



## Health Information and Education Center

### Access to Your Child's Health Records

#### **What are your rights as a family member to see records**

Health records include information about your child such as diagnosis, treatment and prognosis. You as a family member have the right to request and see your child's complete and current health records and to receive the information in an understandable language. Your child's doctor may however withhold any speculations about your child's health condition. This right applies to records held by most health care professionals, facilities and agencies, including doctors, mental health professionals, hospitals and home care agencies.

#### **You have the right to copies of records**

To receive a copy of your child's health records, you must ask for it in writing. The records you can request include: lab reports, x-rays, prescriptions, and other technical information. The hospital, clinic, or doctor's office may have a record request form available at their facility for you to fill out. The law does not give a time limit that outlines exactly how long the office may take to send you the records, but the records must be sent out promptly. Additionally, your child's doctor may want to only provide you with a summary of the health record and not provide the entire file. The doctor may only choose this option if you agree to it. If you do not agree, you must be given copies of the original records.

#### **Fees**

If you want a copy of your child's health records in order to review the current medical care of your child, you must not be charged a fee. However, if you request copies of the health record for a reason other than to review the current medical care, and then you may be charged a reasonable fee for the copies and administrative time.

#### **Notice about access to records:**

**You must be given clear written notice about how you can have access to your child's health records.** If you have any questions about receiving your child's health records,

ask for a copy of the notice.

### **Access may be restricted in limited circumstances**

In some cases your child's doctor does not have to give you access to health records but instead may give the information to another appropriate person. That person may choose to release the information to you. **This is limited to cases in which the physician reasonably determines that the information could be damaging to your child's physical or mental health, or is likely to cause your child to harm himself or to harm another person.**

### **Transfer of records:**

To have your child's health records transferred from one health care professional to another, you must make a written request. You may be charged a fee for the reasonable costs of providing the information.

### **Strategies for requesting records**

- Call the office before you send in the written request to confirm the address with staff and to notify them that the request is coming. Note the name of the person you speak with so you can follow up later if necessary.
- Keep a copy of all written requests. Keep notes of phone calls regarding the requests noting the date, time and name of the person you spoke with.
- If you requested a transfer of records to another health care professional, call to confirm that the transfer was completed.

*Modified with permission from Health Information and Advocacy Center, a project of PACER CENTER*

To contact FVND call 888-522-9654, [www.geocities.com/ndfv/](http://www.geocities.com/ndfv/) or write PO Box 163 Edgeley, ND 58433

Supported with funding from ND Department of Human Services, Medical Services Division, Children's Special Health Services and Centers for Medicare and Medicaid Services  
11-P-92506/8-01