

Transfer of medical records

A transfer occurs when the patient asks you to send his/her medical record to another physician from whom he/she will be receiving care. This transfer of a medical record is an uninsured service and you may charge the patient an amount that is appropriate for your practice.

You must adhere to the CPSA Standard of Practice – [Patient Record Retention](#) (January 2016) that says a fee **cannot** be charged for the transfer of limited information (e.g., a test result, or part of a chart) from one healthcare provider to another.

Access to medical records

By patients

Under the [Health Information Act](#) (HIA), patients have a right to access their own health information. Filling an access request could involve providing a copy of the record to the patient, or giving the patient the opportunity to review the record. The patient's request should be made in writing and must reference access under the HIA. (Please note that the HIA stipulates that you then have 30 days to respond.)

The HIA sets maximum fees that may be charged for an access request by a patient. These are noted under "Fees under the HIA," on page 2.

Tell the patient first

When requesting access to his/her record, the patient must be informed of the existence of the HIA-regulated fee **before** the service is provided.

The patient must also receive an estimate of the anticipated amount of the fee for providing a copy of the record. The estimate must include:

- The time and cost required to prepare the record for disclosure, including severing time, and retrieving records from another location
- The cost of copying the record
- The cost of computer time involved in locating and copying a record or, if necessary, reprogramming to create a new record
- The cost of supervising an applicant who wishes to examine the original record, when applicable
- The cost of shipping the record or a copy of the record, other than by mail or fax

Once the patient has received the estimate, he/she has **up to 20 days** to accept the estimate or to request changes.

Physicians may waive all or part of the regulated fee if it is fair to excuse payment. If the patient disagrees with the calculation of the fee charged, or the decision regarding his/her request for a fee waiver, a review can be requested by Alberta's Privacy Commissioner. Per Section 85(c) of the HIA, you must inform patients about this right.

By lawyers

You may receive medical record access requests from lawyers.

A request made in accordance with the HIA – citing Section 104 of the Act and including written authorization* to act on behalf of the patient – is considered to be a regulated service and is billed according to the regulated fee schedule under the HIA. **Please review the regulated fees carefully.** In addition to the basic \$25 fee, there are additional amounts that can be charged, e.g., for your time to review the chart, copying costs, administrative expenses, etc.

All other requests (e.g., pursuant to court orders, subpoenas, warrants, etc.) that do *not* cite Section 104 of the HIA are billed according to your practice's fee rates for uninsured services.

Whether billing according to the regulated fee schedule or your practice's fee rates for uninsured services, you may request 50% of the fee in advance of providing the service. It is highly recommended that you confirm these details in writing, in advance of any services performed. You are not under any obligation to proceed with completion of the task until agreement on the fee and the date of service deliverable are confirmed in writing.

Open, clear communication with the lawyer is critical. Discuss the number of hours required, the rates to be charged and the date that the request and the corresponding payment are required.

**Without written authorization from the patient (or the patient's substitute decision-maker) to release the records, you generally cannot release them until there is a court order or warrant compelling you to produce the records, or unless production is otherwise required by legislation or regulation.*

Fees under the HIA

Total fee = (1) Basic fee \$25, plus
 (2) Fee for severing, plus
 (3) Material costs (excluding basic mailing costs included in the basic fee)

(A) Basic fee

Charge a basic fee of \$25 for performing **one or more** of the following tasks:

- Receiving and clarifying the request;
- Obtaining consent if necessary;
- Locating and retrieving the records;
- Preparing the record for copying, including removing staples and paper clips;
- Preparing a response letter;
- Packaging copies for shipping or faxing, or both;
- Postage and faxing costs;
- Photocopying a record (first 20 pages, i.e., up to a value of \$5 – calculated at 25¢ per page).

The regulations state that the request will not be processed until:

1. The applicant has agreed to pay the fee.
2. The applicant has made a deposit of at least 50% of the fee.*

Please ensure that patients understand that agreement and payment must occur before the service is provided.

**The HIR allows you to collect a 50% deposit prior to copying a chart. If you wish to adopt this practice, it should occur only with patient requests for files under the HIA.*

NOTE: View the CPSA standard on [Charging for Uninsured Services](http://www.cpsa.ca/standardspractice/charging-for-uninsured-professional-services/): <http://www.cpsa.ca/standardspractice/charging-for-uninsured-professional-services/>

(B) Fee for severing

Physicians are responsible for ensuring that the appropriate documents from the patient's file are provided to fulfill a request. However, the physician must review the file to determine whether it needs severing, i.e., refusing access to a portion of a patient's medical record for reasons described below.

