New Hampshire Board of Medicine
Your Medical Records – Know Your Rights

FREQUENTLY ASKED QUESTIONS

Can I Get My Original Medical Record Instead of a Copy?
A patient is entitled to a copy of his or her medical record, not the original. The Board requires that a physician maintain the original record.

Do I Have to Pay to Get a Copy of My Medical Records Sent to My New Doctor?
Yes

If I Owe My Doctor Money, Will I Still Be Able to Get a Copy of My Medical Records?
Yes

Do I Have to Pick Up the Medical Records, or Will My Doctor Mail Them?
You can either pick them up or have them mailed to you or to a doctor of your choice.

What If My Physician Retires or Dies?
A retiring physician, his/her successor, or the estate of a deceased physician must maintain a patient's record.

How Long Should It Take?
A physician is required to release the medical record within 30 days from the receipt of the signed release from the patient. In the case of a medical emergency, the record should be provided as soon as possible.

What Is HIPAA?
HIPAA (Health Insurance Portability and Accountability Act) is a federal law that deals with medical records and patient privacy.

STATE LAW, RSA 332-I, allows patients to obtain a copy of their medical records for a limited charge. RSA 332-I states the following:

"**332-I:1 Medical Records. –** All medical information contained in the medical records in the possession of any health care provider shall be deemed to be the property of the patient. The patient shall be entitled to a copy of such records upon request. The charge for the copying of a patient's medical records shall not exceed $15 for the first 30 pages or $.50 per page, whichever is greater; provided that copies of filmed records such as radiograms, x-rays, and sonograms shall be copied at a reasonable cost."

Release or use of patient identifiable medical information for the purpose of sales or marketing of services or products shall be prohibited without written authorization."

NEW HAMPSHIRE BOARD OF MEDICINE RULES state that a licensee shall retain a copy of all patient medical records for at least 7 years from the date of the patient's last contact with the licensee, unless, before that date, the patient has requested that the file be transferred to another health care provider.

The Board's rules, Med 501.02(f) regarding medical records state the following:

Med 501.02 Standards of Conduct.

(f) A licensee shall promptly honor requests made by a patient or an authorized agent of a patient, for complete copies of the patient's medical record in accordance with the following standards:

(1) A licensee shall be ultimately responsible for transferring copies of medical records regardless of whether the licensee has delegated this task to another person or organization;

(2) Upon the patient's request, the licensee shall provide copies of the medical records, either a specified portion or the entire contents depending on the patient's request, regardless of whether the licensee created the records or the records were provided to the licensee by another health care provider;

(3) The licensee may charge the actual cost of duplication for X-rays or other color photographs;

(4) Upon receipt of a written release, the requested transfer of medical records shall:

a. Not be delayed, including for non-payment of services or non-payment of copying costs and of costs for transmitting of medical records; and
b. Be accomplished in any case within 30 days from the receipt of the signed release, unless the nature of the medical treatment requires an immediate response from the licensee.