

HIM- Summary Chart, Allowable Charges for Reproduction of Medical Records

Requestor	Patient Personal Representative or Family Member Legal Guardian Conservator	Attorney¹ (not pursuant to subpoena)²	Pursuant to Subpoena
Legal Authority	California Health & Safety Code §§123110 & 123130; 45 C.F.R. §164.524(c)(4)	California Evidence Code §1158	California Evidence Code §1563
Standard Reproduction (Electronic)	<p>No fee for electronic copies of records. Can be produced through the following means:</p> <ul style="list-style-type: none"> • MyChart • Email • Disc • USB <p>The request must be made either through MyChart or using the VCH Approved Authorization Form.</p>	<p>All reasonable costs incurred by VCH in making the records available, including, but not limited to:</p> <p>(1) \$0.10/page for standard reproduction of documents 8.5"x14" or less;</p> <p>(2) Reasonable clerical costs incurred in locating and making the records available, billed at a maximum rate of \$16/hour per person, computed on the basis of \$4/quarter hour or fraction thereof;</p> <p>(3) Actual postage charges, if any;</p> <p>(4) Actual costs, if any, charged to</p>	<p>All reasonable costs incurred by VCH in making the records available, including, but not limited to:</p> <p>(1) \$0.10/page for standard reproduction of documents 8.5"x14" or less;</p> <p>(2) Reasonable clerical costs incurred in locating and making the records available, billed at a maximum rate of \$24/hour per person, computed on the basis of \$6/quarter hour or fraction thereof;</p> <p>(3) Actual postage charges, if any;</p> <p>(4) Actual costs, if any, charged to</p>

¹ If an attorney requesting records (whether or not pursuant to a subpoena) qualifies as the individual’s personal representative, meaning he or she has the authority to act on behalf of the individual with respect to making treatment and other healthcare-related decisions, the attorney will not be charged a fee for obtaining paper or electronic copies of the medical record. Request must be filled out on a Valley Children’s Healthcare (VCH) authorization form.

² Note that Evidence Code § 1158 only applies when a written authorization is presented by an attorney or the attorney’s representative prior to the filing of a lawsuit or the appearance of a defendant in a lawsuit. Once the patient has filed a lawsuit or the defendant has filed an appearance, Evidence Code § 1158 no longer applies and attorneys should use the subpoena process to obtain a patient’s medical records. VCH may not know whether a lawsuit has been filed or not. VCH is not required to investigate or inquire and may assume that if it receives a request under Evidence Code § 1158, that no lawsuit has been filed. However, if VCH has knowledge to the contrary, VCH should return the § 1158 request to the attorney and state that VCH can respond only to a valid subpoena or court order.

		VCH by a third party for the retrieval and return of records held by that third party.	VCH by a third party for the retrieval and return of records held by that third party.
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Standard Reproduction (Paper)	<ul style="list-style-type: none"> The first 250 pages there is no charge. Copies exceeding 251 pages: \$0.10/page 	<p>All reasonable costs incurred by VCH in making the records available, including, but not limited to:</p> <p>(1) \$0.10/page for standard reproduction of documents 8.5"x14" or less;</p> <p>(2) Reasonable clerical costs incurred in locating and making the records available, billed at a maximum rate of \$16/hour per person, computed at \$4/quarter hour or fraction thereof;</p> <p>(3) Actual postage charges, if any;</p> <p>(4) Actual costs, if any, charged to VCH by a third party for the retrieval and return of records held by that third party.</p>	<p>All reasonable costs incurred by VCH in making the records available, including, but not limited to:</p> <p>(1) \$0.10/page for standard reproduction of documents 8.5"x14" or less;</p> <p>(2) Reasonable clerical costs incurred in locating and making the records available, billed at a maximum rate of \$24/hour per person, computed at \$6/quarter hour or fraction thereof;</p> <p>(3) Actual postage charges, if any;</p> <p>(4) Actual costs, if any, charged to VCH by a third party for the retrieval and return of records held by that third party.</p>
Standard Reproduction (Microfilm)	<ul style="list-style-type: none"> No fee for electronic copy The first 250 pages there is no charge. Copies exceeding 251 pages: \$0.10/page 	<p>All reasonable costs incurred by VCH in making the records available, including, but not limited to:</p> <p>(1) \$0.20/page for standard reproduction of documents 8.5"x14" or less;</p>	<p>All reasonable costs incurred by VCH in making the records available, including, but not limited to:</p> <p>(1) \$0.20/page for standard reproduction of documents 8.5"x14" or less;</p>

		(2) Reasonable clerical costs incurred in locating and making the records available, billed at a maximum rate of \$16/hour per person, computed at \$4/quarter hour or fraction thereof; (3) Actual postage charges, if any; (4) Actual costs, if any, charged to VCH by a third party for the retrieval and return of records held by that third party.	(2) Reasonable clerical costs incurred in locating and making the records available, billed at a maximum rate of \$24/hour per person, computed at \$6/quarter hour or fraction thereof; (3) Actual postage charges, if any; (4) Actual costs, if any, charged to VCH by a third party for the retrieval and return of records held by that third party.
EHI Export	Electronic only (Free)		
Non-Standard Reproduction <ul style="list-style-type: none"> • X-ray CD • Tracings from ECG/EKG • EEG • EMG 	No Fee	All actual costs incurred by VCH in providing copies of such records, or copies of any other records requiring special processing, including oversized records. Such costs would include clerical costs, postage charges, and retrieval costs referenced in the above cell.	All actual costs incurred by VCH in providing copies of such records, or copies of any other records requiring special processing, including oversized records. Such costs would include clerical costs, postage charges, and retrieval costs referenced in the above cell.

Other Requestors

Government Agencies	Subject to what Government Agency Charges
Third Party Payors and Other Insurance	Subject to payor contracts. Payor Contracts are available through Revenue Integrity/Contracting
Subpoena (Criminal)	There will be no charge if medical records are sent directly to the court.

References

45 C.F.R. §164.524

HHS Guidance: Individuals' Right under HIPAA to Access their Health Information 45 CFR § 164.524 available at:
<https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/index.html#maximumflatfee>

California Health & Safety Code §123110

California Evidence Code Section §1158

California Evidence Code Section §1563