

## Fees for Medical Records

The Department of Health Services (DHS) has received questions regarding changes to patient health care records law. Although DHS no longer regulates fees for medical records, this webpage was created to assist individuals in finding the relevant state statute.

For the past several years, DHS was required to set the rates for providing copies of medical records. The department promulgated DHS 117 to set these rates.

2009 Act 28 (the 2009-2011 Biennial Budget Act) removed the authority for setting fees from DHS. The Legislature set the fees in state statute under the access to patient health care records law. Wis. Stat. § 146.83

Generally, a provider may charge no more than 35 cents per page for paper copies. If the patient is eligible for medical assistance, then the health care provider may not charge a fee for providing one set of copies of a patient's health care records.

### **The law in its entirety is as follows:**

Wis. Stat. § 146.83 Access to patient health care records.

#### 146.83(1d)

(1d) Except as provided in [s. 51.30](#) or [146.82 \(2\)](#), any patient or person authorized by the patient may, upon submitting a statement of informed consent, inspect the health care records of a health care provider pertaining to that patient. Except as provided in [sub. \(1g\)](#), the health care provider shall make the records available for inspection by the patient or person authorized by the patient during regular business hours, after the health care provider receives notice from the patient or person authorized by the patient. A health care provider may not charge a fee for inspection under this subsection.

#### 146.83(1f)

(a) Except as provided in [par. \(b\)](#), [sub. \(1g\)](#), or [s. 51.30](#) or [146.82 \(2\)](#), if a patient or a person authorized by the patient requests copies of the patient's health care records, provides informed consent, and pays the applicable fees under [par. \(c\)](#) or [\(d\)](#), the health care provider shall, subject to [sub. \(1k\)](#), provide the patient or person authorized by the patient copies of the requested records after receiving the request.

(b) Except as provided in [sub. \(1g\)](#) or [s. 51.30](#) or [146.82 \(2\)](#), if a patient or a person authorized by the patient requests a copy of a health care provider's report regarding an X-ray of the patient, provides informed consent, and pays the applicable fees under [par. \(c\)](#) or [\(d\)](#), the health care provider shall, subject to [sub. \(1k\)](#), provide the patient or person authorized by the patient a copy of the report or provide the X-ray to another health care provider of the patient's choice within 30 days after receiving the request.

(c) Except as provided in [par. \(d\)](#), a health care provider may charge no more than the total of all of the following that apply for providing copies requested under [par. \(a\)](#) or [\(b\)](#):

**146.83(1f)(c)1.**

1. For paper copies, 35 cents per page.

**146.83(1f)(c)2.**

2. For microfiche or microfilm copies, \$1.25 per page.

**146.83(1f)(c)3.**

3. For a print of an X-ray, \$10 per image.

**146.83(1f)(c)3m.**

3m. For providing copies in digital or electronic format, a charge for all copies requested.

**146.83(1f)(c)4.**

4. Actual shipping costs.

**146.83(1f)(c)5.**

5. If the patient or person authorized by the patient requests delivery of the copies within 7 or fewer days after making a request for copies, and the health care provider delivers the copies within that time, a fee equal to 10 percent of the total fees that may be charged under [subds. 1.](#) to [4.](#)

**146.83(1f)(d)**

1. If a patient or person authorized by the patient requests copies of the patient's health care records under this subsection for use in appealing a denial of social security disability insurance, under 42 USC 401 to 433, or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge the patient or person authorized by the patient no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

2. Except as provided in [sub. \(1g\)](#), a health care provider may not charge a fee for providing one set of copies of a patient's health care records under this subsection if the patient is eligible for medical assistance, as defined in [s. 49.43 \(8\)](#). A health care provider may require that a patient or person authorized by the patient provide proof that the patient is eligible for medical assistance before providing copies under this subdivision without charge. A health care provider may charge the fees under [par. \(c\)](#) for providing a 2nd or additional set of copies of patient health care records for a patient who is eligible for medical assistance.

