

**ILLINOIS STATE MEDICAL SOCIETY**

**Resolution 11.2022-21  
(A-23)**

Introduced by: Kamal Kishore, MD, ISMS Member

Subject: Compensation for Medical Record Requests by Third Parties

Referred to: Council on Economics and Governmental Affairs Council

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1           Whereas, ISMS already has a policy to oppose excessive and unnecessary  
2 requests for medical records and delays in processing payments when a completed claim  
3 form for reimbursement has been submitted (HOD2009; Last BOT Review 2013); and  
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5           Whereas, ISMS also has a policy favoring reasonable compensation for physician  
6 offices for time and expense incurred in the preparation of medical records demanded  
7 by third parties; and  
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9           Whereas, some insurance companies, most notoriously United HealthCare,  
10 continue to demand copies of medical records prior to making payments despite a clean  
11 completed claim and withhold payments until their demand has been complied with;  
12 and  
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14           Whereas, in many specialties such as ophthalmology images obtained by various  
15 modalities (OCT, fundus photography, fluorescein angiography etc.) are part of medical  
16 evaluation; and  
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18           Whereas, selection, saving, and processing of representative images from those  
19 tests take considerable time and effort for which no payment is made by some insurance  
20 companies citing “contractual provisions”; and  
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22           Whereas, ISMS policies on this subject are mere opinions and do not have the  
23 force of law behind them; therefore, be it  
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25           RESOLVED, that ISMS should lobby the Illinois legislature to introduce or  
26 cause to be introduced laws requiring fair payment to physicians for their time and  
27 efforts in preparing medical records and images requested by all third parties, including  
28 payors.

**Fiscal Note:**

None

**Existing ISMS policy related to this issue:**

Board of Trustees adopted Resolution 01.2020-30 (A-20), Degradation of Medical Records, as amended: RESOLVED, that the Illinois State Medical Society (ISMS) educate the public about the amount of time physicians spend on data entry versus direct patient care, in order to inform patients, insurers, and prospective primary care physicians about the real expectations of the medical profession, and be it further RESOLVED, that the Illinois Delegation introduce a similar resolution at the AMA 2020 annual meeting. (BOT - JAN 2020)

House of Delegates adopted Resolution 12 (A-10), which directed that ISMS develop or support legislation that requires insurance companies to reimburse medical offices for the cost of providing them medical records as are allowed by state and federal laws. (HOD 2010)

Physicians should be paid reasonable compensation from third party payers for time and expenses incurred in performing services on behalf of patients, including but not limited to obtaining permission to perform tests, procedures, and/or ordering of drugs and preparation of medical records. (HOD 2009; Last BOT Review 2013)

House of Delegates adopted Substitute Resolution 79 (A-06), which directed that the ISMS join with other states in asking that the Department of Health and Human Services make the state statutory fees for copying medical records accepted under HIPAA as representative of the actual cost of record copies. (HOD 2006)

House of Delegates adopted Res. 18 (A-02) as amended, which directed: 1) that the ISMS cause to be introduced legislation that would establish criteria defining when the request for medical records from a third party payor is appropriate; 2) that the ISMS develop criteria to determine the definition of a clean claim and that this definition be introduced in the Illinois General Assembly to amend the Prompt Payment Act; 3) that the ISMS cause to be introduced legislation that requires insurance companies to pay for copied medical records requested by said insurance company at the rate established by law; and 4) that the ISMS present a similar resolution to the AMA at its next House of Delegates with the intent that legislation be introduced to change this practice. (HOD 2002)

House of Delegates adopted Res. 26 (A-02) which directed that the Illinois State Medical Society cause to be introduced and support legislation that will permit physicians to use the same handling and per page rates for copying medical records in response to a subpoena that are established for copying records for a patient by SB 721, which went into effect on August 31, 2001. (HOD 2002)