

Personal Injury Accidents: Getting Your Medical Records: Information on Rights, Procedures, and Denials

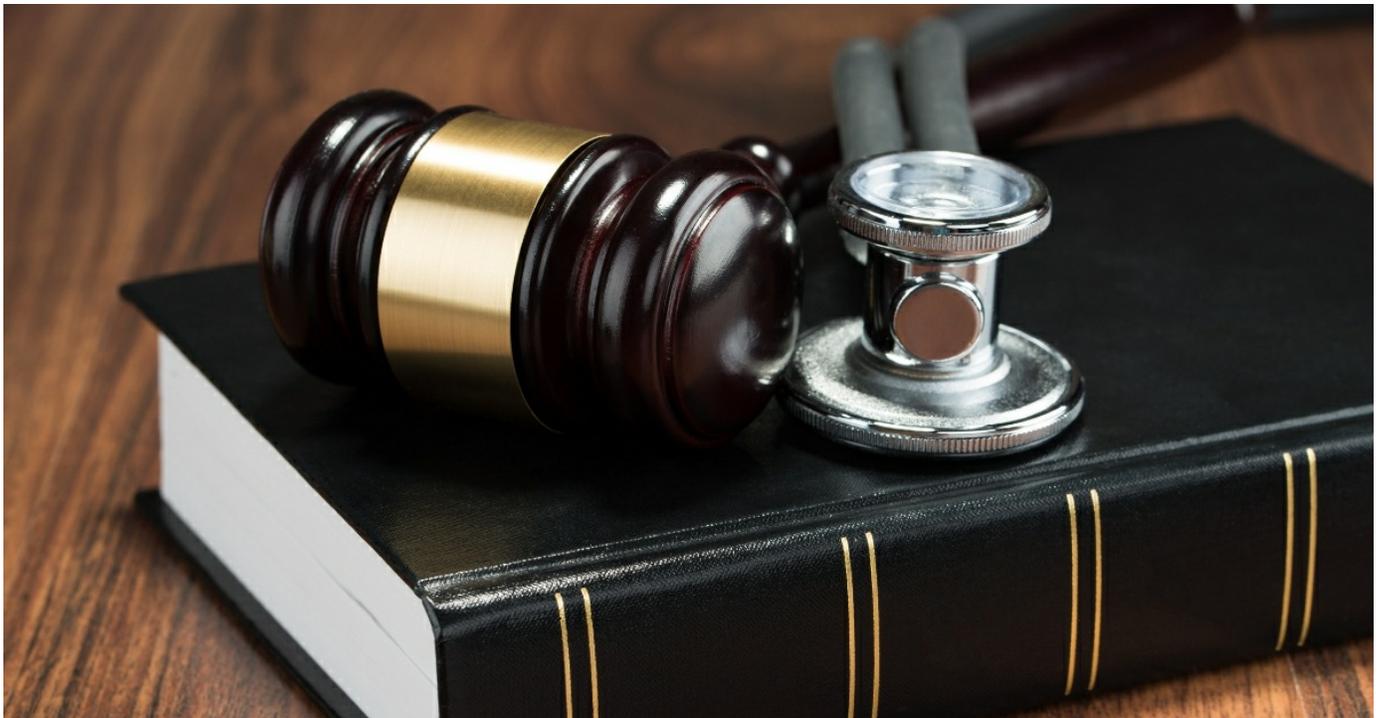
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Obtaining Your Medical Records: What Are Your Rights?

There are many situations in which patients may want to obtain their medical records. If you are pursuing a case to be compensated for personal injury, for example, you may need **proof of injury and of treatment**. Your medical records will document everything you were treated for. If you are involved in a medical malpractice case, you may need your records to **verify when and where treatment was received**.

Other, more complicated, reasons to seek medical records sometimes occur as well. What if you were injured in an accident but either the defendant or the insurance company maintains that your symptoms were caused by events or conditions other than the accident? Finally, patients may want to review their medical records to see treatment recommendations.

Fortunately, a Federal act called the **U.S. Health Information Portability and Accountability Act (HIPAA)**, **makes provisions for patients to receive their records**. You may also obtain the records of other people if you are their parent, legal guardian, or official representative (with an elderly parent, for example), with a few exceptions, such as notes pertaining to psychotherapy.



Records Must Be Provided Promptly in California

California has an even more stringent law concerning patient rights that allows people to see their medical records. Under the Federal rule, medical records must be provided within 30 days upon written request. However, California Health & Safety Code Section 123100 mandates that patients should be provided with their medical records more quickly. A patient, and one representative, have the right to **view copies of their medical records within 5 business days upon receipt of a written request** to do so. **Patients must be provided with written copies of their records, upon request, within 15 business days.**

There are small fees associated with seeing the records, and the institutions can ask for official identification papers from both patient and representative as long as they do not discriminate.

Can Records Be Denied?

There are, however, some exceptions to this law in California. If a physician believes that the patient runs a risk of “significant adverse or detrimental consequences” stemming from seeing the records, they can deny the request. In most cases, though, the law clearly intends for patients to see records. **If a doctor does not comply, a complaint can be filed with the California Medical Board.** If the Medical Board finds that the complaint is substantiated, they can take action against the doctor’s license.

People who need to see their medical records should know, though, that a recent nationwide study indicated that records are not always provided promptly and in compliance with the law. In many instances, the study found that both information on requests and access to them can be confusing in hospitals. In private physician offices, staff may not know the law or what their responsibilities are. In other words, although the law grants you access to your medical records, it is possible you could face a situation in which a doctor denies you or there is an inadequate provision of records or delay because of conflicting information and standards in the administrative offices of healthcare providers.

As a result, it’s prudent to consult with a California personal injury attorney about accessing your medical records. Our experienced California personal injury attorneys at [Johnson Attorneys Group](#) know the law and can represent you in the case of unreasonable delay or denial.

If You Need a California Personal Injury Attorney, Contact Johnson Attorneys Group Today

If you or a loved one sustained personal injuries due to medical malpractice or personal injury case, **we can help you receive fair compensation for your case.** For a **complimentary case evaluation**, call 1-800-208-3538. The [Johnson Attorneys Group](#) **never charges a legal fee unless they successfully settle or win your case.**