



February 22, 2021

Dear Members of the Workers' Compensation Advisory Council:

The Minnesota Medical Association (MMA) is the professional association of physicians, residents, and medical students. On behalf of the MMA's 10,000 members, I write to share our concern with the proposed amendment to Minnesota Statute § 176.136, limiting fees charged for copies of medical records requested for workers' compensation claims to \$10.00.

The MMA appreciates that there may be costs associated with obtaining a patient's medical records, particularly for patients with complex injuries or conditions. However, the Legislature has already addressed this concern by placing a reasonable limit on the amount a patient can be charged for obtaining copies of their medical records. Minnesota Statute § 144.292 limits this amount to \$0.75 per page, with an additional \$10.00 allowed for time spent retrieving and copying records. Additionally, Minnesota Rules Section 5219.0300 already limits what providers may charge for copies of records regarding work injury claims. This limit rightly mirrors existing law and is also set at \$0.75 per page with an additional \$10.00 retrieval fee allowed.

The charges permitted for obtaining medical records reflect only a portion of the significant time and resources needed to locate and compile records, as well as the general cost required to maintain medical records. There is no compelling rationale for establishing variable charges for obtaining records based on a patient's source of insurance. The amount charged for obtaining medical records must remain consistent without regard to the purpose for obtaining the medical records because compiling records requested for use in a workers' compensation case takes no less time or resources than compiling records requested for a patient's own use. The proposed \$10.00 maximum charge is unreasonable because it fails to adequately consider the significant amount of time and resources associated with maintaining, storing, and accessing medical records.

On behalf of the MMA, thank you for your consideration.

Sincerely,

Marilyn Peitso, MD
President
Minnesota Medical Association