

Top 10 Tips for Medical Records Retrieval

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Retrieving medical records is not as easy as just sending out a request letter and receiving what you have asked for. Many times providers do not realize that they have left out important information such as hospital visits between admission dates, nurses' notes, diagnostic reports, ambulance transportation, medical bills, etc.

Here are some ways you can use to check and make sure the medical providers are complying with your needs.

- 1. HIPAA Implications.**
Make sure your authorization is HIPAA compliant. Medical providers will delay your requests if you have not fulfilled the necessary requirements (such as Name, Social Security Number, Date of Birth, Date of Service, Portion of the Body, Reason for the Request, Expiration Date, Patient's Right to Revoke, Patient's Signature and Notary.)
- 2. Sources of Medical Records.**
In litigation, you start with the Petition or Complaint. If you are interviewing a client for a potential claim, make sure you ask for each and every medical provider by physician name and group name. If you are able to obtain addresses from the client, it will give you a good direction to begin your case.
- 3. Creating a Comprehensive Organizational Plan.**
Keep a table or chart showing the date you have sent out your request for medical records and bills. This is an easy way to see what has been received and what is outstanding. Keep your contact information and all notes for each medical provider in this document for quick and easy reference as the case progresses.
- 4. Ensuring your Records Are Complete.**
Make a chronology (or timeline of events) from the records you have received so that you can track where and when the patient had been from start to finish regarding their medical issue. If there are gaps in this timeline, that will be a red flag for you to check back with the medical providers you have requested records from, or it will prompt you to obtain records from new medical providers that were previously unknown to you.
- 5. Follow-Up Options if Records Are Not Received on a Timely Basis.**
You should send out second request letters after thirty (30) days if you have had no response from the provider. You should also try to obtain a fax number and a contact name from each provider (medical records and medical bills departments) that you are interacting with so that your request is not just another piece of paper work on their desk to be completed. Verbal communication will cut down on delays.
- 6. Using Requests to Produce, Subpoenas and Custodian of Records Depositions Effectively.**
In litigation, you hold the parties to a thirty (30) day deadline if you send authorizations that you need signed with a Request to Produce. Forcing the parties to comply with deadlines is a good way to keep your case on track and moving forward. If you find that the medical providers are not being cooperative in filling the requests you have made, then you have the option to schedule a custodian of records deposition accompanied by a subpoena to enforce the notice of deposition. At this deposition, the custodian of records will have to state under oath that they are giving you a complete set of the records that they have maintained as a regular part of doing business in their offices.
- 7. Special Issues Regarding Electronic Records.**
Electronic records may not reflect every medical record maintained in the paper file of the patient. Always request a copy of the complete medical chart including a complete copy of the paper file to avoid missing information.
- 8. Originals vs. Copies.**
Always request first generation copies, especially when retrieving films of any kind. Second and third generation copies of films are more difficult to read. Also, if there are sticky notes covering up portions of notes stated on a patient's medical records you will want a clear copy of that page of their medical records without the sticky note on it, along with a separate copy of that sticky note.
- 9. Using Technology to Manage a Large Volume of Information.**
Storing records received on a database allows you to review information received from the medical providers in a fast and easy way. It also allows you to see if the number of pages of records received is the correct number stated on the Affidavit of Records that were provided to you from each medical provider. If these numbers do not match, you know you have to go back to the medical provider to find out what happened.
- 10. Ongoing Issues in the Discovery Process.**
In litigation, if you have experts reviewing medical records, they may be able to add to your medical provider list by advising which films are more pertinent to the case, or if a pharmacy has records that you have not yet provided them for review. This can be helpful to your case in order to get a complete picture of the medical issues at hand or understanding what the patient is now going through due the medical care they received.

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