

# **Get and correct medical records**

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Learn about how and when you can and can't see and get copies of your medical record, and what your options are if your medical provider unreasonably refuses you access to your records.

**What's the procedure for looking at and getting copies of my record?**

You must **ask your health care provider in writing** to look at and get copies of your medical records. The provider must honor your request "as promptly as required under the circumstances." They generally have **15 days**.

**Will my health care provider charge me for copies of my medical file?**

Maybe. Your provider can charge a "reasonable fee" for your copies. You may have to pay up front. **Starting June 6, 2024**, there's an exception to this if you need the copies so that you can qualify for paid family or medical leave. In that situation, the provider can't charge you for copies.

In 2024, a health care provider can charge up to \$1.24 a page for the first thirty pages, 94 cents a page after that, and a \$28 clerical fee.

If you need your records because you're appealing the denial of your Social Security disability or SSI application, you can get a free copy of your medical record once every 2 years.

### **Can my health care provider refuse to let me see or have a copy of my records?**

You can usually look at and get copies of your health care provider's medical records. There are a few exceptions to this:

- They believe the information would be harmful to your health.
- It would tell you a source of information who should stay confidential.
- It would endanger someone's health or safety.
- The provider used or gathered the health care information just for a court case.

A provider who turns down (denies) your request for any of these reasons must try to separate out what they believe they shouldn't release and give you what they can.

A provider who denies your request because of a claim of danger to yourself or another must tell you that you can ask another health care provider to review the file to decide if you can look at and get copies of the records. You might have to pay the second provider to do this.

Your provider must explain any abbreviations or codes in your medical records.

## **My provider has refused to give me copies of my medical file. What can I do?**

Talk to a lawyer. You might be able to get a court order forcing your provider to make your records available to you. You can also ask for money damages. If you win, you can also get lawyer's fees and expenses.

If you have a good case, a lawyer may represent you without a fee, and try to get attorney's fees from the other side. A lawyer might talk to you for free to see if you have a good case.

To find a lawyer, [contact your local bar association](https://www.wsba.org/connect-serve/other-bars/county-bar-associations) (<https://www.wsba.org/connect-serve/other-bars/county-bar-associations>).

## **I reviewed my medical records. What if they're wrong?**

You have the right to correct or add to (amend) your medical records (<https://app.leg.wa.gov/rcw/default.aspx?cite=70.02>) so they're accurate and complete.

You must ask the health care provider for the correction or amendment **in writing**. The health care provider then has 10 days to decide whether to grant your request.

If your health care provider agrees your medical records are wrong, they must include the fix or addition in your record. The record must clearly show what the provider has changed.

## **What if my health care provider won't fix my health care record?**

Within 10 days of your request to correct or amend, the health care provider must tell you that you have the right to add a "Statement of Disagreement" to

your health care record.

A "Statement of Disagreement" should have both of these:

- A short statement of the change you asked for and
- Why you believe they should fix or add to your health care record.

After you've filed your statement of disagreement, there must be a note in your health record at the challenged entry showing both of these:

- You think the entry is wrong.
- Where in your health care record your statement correcting it is.

### **What if my health care provider won't change my record or let me add my "Statement of Disagreement?"**

**Talk to a lawyer.** You can get a court order forcing your health care provider to let you fix or add to your health care records. You may also collect actual damages for the provider's past refusal to let you fix and/or add to your record.

If you win, you may also get back attorney's fees and your costs to file the lawsuit.

If you have a good case, a lawyer may represent you without a fee based on the expectation of getting fees from the provider's lawyer. Many lawyers will meet with you for free to evaluate your case.

To find one, call your local bar association (<https://www.wsba.org/connect-serve/other-bars/county-bar-associations>)'s lawyer referral service, if available.

**WashingtonLawHelp.org** gives general information. It is not legal advice.

Find organizations that provide free legal help on our Get legal help page.

<https://assets.washingtonlawhelp.org/en/get-and-correct-medical-records>