

Your Medical Records

The Privacy Rule gives you, with few exceptions, the right to inspect, review, and receive a copy of your medical records and billing records that are held by health plans and health care providers covered by the Privacy Rule.

Access

Only you or your [personal representative](#)* has the right to access your records. A health care provider or health plan may send copies of your records to another provider or health plan only as needed for treatment or payment or with your permission.

The Privacy Rule does not require the health care provider or health plan to share information with other providers or plans.

HIPAA gives you important rights to [access - PDF](#) your medical record and to keep your information private.

Charges

A provider cannot deny you a copy of your records because you have not paid for the services you have received. However, a provider may charge for the reasonable costs for copying and mailing the records. The provider cannot charge you a fee for searching for or retrieving your records.

Provider's Psychotherapy Notes

You do not have the right to access a provider's psychotherapy notes.

Psychotherapy notes are notes that a mental health professional takes during a conversation with a patient. They are kept separate from the patient's medical and billing records. HIPAA also does not allow the provider to make most disclosures about psychotherapy notes about you without your authorization.

Corrections

If you think the information in your medical or billing record is incorrect, you can request a change, or amendment, to your record. The health care provider or health plan must respond to your request. If it created the information, it must amend inaccurate or incomplete information.

If the provider or plan does not agree to your request, you have the right to submit a statement of disagreement that the provider or plan must add to your record.

See 45 C.F.R. §§ 164.508, 164.524 and 164.526, and [OCR's Frequently Asked Questions](#).

* <https://www.hhs.gov/hipaa/for-individuals/personal-representatives/index.html>

Personal Representatives

Generally, an HIPAA-covered health care provider or health plan must allow your personal representative to inspect and receive a copy of protected health information about you that they maintain.

Naming a Personal Representative

Your personal representative can be named several ways; state law may affect this process.

If a person can make health care decisions for you using a health care power of attorney, the person is your personal representative.

Children

The personal representative of a minor child is usually the child's parent or legal guardian.

State laws may affect guardianship.

In cases where a custody decree exists, the personal representative is the parent(s) who can make health care decisions for the child under the custody decree.

Deceased Persons

When an individual dies, the personal representative for the deceased is the executor or administrator of the deceased individual's estate, or the person who is legally authorized by a court or by state law to act on the behalf of the deceased individual or his or her estate.

Exceptions

A provider or plan may choose not to treat a person as your personal representative if the provider or plan reasonably believes that the person might endanger you in situations of domestic violence, abuse, or neglect.

See 45 C.F.R. § 164.502(g) and [OCR's Frequently Asked Questions](#).