



## FASMA INTERNAL MEDICAL RECORDS POLICY

Requests for Foot and Ankle Specialists of the Mid-Atlantic, LLC ("FASMA") medical records are received by the CBO and by the various FASMA divisions. This policy is intended to establish a system of response that is responsive to patient needs, as well as, compliant with all applicable state and federal laws.

**Responding to Medical Record Requests:** The goal of FASMA is respond to medical record requests within 14 days from the date of the request. However, the response must be no more than 21 working days in Maryland, 15 days in Virginia, or 30 days in Washington, DC. Medical records can be furnished to the patient, his/her attorney, his/her executor or administrator, or an authorized insurer only upon such patient's, attorney's, executor's, administrator's, or authorized insurer's written request.

**Authorization:** All medical record requests must be in writing and signed by the patient, authorized attorney, authorized executor/administrator, authorized insurer, or officer of the court. Whenever possible, use the FASMA form titled "Authorization for Release of Information" located in the EMR/Handouts/FASMA Handouts. If alternative forms or correspondence are used, verify that the necessary information and signatures are in the document provided.

Upon receipt and verification, scan the medical record request to the EMR and route the document via Task Management to the appropriate physician or the physician's designated employee, for approval.

Upon approval, the physician or the physician's designated employee will route the request back to the Front Desk, and the designated Front Desk staff will determine whether copying fees apply using the following rules:

- A fee may be charged for provision of paper records even if an electronic record (email request) was requested.
- No fee may be charged:
  - to insurers with which FASMA participates as long as we receive a valid request;
  - for an electronic record if it was requested by this patient or representative via access through our patient portal (see further information below);
  - to transfer the records of a Medicaid recipient to another provider;
  - to transfer the records of a patient to another provider upon a valid request.

**Not Withholding Medical Records:** FASMA physicians may not withhold medical records due to unpaid fees for medical services. Medical records may not be withheld under an emergency request from a state or local governmental unit concerning a child protective services or adult protective services case pending payment.

FASMA will not withhold records that have been subpoenaed pending payment of copying and preparation charges but may bill any non-governmental entities subpoenaing records. Patient records may not be withheld from another health practitioner pending payment of the copying fees if to do so would hinder an ill patient from receiving needed medical attention.

**Fees for Paper Copies of Medical Records:** The Maryland Board of Physicians historically provides a record fee calculation each July. They have not updated this on their web site since December 2013. Per the MD law, On or after July 1, 1995, the fees charged under paragraph (3) of this subsection may be adjusted annually for inflation in accordance with the Consumer Price Index. FASMA uses its calculation to determine the current rates for copying medical records

(<http://www.usinflationcalculator.com/inflation/current-inflation-rates/>).

Rates for medical record copying in Maryland in 2016 are as follows:

- a preparation fee of \$23.18 (current fee to be updated each July 1<sup>st</sup>);

- **this fee may NOT be charged to patients**
- plus a copying charge of \$.86 (current fee to be updated each July 1<sup>st</sup>) per page;
- plus the actual cost of shipping and handling.

Virginia law permits reasonable charges not to exceed \$0.50 per page up to 50 pages and \$0.25 per page thereafter.

The District of Columbia indicates that only reasonable fees may be charged.

X-rays are not included and the minimum charge to create a CD is \$5.00. In addition, federal and state agencies often specify allowed copying charges when requesting medical records. These specifications must be followed. If there is any uncertainty about fees to be charged, please contact the FASMA Billing Manager at the CBO. If multiple copies are requested, the page count for the fee calculation would be increased accordingly.

**Fees for Electronic Copies of Medical Records:** Patients must be provided with a copy of their medical record in electronic format if they so request. The charge for an electronic copy provided can be no more than the actual preparation fee and in MD/DC the fee is noted above. Virginia does not have a preparation fee. If paper copies are provided instead at the patient's request, charges for paper copies are charged per the requirements stated above.

**Charges and Payments:** Consistent with the above requirements, payment for the medical records are expected prior to the patient or other authorized representative receiving them.

Following calculation of charges, if any, the Front Desk staff will print and complete an invoice applicable for the state in which services were rendered which can be found in FASMA forms titled Medical Records Invoice located in the EMR/Handouts/FASMA Handouts. scans the invoice to billing, and mails the invoice to the requestor. All payments for medical records are made out to Foot and Ankle Specialists of the Mid-Atlantic, LLC, 1600 E. Gude Drive Suite 200, Rockville, MD 20850.

When payment is received, charges are created in the patient account by the billing office at the CBO (with the division partner as provider of service for associates), and the payment is posted to the charge. The CBO notifies the physician's Front Desk staff by email when the payment is posted, at which time the Front Desk staff will:

- consult the Authorization for Release of Information to determine what information for what date range to copy;
- make the appropriate copies; and
- forward the medical record copy (electronic or paper) to the requestor.