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Owner: *David Behinfar: HCS Exec Dir Privacy*
Policy Area: *HIPAA - Privacy*
Policy Tag Groups:
Applicability: *UNCHCS - All except Pardee*

Copy Requests and Charges for PHI

APPLICABILITY:

This policy applies to the following entities (collectively referred to as "UNC Health" in this policy):

✓ UNC Health Care System / UNC Medical Center*	✓ Johnston Health
✓ UNC Physicians Network	✓ Lenoir Memorial Hospital
✓ UNC Physicians Network Group Practices / UNC Physicians Group Practices II	Margaret R. Pardee Memorial Hospital
✓ Rex Healthcare / Rex Hospital	✓ Nash Healthcare System/Nash Hospitals
✓ Chatham Hospital	✓ Wayne Memorial Hospital
✓ Caldwell Memorial Hospital	
✓ UNC Rockingham Health Care / UNC Rockingham Hospital	

***UNC Medical Center includes all UNC Hospitals' facilities and the clinical patient care programs of the School of Medicine of UNC-Chapel Hill (including UNC Faculty Physicians).**

I. Description

UNC Health shall uphold the right of patients, or their authorized representatives, to examine and obtain copies of their medical records, including an electronic copy if the medical record is an electronic health record.

Included within the scope of this policy are the patient care programs of the UNC School of Medicine (UNC SOM). As a result, this policy shall apply to all UNC SOM personnel, including but not limited to faculty, staff, students, trainees, interns and volunteers who may be full-time, part-time, paid or unpaid who create, store, transmit, access or use any patient information in support of clinical purposes for UNC Health or any other healthcare entity.

II. Policy

A. Cost-based Fees for Copies of PHI

If a patient or authorized representative makes a request for a copy of all or part of the medical record, UNC Health may charge the patient or authorized representative a reasonable, cost-based fee.

A reasonable, cost-based fee is subject to applicable state law limitations and may include only the costs of: (1) labor for copying the PHI, whether in paper or electronic form; (2) supplies for creating the paper copy or electronic media, if the individual requests that the electronic copy be provided on portable media; (3) postage, when the individual requests that the copy, or the summary or explanation, be mailed; and (4) preparation of an explanation or summary of the PHI, if agreed to by the individual. This fee may not include costs associated with verification; documentation; searching for and retrieving the PHI; maintaining systems; recouping capital for data access, storage, or infrastructure; or other costs not listed above even if such costs are authorized by state law.

Alternatively, UNC Health may charge a flat fee for such requests of no more than \$6.50.

B. Permissible Copy Charges

Sample of permissible UNC Health charges for providing copies of PHI to patients/legal guardians as follows:

Patient and Patient Directive Requests

- Electronic to electronic (CD/USB/Portal):
\$6.50 flat fee
- Hybrid (paper AND electronic) to electronic:
\$6.50 flat fee for the portion of the record maintained electronically

Plus \$0.07 per page representing average labor cost to create and deliver the portion of the record maintained in paper for a standard request

Plus sales tax as applicable

- Paper to electronic:
\$0.07 per page representing average labor cost to create and deliver the portion of the record maintained in paper

Plus sales tax as applicable

- Electronic to paper:
\$0.90 representing average labor cost to create and deliver the portion of record maintained electronically

Plus \$0.05 per page for supplies (paper and toner)

Plus actual postage if mailed

Plus sales tax as applicable

- Hybrid (paper AND electronic) to electronic:
\$0.07 per page representing average labor cost to create and deliver the portion of the record maintained in paper
Plus, if applicable, \$0.90 representing average labor cost to create and deliver the portion of record maintained electronically

Plus \$0.05 per page for supplies (paper and toner)
Plus actual postage if mailed
Plus sales tax as applicable

- Paper to paper:
\$0.07 per page representing average labor cost to create and deliver for a standard request

Plus \$0.05 per page for supplies (paper and toner)
Plus actual postage if mailed
Plus sales tax as applicable

C. Fees for Copies of PHI for Workers Compensation

With respect to claims for Worker's Compensation, UNC Health may charge the fees set forth under the current North Carolina Industrial Commission fee schedule.

D. Fees Associated with a UNC Health Medical Lien

With respect to claims for which UNC Health is seeking a medical lien for payment of services rendered on any award the patient may receive, a copy of the medical record should be provided to the patient or the patient's attorney free of charge.

E. Cost Estimate to be Provided to the Patient

UNC Health should inform the patient or authorized representative of the approximate fee that may be charged for the requested copy at the time that details of the form and format of the requested copy are being negotiated or arranged, in advance of providing a copy.

F. When Fees for Copying PHI Should be Waived

UNC Health should not charge a fee where doing so would impede the ability of an individual to access or obtain copies of his/her PHI. A fee will not be imposed for providing the medical record for or to a medically indigent patient. A patient or authorized representative may be required to provide proof that the patient is medically indigent. A medically indigent patient, or authorized representative representing a medically indigent patient, is limited to receiving one (1) set of copies at no charge. Any additional requests for the same medical record within a six (6) month time frame shall be subject to the fee provision.

III. Definitions

Electronic Health Record – means an electronic record of health-related information on an individual that is created, gathered, managed, and consulted by authorized health care clinicians and staff.

IV. References

45 C.F.R. § 164.524(c)(4)

OCR Guidance, "[Individuals' Right under HIPAA to Access their Health Information](#)"

N.C. Gen. Stat. §§ 90-411, 97-26.

V. Related Policies/Forms

UNC Health [Patient Right to Access to Inspect and Obtain a Copy of PHI Policy](#)

Attachments

No Attachments

Approval Signatures

Step Description	Approver	Date
	Jerylyn Williams: Chief Audit & Compliance Ofcr	06/2020
SYSTEM Site Administrator	Emilie Hendee: HCS Attorney Sr	06/2020
	David Behinfar: HCS Exec Dir Privacy	06/2020

Applicability

Caldwell Memorial Hospital, Chatham Hospital, Johnston Health, Nash UNC Health Care, UNC Health Care System, UNC Lenoir Health Care, UNC Medical Center, UNC Physicians Network, UNC Rex Healthcare, UNC Rockingham Health Care, Wayne Memorial Hospital

