

# You and Your Medical Records

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for About.com

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## ***Your Rights Under HIPAA***

Your medical records are important. Why? Because they provide the history of your health status and they are the record your doctor uses to make decisions regarding your healthcare.

When you have a chronic illness like fibromyalgia or chronic fatigue syndrome, the accuracy of your medical records takes on an added importance. Chances are you have seen or will see more than one doctor before you finally receive a diagnosis and find an effective treatment plan. When you visit a new doctor or are referred to a specialist, they need a copy of your previous medical records to prevent duplication of tests or potentially dangerous medication interactions. And, should you ever need to file for disability, your medical records are crucial and can be the determining factor in whether or not your claim is approved.

## **What Are Your Rights?**

In 1996 the Health Insurance Portability and Accountability Act (HIPAA) was passed. Although from the name you would think it just deals with health insurance, this long, rather complicated law also addresses issues of privacy and rights to medical records. Tucked deep within the act, your individual right to your medical records is detailed:

- You have the right to see your “chart” or medical records in your doctor’s office.

- You have the right to a physical copy of your medical records.
  - You may be charged a reasonable cost-based fee for copying your records and postage if you request them to be mailed.
  - In most cases, the copy must be provided within 30 days. That time can be extended for another 30 days but you must be given a written statement explaining the reason for the delay and the date by which your records will be provided.
  - Under certain circumstances, there is some health information that your doctor may not be required to give you. If you are denied access to any part of your medical records, you must receive a written explanation of the basis for the denial and your rights to have the decision reviewed.
- You have the right to request that any errors in your medical records be corrected or missing information added. If your doctor does not agree with your requested changes, you have the right to have your disagreement noted in your records.

Before you decide to assert your rights and spend your money for copies of your medical records, here are a few additional thoughts and tips to consider:

- Most doctors will send your records to a new doctor with no charge as a professional courtesy.
- When your doctor tells you the results of your lab work, ask for a copy of the report while you're in the office. Often they're happy to give you a copy at no cost.
- If someone on your doctor's staff tells you they're not allowed to give you a copy of your records, usually politely asking them to review the HIPAA regulations will do the trick. (Give them the benefit of the doubt. Maybe they're new and don't know the law.)
- If you find what you feel is an error in your records, only you can decide if it is a serious enough error to be worth insisting on a correction or addition.

While it can be a fair amount of work to gather and maintain a complete file of your medical records, there's something to be said for making the effort. I have a good friend who has fibromyalgia as well as some other health challenges. She religiously obtains copies of all her medical records, tests and lab reports. She organizes them in a large notebook that she takes with her to every doctor she sees. On more than one occasion she has saved waiting time and the need for a second office visit by providing the doctor she was currently seeing with records another doctor had forgotten to send.

Ultimately, whether or not you want a copy of all of your medical records is completely up to you. Whatever your decision, at least you know your rights.

For more information on HIPAA, including health insurance and privacy issues, visit the [HIPAA web site](#)<sup>1</sup>.

*Source: [U.S. Department of Health and Human Services, Office for Civil Rights – HIPAA](#)<sup>2</sup>. 1/16/07*

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1. <http://www.hhs.gov/ocr/hipaa/>
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