

## New York's Medical Conduct Program

**Do I Have  
The Right  
To See  
My Medical  
Records?**

**Yes.**



# Do I Have The Right To See My Medical Records?

## Yes.

New York State Law gives patients and other qualified individuals access to medical records. There are some restrictions on what may be obtained and fees may be charged by physicians, other health care professionals and facilities for providing copies. Here is the information you need to obtain your medical records.

## **Q. Are doctors and hospitals required to keep medical records?**

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Yes, but not forever. Physicians and hospitals are required by state law to maintain patient records for at least six years from the date of the patient's last visit. A doctor must keep obstetrical records and records of children for at least six years or until the child reaches age 19, whichever is later. Hospitals must keep obstetrical records and records of children for at least six years or until the child is age 21, whichever is later. So, for example, if you had surgery at age 11 and want your records at age 18, the law requires that the physician and the hospital have them. But, if you are 35 and are trying to track down your childhood immunization records, the law does not require either a physician or a hospital to have them.

## **Q. Who can request medical records?**

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An individual can request his or her own medical records. The law also permits access by other "qualified persons." This includes parents or guardians when they approved the care or when it was provided on an emergency basis. Attorneys representing patients may also request records, as can a committee appointed to represent the needs of an incompetent patient.

## **Q. How do I request the records?**

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A request for medical records must be made in writing to either the individual physician or the health care facility. The request should indicate that a qualified person is making the request and should be as precise as possible. The request should identify the provider from whom the information is requested and describe the information being sought. If the records are to be sent to a third party, such as another physician, provide the name and address of that individual. Requests must be signed. A practitioner or institution may request that the signature be notarized.

## **Q. How long will it take to see my records?**

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Once your request is received, a physician or health care facility has 10 days to provide you with an opportunity to inspect your records. The law does not provide a specific time period by which copies of medical records must be provided. However, the State Health Department considers 10 to 14 days to be a reasonable time in which a practitioner at most health care facilities should respond to a request. Federal Law and New York State rules and regulations require that nursing homes allow access within 24 hours or provide copies within 48 hours after receipt of an oral or written request.

## **Q. If I want copies of my records, do I have to pay for them?**

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The law allows physicians and institutions to charge no more than 75 cents a page for paper copies of medical records, although they may charge for postage. Physicians and institutions are not allowed to charge any additional fees for search and retrieval of medical records. Physicians may charge the actual reproduction costs for radiographic materials, such as X rays or MRIs. However, an individual cannot be denied access to information solely because he or she is unable to pay. A patient has the right to obtain her original mammogram films, free of charge. Once these films are obtained, however, the facility or health care provider is no longer required to maintain a copy.

## **Q. Can a physician refuse to let me see my records if I have not paid my medical bill?**

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No. However, he or she may require payment for copying fees in advance.

## **Q. What information can I see?**

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All information concerning or relating to your examination or treatment must be available for your review

## **Q. Are there any parts of my medical record to which my physician can deny me access?**

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Yes. A physician can deny you access to the following:

- Personal notes and observations.
- Information disclosed to the practitioner under the condition that it would be kept confidential
- Information the practitioner believes should not be disclosed regarding the treatment of a minor. A patient over age 12 may be advised of a records request and, if he or she objects, the provider may deny the request.
- Information the physician believes may cause substantial harm to the patient or others.
- Information obtained from other physicians who are still in practice. That information should be requested directly from the practitioners who originally generated the medical records.
- Substance abuse program records and clinical records of facilities licensed or operated by the Office of Mental Health. Mental Hygiene Law provides a separate process for release of these records.

## **Q. What are personal notes and observations?**

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The law defines personal notes and observations as "a practitioner's speculations, impressions (other than a tentative or actual diagnosis and reminders..."

## **Q. Can I appeal a denial?**

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Yes. If access to any or all of your records is denied, you may appeal. When a physician denies you access, he or she must provide you with a form explaining the appeals process.

## **Q. How does the appeals process work?**

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A written appeal must be filed with the New York State Health Department. A provider has 10 days to provide copies of the records and an explanation for the denial to the chair of the state Medical Records Access Review Committee. Within 90 days, the committee reviews the records, provides the physician and the individual requesting the records an opportunity to be heard, and issues a written decision. If the committee finds that the records should be made available, the practitioner must comply. If the appeal is denied, the individual can seek disclosure through the courts. However, if the committee decides that parts of the record are personal notes, the decision is final and cannot be reviewed in court.

## **Q. What happens if a physician still refuses to provide my records, even after I win an appeal?**

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Under state law, failure to provide medical records requested by a qualified individual is misconduct. A physician who fails to comply can have disciplinary action taken against his or her license which may include fines, suspension or even revocation.

## **Q. How do I get more information?**

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If you would like information regarding records held by health professionals and institutions, write to:

Access to Patient Information Coordinator  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway, Suite 355  
Albany, New York 12204-2719  
Or call 1-518-402-0836  
1-800-663-6114

Or for information regarding records held by hospitals and clinics, call the Bureau of Hospital Services at 1-518-402-1003.

Or for information regarding records held by other health professionals, such as psychologists, dentists, physical and occupation therapists, nurses, podiatrists, optometrists, chiropractors, social workers, speech pathologists, audiologists, etc: 1-518-402-1039

If you would like information regarding records held by facilities licensed or operated by the New York State Office of Mental Health, direct your initial, written request to the director of the individual facility. For additional information or assistance, call:  
1-800-597-8481 • 1-800-210-6456 (Spanish)  
1-518-478-1133 • 1-800-597-9810 (TTD)

If you have questions regarding substance abuse records, direct your initial inquiry to the individual facility. For additional information or assistance, contact:

Public Information Office  
N.Y.S. Office of Alcoholism and Substance Abuse Services  
1450 Western Avenue  
Albany, NY 12203-3526  
1-518-473-3460