

Keeping Your Medical Records Private

Can my health care provider share my medical records with others?

Only after getting your written consent. There are a few exceptions.

How do I give my health care provider permission to give another provider my health care info?

Your written consent must clearly state all of these:

- The nature of the info.
- Who is getting and giving it.
- Your name.

❖ If your written consent or authorization meets this description, your health care provider must honor it.

The health care provider may charge a “reasonable fee” for disclosing the health care info. You may have to pay this fee before your health care provider will disclose your health care info. In 2018, a “reasonable fee” is up to \$1.17 a page to copy the first 30 pages, and up to 83 cents after that. Your health care provider may also charge a \$26 clerical fee.

Can my health care provider disclose my health care info without my written permission?

Only to someone who needs the info under very limited circumstances. **Examples:**

- To someone your health care provider reasonably believes is giving you care.
- Verbally, if made in accordance with good medical practice, to a relative or someone else with whom the health care provider believes you have a close personal relationship. **You can stop this from happening by letting your health care provider know, in writing, that you forbid it.**
- Under restrictive circumstances to those needing the info for education, research, or for the administration of health care by the health care provider.
- When a court requires it.

Other circumstances where your provider may disclose your health care info:

- For use in research.
- To protect the public health.
- You are in a custodial institution such as a prison.

I think my provider has inappropriately disclosed my medical records. What can I do?

Talk to a lawyer. You can get a court order stopping further disclosure of your health care records.

You can collect damages for any prior unauthorized disclosure. If you win, you may also win attorney’s fees and expenses to cover the costs of the lawsuit.

If you have a good case, a lawyer may represent you without a fee, expecting to get attorney's fees from the other side. Many lawyers will talk to you for free to evaluate your case. Contact your local bar association's Lawyer Referral Service, if available.

What is the law about privacy and my medical records?

That state law is in the Revised Code of Washington ([RCW](#)) at [chapter 70.02](#). Most public libraries and county courthouse libraries have copies of the Revised Code of Washington.

❖ We do not cover the release of mental health records here.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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