OCCUPATIONS  
DELAWARE ADMINISTRATIVE CODE  
DEPARTMENT OF STATE  
Division of Professional Regulation  
1700 Board of Medical Practice

### 30.0 Patient Records; Fee Schedule for Copies

30.1 A patient requesting of a copy of his or her own medical records to be transferred to another physician or to be obtained on their own behalf may be charged a reasonable fee not to exceed the fees set forth in the schedule below, excluding the actual cost of postage or shipping if the records are mailed:

- \$2.00 per page for pages 1-10
- \$1.00 per page for pages 11-20
- \$0.90 per page for pages 21-60
- \$0.50 per page for pages 61 and above

30.2 The fees set forth in section 30.1 above shall apply whether the records are produced in paper or electronic format.

30.3 The full cost of reproduction may be charged for copies of records not susceptible to photostatic reproduction, such as radiology films, models, photographs or fetal monitoring strips.

30.4 Payment of all costs may be required in advance of release of the records except for records requested to make or complete an application for a disability benefits program.

#### Also important to note:

- To be clear, the cost of postage and shipping may be charged in addition to the fees set forth above.
- Under HIPAA, a retrieval fee is not considered a part of the reasonable cost of copying records, so a retrieval fee may not be charged to a patient.
- The Board of Medical Practice in its final order dated November 1, 2009, affirmed that the fee guidelines above apply to patient requests only, and NOT to requests by third parties, such as attorneys or employers.
- Under Title 24 § 1761(l) of the Delaware Code, a physician shall have 45 days from the closure of the record or the assembly of a complete record to fulfill a request for medical records unless a faster response is medically necessary.
- A physician still has the option to provide a summary of the record to another physician at no charge to the patient, in lieu of transferring the entire record, if agreed to by the patient and the receiving physician.

**Step 3: Requests from third parties such as payers, plaintiffs' attorneys, or employers are not regulated, unless related to a workers' compensation claim.** So if a third party demands that you adhere to the guidelines above for a non-workers' comp claim, tell them they are wrong and present this document as support.