

YOUR RIGHT TO EXAMINE AND OBTAIN COPIES OF YOUR MEDICAL RECORDS

May I examine and get copies of the medical records kept by my health care provider?

You have a right, under almost all circumstances, to examine and obtain copies of your medical file. Your health care provider must also explain any abbreviations or codes used in your medical records.

How do I exercise my right to examine and get copies of my medical records?

To exercise your rights you must give your health care provider written notice of your request to look at and get copies of your medical records. Once you have made the written request, the health care provider must, "as promptly as required under the circumstances," honor your request. The request generally must be honored within 15 days.

Will I be charged by my health care provider for copies of my medical file?

Your health care provider may charge a "reasonable fee" for providing copies of the records you request. The health care provider may require the fee before giving you copies. Currently, a health care provider is allowed to charge, as a "reasonable fee," up to 69 cents per page for the first thirty pages, 53 cents per page for all additional pages, plus a \$16.00 "clerical fee."

When may my health care provider refuse my written request to examine and get copies of my health care file?

- When the health care provider believes the information would be harmful to your health.
- When honoring a request would reveal the source of confidential information, and confidentiality is appropriate.
- When honoring the request would endanger the health or safety of another person.
- When the health care information was compiled or used solely for the purposes of litigation.

If the health care provider denies your written request to examine and get copies of your health care record for any of the above reasons, the health care provider must try to separate the information the health care provider believes should not be released from that which can, and provide you with the information that can be released. If the request is denied because of a claim of danger to yourself or another, the health care provider must in-

form you that you have the right, at your own expense, to have another health care provider inspect the file to determine if you may look at and obtain copies of the records.

What if my rights to examine and get copies of my health care file have been denied?

Contact a lawyer. The law which gives you the right to inspect and obtain copies of your medical records allows you to get a court order requiring your health care provider to make your records available to you. In addition, you may collect actual damages for any prior refusal to allow you to examine and get copies of your medical records. The law also provides that you may be awarded lawyer's fees and expenses to cover the costs of the lawsuit **if you win**. If you have a good case, a lawyer may represent you without a fee based on the expectation of getting attorney's fees from the other side. Many lawyers will consult with you for free to evaluate your case. To find a lawyer, look in the Yellow Pages or consult your local bar association.

The statute that gives you the right to examine and get copies of your medical records, is in the Revised Code of Washington (RCW) at chapter 70.02. Most public libraries and county courthouse libraries have copies of the Revised Code of Washington that you may read and copy.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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