Section 7(1) of the HIA states that a patient has a right to any record containing health information that you hold as a custodian. The patient's right of access is not dependent on where, or by whom, the information was created. Therefore, when you receive a patient's request for access to his or her health information, you should consider all the information in the chart. This includes information that may reside in Netcare.

Section 11(1) of the HIA describes situations in which you **may refuse the patient access to his/her file/records**. You must use your own discretion to determine if access to a record or part of a record will be refused. The situations most likely to arise include those when disclosure could be reasonably expected to:

- Result in immediate and grave harm to the applicant's mental or physical health or safety;
- Threaten the mental or physical health or safety of another;
- Pose a threat to public safety;
- Lead to the identification of a person who provided health information to you, explicitly or implicitly, in confidence, when it was appropriate that his or her name be kept confidential.

Section 11(2) also describes situations in which you must refuse access. Much of 11(2) relates to information that impacts or reveals deliberations of government bodies such as Executive Council, Treasury Board, committees, etc. Situations that may be relevant to physicians are:

- If the health information is about an individual other than the applicant, unless the applicant provided the health information originally in the context of a health service being provided to the applicant;
- If the health information sets out procedures or contains results of an investigation, a discipline proceeding, a practice review or an inspection relating to a health services provider.

Section 12(2)(c) of the HIA specifies that if access to the record or part of the record is refused, the applicant must be notified. The following information must be included in the notification:

- The reasons for the refusal and the provision of the HIA on which the refusal is based;
- The name, title, business address and business telephone number of an affiliate of the custodian who can answer the applicant's questions about the refusal, and;
- That the applicant may ask for a review of that decision by the Commissioner.

When a physician or technical staff reviews a file, severs information from records or is required to supervise an in-person review of original documents, **the fees to be charged according to the HIR are specified as follows:**

1. Time to review to determine whether severing is required, or to review and identify the parts of the record to be severed:

Physician time \$45 per 1/4 hour to a maximum of 3 hours

Technician (staff) time \$6.75 per 1/4 hour to a maximum of 3 hours

2. Time to supervise applicant's examination of original records:

Technician (staff) time \$6.75 per 1/4 hour

NOTE: These fees noted in 1 and 2 can be added to the basic fee.

(C) Material costs

In addition to the basic fee, you can also charge fees for the cost of materials required to produce copies of a record. The following table contains information excerpted from the HIA. It identifies the maximum fees that may be charged for the materials and related services.

Established Fees	
1. Photocopies, hard copy laser print and computer printouts The applicant cannot be charged for the first 20 pages (i.e., \$5 calculated at 25¢ per page. This is included in the \$25 basic fee.)	25¢ per page
2. Paper copies from microfilm or microfiche	50¢ per page
3. Floppy disks	\$10 each
4. Computer tapes	\$55 each
5. Microfiche (diaz film)	50¢ each
6. 16 mm microfilm	\$25 each
7. 35 mm microfilm	\$32 each
8. Photographs from negatives 4 x 5 5 x 7 8 x 10 11 x 14 18 x 20	\$10 each \$13 each \$19 each \$26 each \$32 each
9. 35 mm slide	\$2 each
10. Audio cassette	\$5 each
11. Video cassette 1/4", 1/2" or 8 mm – one hour 1/4", 1/2" or 8 mm – two hour 3/4" -- 30 minutes 3/4" – one hour	\$20 each \$25 each \$18 each \$23 each
12. Radiology film	\$5 each
13. Other media not listed above	actual costs
14. Producing a record from an electronic record Computer processing Computer report generation	actual costs \$10 per 1/4 hour
15. Other direct costs Charges to retrieve records or to return records, or both, from another location Courier charges or delivery charges, or both, to send copies to applicant other than by mail or fax	contracted fee or average past costs actual costs

For more information regarding the fees associated with requests to access records containing health information, please contact:

The Alberta Health HIA Help Desk at 780.427.8089 or toll-free in Alberta by dialing 310.0000 then 780.427.8089, or by email at hiahelpdesk@gov.ab.ca

OR The Office of the Information and Privacy Commissioner at 780.422.6860 or 1.888.878.4044

[More resources](https://www.albertadoctors.org/leaders-partners/health-info-and-privacy/hia-resources) regarding the HIA and its implications for you and your staff are available on the AMA website at <https://www.albertadoctors.org/leaders-partners/health-info-and-privacy/hia-resources>.