



Health Care Provider Records Fees

JULY 1, 2025, TO JUNE 30, 2026

Under Wis. Stat. 146.83(3f) (a), health care providers must provide medical records, “if a person requests copies of a patient’s health care records, provides informed consent, and pays the applicable fees.” To provide “informed consent” under 146.81(2), the request may be “signed by the patient or a person authorized by the patient.” Each July 1, the Wisconsin Department of Health Services will adjust the dollar amounts that a health care provider may charge for **providing paper copies** of a patient’s health care records.

What you may legally charge is based on the request you receive

Start by reviewing the request you receive, before you proceed with charges

Wisconsin Paper Copy Records Fees

Paper Copies (per page)	Adjusted Fees
First 25 pages	\$1.44
Pages 26 to 50	\$1.07
Pages 51 to 100	\$0.70
Pages 101 and above	\$0.41
Microfilm/Microfiche (per page)	\$2.11
Print of X-ray (per image)	\$14.18

Sales Tax: Sales of paper copies of patient medical records are no longer subject to Wisconsin sales or use tax if the medical records sold to the patient or a person authorized by the patient to receive the medical records (*Cannon & Dunphy, S.C. vs. Wisconsin Department of Revenue, August 15, 2015*). This also applies to Worker's Compensation paper medical records.

Medical Assistance: A health care provider may not charge a patient, or a person authorized by the patient more than 25% of the applicable fees for providing one set of paper copies of a patient's health care records if the patient is eligible for medical assistance. 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 paper copies at a reduced charge. A health care provider may charge 100% of the applicable fee for providing a second or additional set of paper copies of patient health care records for a patient who is eligible for medical assistance (Wis. Stat. 146.83(1f) (cm)).

Social Security: If a patient or person authorized by the patient requests paper copies of the patient's health care records for use in determining eligibility for or appealing a denial of social security disability insurance or supplemental security income, the health care provider may charge no more than the amount that the Federal Social Security Administration reimburses the department for paper copies of patient health care records (Wis. Stat. 146.83(1f) (am)(bm)). The amount is outlined in the request sent to the provider.

Worker's Compensation Records: The allowable charges for paper copies of certified medical records are the greater of 45 cents per page or \$7.50 per request plus the actual cost of postage. Neither a retrieval fee nor a certification of records fee may be imposed. An employee who reports a work-related injury waives any physician-patient privilege with respect to any condition related to the condition for which the employee claims compensation. As of March 2016, providers may not charge more than \$26 for Workers Compensation records requested in electronic format. See 2015 Wis. Act 180.

When to Charge for Certification of Copies or a Retrieval Fee?

This ONLY APPLIES TO PAPER COPIES- The certification of copies or retrieval fee may only be charged if the requestor is not the patient, or a person authorized by the patient. In the situation where a third party initiates a request for PHI on its own behalf (with the patient's HIPAA authorization), these fees may be charged. However, when the third party is simply forwarding, on behalf and at the direction of the

patient, the patient's own access request, these fees may not be charged. If any confusion exists when a third party is requesting copies of records, it is best to clarify whether the request is being initiated by the patient or the third party prior to charging the certification or retrieval fees.

If the requestor is not the patient or a person authorized by the patient*

<u>Certification of Paper Copies</u>	<u>\$11.37</u>
<u>Retrieval Fee of Paper Copies</u>	<u>\$28.43</u>

Electronic Records-HIPAA Rate

In April of 2023, The Wisconsin Supreme Court ruled on the *Banuelos vs. University of Wisconsin Hospitals and Clinics (Case No. 2020AP1582)*.

This case was submitted November of 2022 and ruled on April of 2023. This case ruled in favor of the plaintiff, who was the patient and the patient's attorney. This case states that providers cannot impose a fee for an electronic copy of a patient's health care record, even if someone was an authorized representative of the patient. In this case, the patient's attorney made the request for records.

Here is the decision LINK:

<https://www.wicourts.gov/sc/opinion/DisplayDocument.pdf?content=pdf&seqNo=641018>

***You may receive a request which outlines or references the case above. There would be NO FEE for an Electronic Copy of the patient's health care record- \$0.**

*Attorneys may still be paying the basic HIPAA HI-TECH rate of \$6.50 for patient's records in electronic format. This would be their policy or option but beware it would not be legal to bill them since the ruling above. *"Because HIPAA allows the more stringent law to apply, which in this case governed the law that provides greater access, the Wisconsin law prohibiting any charge for electronic copies of records would be the more stringent law and should be govern", Barbara Zabawa, JD, MPH, Center for Health and Wellness Law, LLC.* If electronic copies are mailed on a CD, you may impose a postage fee.

*By law, a "person authorized by the patient" includes an attorney appointed to represent the patient if that attorney has written informed consent from the patient to view and obtain copies of the records (Wis. Stat. 146.83(1b)). In addition, it includes the parent, guardian, or legal custodian of a minor patient, the guardian of a patient

judged to be incompetent in this state, the personal representative, spouse, or domestic partner of a deceased patient, any person authorized in writing by the patient or a health care agent designated by the patient as a principal if the patient has been found to be incapacitated, except as limited by the power of attorney for health care instrument. If no spouse or domestic partner survives a deceased patient, “Person authorized by the patient” also means an adult member of the deceased patient’s immediate family (Wis. Stat. 146.81(5)).

Please contact the WCA Help Desk with any questions at wcahelp@wichiro.org or (608) 292-1804.



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