**146.83(1g)**

**(1g)** The time limit for making records available for inspection under [sub. \(1d\)](#), the time limits for providing copies of records under [sub. \(1f\) \(a\)](#) and [\(b\)](#), and the requirement

under [sub. \(1f\) \(d\) 2.](#) to provide one set of copies of records without charge if the patient is eligible for medical assistance do not apply if the health care provider is the department or the department of corrections.

**146.83(1h)**  
**(1h)**

**146.83(1h)(a)**

(a) Except as provided in [s. 51.30](#) or [146.82 \(2\)](#), if a person other than a patient and other than a person authorized by the patient requests copies of a patient's health care records, provides informed consent, and pays the applicable fees under [par. \(b\)](#) or [\(c\)](#), the health care provider shall, subject to [sub. \(1k\)](#), provide the person making the request copies of the requested records.

**146.83(1h)(b)**

(b) Except as provided in [par. \(c\)](#), a health care provider may charge no more than the total of all of the following that apply for providing copies requested under [par. \(a\)](#):

**146.83(1h)(b)1.**

1. For paper copies, 35 cents per page.

**146.83(1h)(b)2.**

2. For microfiche or microfilm copies, \$1.25 per page.

**146.83(1h)(b)3.**

3. For a print of an X-ray, \$10 per image.

**146.83(1h)(b)3m.**

3m. For providing copies in digital or electronic format, a charge for all copies requested.

**146.83(1h)(b)4.**

4. For certification of copies, \$5.

**146.83(1h)(b)5.**

5. For processing and handling, a single \$15 charge for all copies requested.

**146.83(1h)(b)6.**

6. Actual shipping costs.

**146.83(1h)(b)7.**

7. If the requester requests delivery of the copies within 7 or fewer days after making a request for copies, and the health care provider delivers the copies within that time, a fee equal to 10 percent of the total fees that may be charged under [subds. 1.](#) to [6.](#)

**146.83(1h)(c)**

(c) If the department requests copies of a patient's health care records for use in

determining eligibility for social security disability insurance, under 42 USC 401 to 433, or supplemental security income, under 42 USC 1381 to 1385, the health care provider may charge no more than the amount that the federal social security administration reimburses the department for copies of patient health care records.

**146.83(1k)**

**(1k)** Upon the request of the person requesting copies of patient health care records under [sub. \(1f\)](#) or [\(1h\)](#), the health care provider shall provide the copies in a digital or electronic format unless the health care provider's record system does not provide for the creation or transmission of records in a digital or electronic format, in which case the health care provider shall provide the person a written explanation for why the copies cannot be provided in a digital or electronic format. The health care provider may include the written explanation with the production of paper copies of the records if the person chooses to receive paper copies.

**146.83(1m)**

**(1m)** A patient's health care records shall be provided to the patient's health care provider upon request and, except as provided in [s. 146.82 \(2\)](#), with a statement of informed consent.

**146.83(2)**

**(2)** The health care provider shall provide each patient with a statement paraphrasing the provisions of this section either upon admission to an inpatient health care facility, as defined in [s. 50.135 \(1\)](#), or upon the first provision of services by the health care provider.

**146.83(3)**

**(3)** The health care provider shall note the time and date of each request by a patient or person authorized by the patient to inspect the patient's health care records, the name of the inspecting person, the time and date of inspection and identify the records released for inspection.

**146.83(4)**

**(4)** No person may do any of the following:

**146.83(4)(a)**

(a) Intentionally falsify a patient health care record.

**146.83(4)(b)**

(b) Conceal or withhold a patient health care record with intent to prevent or obstruct an investigation or prosecution or with intent to prevent its release to the patient, to his or her guardian, to his or her health care provider with a statement of informed consent, or under the conditions specified in [s. 146.82 \(2\)](#), or to a person with a statement of informed consent.

**146.83(4)(c)**

(c) Intentionally destroy or damage records in order to prevent or obstruct an investigation or prosecution.