

### **A Note to all Healthcare Professionals:**

The new Privacy Rule has set stricter requirements on what providers can charge patients for their records. We have provided guidance below that will assure you remain compliant.

At Compliance Training Partners, we recommend that you do not charge patients for their records as this may delay the process, making you more vulnerable to a HIPAA inspection. Remember, there is now a strict deadline of 15 days to provide patients their records when requested – whether payment is received or not.

If you decide to go forward with charging patients for their records, you have the option of doing one of the following:

- Only Limited, Permitted Costs:
  - a. Labor for copying the PHI into the form and formal that was requested and agreed upon — *not time spent searching for or retrieving the records*
  - b. Supplies for producing the copy (e.g., paper, CDs, USB drives) - *if they are asked for*.
  - c. Postage – *if the record is mailed*
  - d. Preparing a summary of explanation of PHI – *only if it is agreed to receive that summary*
- Flat Fee Option for Electronic Records
  - a. The Department of Health and Human Services (HHS) allows covered entities to charge a flat fee instead of calculating costs for every request for PHI that is maintained electronically. This flat fee *may not exceed \$6.50* (inclusive of labor, supplies, and postage) if the covered entity opts to use the flat fee option.

To stay informed on HIPAA compliance, please go to our website:

[www.compliancetrainingpartners.com](http://www.compliancetrainingpartners.com)

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