

## Part B Insider (Multispecialty) Coding Alert

### How Much Can You Charge?

The Department of Health and Human Services allows practices to charge a fee to provide patients with a copy of their PHI, limited to the actual cost of labor and supplies required to give the patients the information. This applies whether you're giving the patients the information in paper or digital form, says **Michael D. Bossenbroek, Esq.**, a partner with Wachler & Associates, who has extensive HIPAA knowledge.

"The fee is strictly limited to the cost of certain labor, supply, and postage" he says. "Labor costs are limited to what is necessary to copy and deliver the PHI in the form or format requested or agreed to by the individual. It may not include, for example, labor required to review the request and then identify, retrieve, compile, and ready the PHI for copying. If the PHI is already in electronic format and will be transferred electronically, the labor would probably be limited, for example, to putting the PHI on portable media or attaching to an e-mail, and preparing and executing the e-mail."

It's important to mention that HHS expects such costs to diminish or disappear as technology evolves and processes become more automated, Bossenbroek adds. "It is also worth noting that when it comes to patient access through a provider's EHR using its 'View, Download, and Transmit' functionality, HHS prohibits charging a fee."

The HHS document does mention a \$6.50 fee cap, but that only applies to practices that charge flat fees for standard PHI requests that can be transmitted electronically, Bossenbroek says. "Practically speaking, this may be the most realistic way for covered entities to determine the outer limit of its fee in this situation (unless a lower fee is appropriate, of course)."

As technology advances and more medical practices have access to digital transmittal tools, it will become harder for providers to justify charging costly fees to patients who want copies of their records. "How those technological advancements will fully affect providers' costs in practice probably remains to be seen," Bossenbroek adds. "It probably goes without saying, but providers should not be looking to these fees as a way to recover all their costs or to turn a profit."