



Brown & Carlson Insight

Contesting Bills Related to Medical Record Requests

By Katie L. Hammers

As more hospitals and clinics switch to outside health information companies to provide medical records, there has been a rise in charges related to medical records requests that are prohibited in Minnesota workers' compensation matters. In one instance, a company has been charging \$35.00 where there were **NO** records for the Employee. Below are examples of invoices:

Records Service (0 pages)	\$10.00
Instant Download	5.00
Pay By Check	<u>20.00</u>
Total	\$35.00

Description	Quantity	Unit Price	Amount
Basic Fee			\$10.00
Retrieval Fee			\$ 0.00
Per Page Copy (Paper)	1	0.75	\$ 0.75
Electronic Data Archive Fee			\$ 2.00
Subtotal			\$12.75
Sales Tax			\$ 0.00
Invoice Total			\$12.75
Balance Due			\$12.75

Whether it is the actual treatment facility providing the records or a company that manages health information, they are limited in the fees they may charge in Minnesota workers' compensation matters under Minnesota Rule 5219.0300. This Rule states that for "copies of existing medical records or data ... a charge is reasonable if the total charge for each submission following a request does not exceed the sum of \$10 as a retrieval fee and 75 cents per page." It continues on to state that in addition to those charges "the health care provider may charge actual postage, any applicable Minnesota sales tax, and notary fees, if notarization is requested." So, if a record provider tries to charge any fees when they do not provide records, or charge anything that is not listed in this rule, then they are not in compliance with Minnesota law and those charges should be contested.

In order to contest the charges, notify the noncomplying company that their invoice will not be paid since it exceeds the charges allowed under Minnesota Rule 5219.0300. If the party in violation is not the treating facility, copy the treating facility on the letter as well. Below is a link to a sample letter addressing the first invoice for \$35.00 (the charges and types of fees can be changed to fit any disputed invoice):

[Letter to Provider Addressing Fee](#) (Click to View Letter to Provider)

If record provider does not comply (which has often been the case) the next step is to send a letter to the Commissioner's Office, copying both the noncomplying party and treatment facility, detailing the prohibited charges from the provider and enclosing copies of the prior correspondence. Below is a link to an example of that letter:

[Letter to Commissioner Addressing Fee](#) (Click to View Letter to Commissioner)

The commissioner's office has been receptive to complaints and has reached out to providers to notify them that their charges are barred. Those providers have then withdrawn the disputed charges.

Practice Tip: If you send records request letters out to 10 providers on 100 files, and you can stop being over-charged \$35.00 on just that amount of requests, this will represent a cost savings of \$35,000.00.

If you have any questions, call Katie Hammers at (763)252-6367

[Katie L. Hammers](#)

763-252-6367

khammers@brownandcarlson.com



Visit our Website

Brown & Carlson, P.A.
300 Highway 169 S., #500
Minneapolis, MN 55426-1113
763-591-9950
F: 763-591-9202

Date

To Whom It May Concern,

I recently received the enclosed bill from *insert name of noncomplying provider* for \$35.00 with a \$10.00 "Records Service (0 pages)" fee, a \$5.00 "Instant Download" fee, and a \$20.00 "Pay By Check" fee. These fees are not allowed pursuant to Minnesota Rule 5219.0300. This rule states that for "copies of ***existing*** medical records or data... a charge is reasonable if the total charge for each submission following a request does not exceed the sum of \$10 as a ***retrieval*** fee and 75 cents per page." (Emphasis added) The only other acceptable charges are for "actual postage, any applicable Minnesota sales tax, and notary fees, if notarization is requested." In this case there were no existing medical records or data provided, therefore no fees may be charged. Please withdraw this invoice since all charges are prohibited by Minnesota Rule 5219.0300. If you do not withdraw these charges I will contact the Commissioner's Office at the Department of Labor and Industry to notify them of these excessive charges.

Sincerely,

cc: Medical Facility

Date

Department of Labor & Industry
Attn: Commissioner's Office
443 Lafayette Road N.
St. Paul, MN 55155

RE: Charges barred under Minnesota Rule 5219.0300

To Whom It May Concern:

Attached please find copies of the invoices and correspondence that my office exchanged with insert name of noncomplying provider regarding their charges in a Minnesota workers' compensation matter when they did not actually produce any records.

My office requested medical records from insert name of facility that records were requested from on insert date of request, 2018. On insert date of invoice, 2018, insert name of noncomplying provider responded that there were no records, and they issued an invoice for \$35.00 comprised of a \$10.00 "Records Service (0 pages)" fee, a \$5.00 "Instant Download" fee, and a \$20.00 "Pay By Check" fee. I sent them a letter on insert date of letter asking charges be withdrawn, requesting that insert name of noncomplying provider remove these charges since these fees are not allowed pursuant to Minnesota Rule 5219.0300. This rule states that for "copies of **existing** medical records or data... a charge is reasonable if the total charge for each submission following a request does not exceed the sum of \$10 as a **retrieval** fee and 75 cents per page." (Emphasis added) The only other fees that may be charged under this rule are "actual postage, any applicable Minnesota sales tax, and notary fees, if notarization is requested." Since no records were provided the \$10.00 retrieval fee is not applicable. Additionally, the Rule does not allow for a \$5.00 "Instant Download" fee, and a \$20.00 "Pay By Check" fee. Therefore I request that insert name of noncomplying provider comply with this rule and withdraw their charges.

Thank you for your time and assistance in this matter. I have copied insert name of noncomplying provider and insert name of facility that records were requested from on this correspondence.

Sincerely,

cc: Medical Records Provider
Treatment Facility