

**WHICH FORM DO I USE?  
 AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS  
 OR  
 PATIENT ACCESS REQUEST FOR MEDICAL RECORDS<sup>1</sup>**

The PHI that an individual wants to have disclosed to a third party under the HIPAA right of access also could be disclosed by a covered entity pursuant to a valid HIPAA authorization. However, there are differences between the two methods – the primary difference being that one is a required disclosure and one is a permitted disclosure -- that may make the right of access a more favorable choice for most disclosures the individual is initiating on his/her own behalf. These differences are illustrated in the following table:

<b>HIPAA Authorization (Form #1062 –Authorization for Release of Medical Records)</b>	<b>Right of Access ( Form # ____ - Patient Access Request for Medical Records)</b>
<b>Permits</b> , but does not require, a covered entity to disclose PHI	<b>Requires</b> a covered entity to disclose PHI, except where an exception applies.
Requires a number of elements and statements, which include a description of who is authorized to make the disclosure and receive the PHI, a specific and meaningful description of the PHI, a description of the purpose of the disclosure, an expiration date or event, signature of the individual authorizing the use or disclosure of her own PHI and the date, information concerning the individual’s right to revoke the authorization, and information about the ability or inability to condition treatment, payment, enrollment or eligibility for benefits on the authorization.	Must be in writing, signed by the individual, and clearly identify the designated person and where to send the PHI
No timeliness requirement for disclosing the PHI Reasonable safeguards apply (e.g., PHI must be sent securely).  <i>*Florida Statute §395.3025 requires that the medical record be provided in a timely manner.</i>	Covered entity must act on request no later than 30 days after the request is received
Reasonable safeguards apply (e.g., PHI must be sent securely)	Reasonable safeguards apply, including a requirement to send securely; however, individual can request transmission by unsecure medium
No limitations on fees that may be charged to the person requesting the PHI; however, if the disclosure constitutes a sale of PHI, the authorization must disclose the fact of remuneration  <i>* Florida Statute §395.3025 limits the charges for medical records.</i>	Fees limited as provided in 45 CFR 164.524(c)(4)

The Privacy Rule permits covered entities to disclose PHI for treatment, payment and health care operations without the need to first obtain an individual’s authorization or receive an access request by the individual to have the individual’s PHI directed to a third party for such purposes. As a result, if an individual is seeking to have his/her PHI shared among his/her treating providers, Lee Health will do so without an access request or HIPAA authorization.

<sup>1</sup> Information is an excerpt from <https://www.hhs.gov/hipaa/for-professionals/privacy/guidance/access/#newlyreleasedfaqs>