



State of New Jersey
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Governor

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CATHERINE D. BENNETT
Acting Commissioner

MEMORANDUM

TO: Chief Executive Officers
General, Special and Psychiatric Hospitals

FROM: John A. Calabria, Director
Division of Certificate of Need and Licensing

DATE: September 2015

SUBJECT: Fees for Copies of Electronic Medical Records

The Department of Health (Department) has received numerous requests for an interpretation of the rules governing the fees hospitals are permitted to charge for providing a copy of an electronic medical record (EMR). While N.J.A.C. 8:43G-15.3(d) and (e) do not expressly reference a fee for the copying of an EMR, the subsections provide that hospitals may charge a "fee based on actual costs."

Therefore, the Department is interpreting N.J.A.C. 8:43G-15.3(d) and (e) to permit the following fees "based on actual costs" to be charged for a medical records request that involves an EMR:

- a search fee of no more than \$10.00;
- the actual cost of the portable media used to copy the electronic records (e.g., CD, film, flash drive); and
- the actual cost of postage.

Please note that N.J.A.C. 8:43G-15.3(d)3 requires hospitals to establish a policy assuring access to copies of medical records for patients who do not have the ability to pay.

Please contact Eugene Brenycz, a member of my staff, at (609) 292-5960 with any questions regarding this memorandum.