



## **Frequently Asked Questions (FAQs)**

### **Hospital, Patient, Medical and Vital Records: FAQs**

**Revised January 2006**

**Prepared by: J. Harold Johnston Memorial Library  
New Jersey Hospital Association.**

Below are brief answers to the library's most frequently asked questions relating to medical records. If you require additional information please do not hesitate to contact the agency listed or call the NJHA Library at (609) 275-4130.

This document highlights FAQ and answers regarding hospital records, patient records and medical records.

#### **Medical Record**

**A medical record is defined as "A file kept for each patient, maintained by the hospital (physicians also maintain medical records in their own practices), which documents the patient's problems, diagnostic procedures, treatment, and outcome. Related documents, such as written consent for surgery and other procedures, are also included in the record. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) places great importance on the medical record in the accreditation process, and its Accreditation Manual for Hospitals (AMH) contains an extensive description of the desired and required contents of the medical record.**

**Most hospitals define what a medical record is in their facility's policies and procedures.**

**[Source: Slee's Health Care Terms, 3<sup>rd</sup> Edition.]**

## Frequently Asked Questions & Answers

### Consumer Questions

1. [Where can I find my patient record from a New Jersey hospital?](#)
2. [How can I obtain birth, death, marriage and divorce records in New Jersey?](#)
3. [Is there a fee for photocopying patient records?](#)
4. [What federal regulatory agency governs the practice of patient medical records with respect to release, confidentiality and content?](#)
- 4.A [What law governs New Jersey and what does this mean if you reside in New Jersey?](#)
5. [My hospital closed. How can I locate my hospitals administrative records or patient medical record?](#)
6. [Are there regulations for HMOs and medical records?](#)

## Consumer Questions

1. Where can I find my *patient record* from a New Jersey hospital?

Answer:

You can call your hospital's medical records department/health information department to make your inquiry. The hospital owns the medical record but the information belongs to the patient and you have a right as a patient to obtain copies of your records.

**New Jersey Regulations**

Refer to New Jersey Administrative Code (NJAC) 8:43G-4.1-25

**Patient's Rights**

8:43G-4.21 Confidential treatment of information about patient

8:43G-4.24 Access to information contained in patient's medical record

8:43G-4.25 To obtain a copy of patient's medical record

**HIPAA**

Refer to HIPAA Privacy Rule – 45 CFR §164.500 to §164.534

[Return to Top](#)

2. How can I obtain birth, death, marriage, divorce records in New Jersey?

Answer: The Bureau of Vital Statistics

The Bureau of Vital Statistics is located in the Motor Vehicle Commission building at 120 South Stockton Street in downtown Trenton, New Jersey.

You may call (609) 292-4087 and select extension 582 or go directly to the Web site for detail information.

Office hours are 8:30 - 4:30pm, Monday through Friday, excluding State holidays.

The Web site link below has detail contact information for whom to write or call: Available at: <http://www.state.nj.us/health/vital/vital.htm>

3. Is there a fee for photocopying patient records?

Answer:

Yes,

**New Jersey Regulations**

Refer to New Jersey Administrative Code - NJAC 8:43G-15.3.

**HIPAA**

Refer to HIPAA Privacy Rule 45 CFR §164.500 to §164.534

Under HIPAA, providers (covered entities) may charge patients for copies of their PHI. The charges must be based on the cost of copying, including only the labor of copying, supplies and postage.

[Return to Top](#)

## Consumer Questions – Continued

4. What federal regulatory agency governs the practice of patient medical records with respect to release, confidentiality and content?

Answer:

Federal regulations come from many sources: Centers for Medicaid and Medicare Services, formerly Health Care Financing Administration Conditions of Participation, Health Insurance Portability and Accountability Act.

### **Federal Law**

Specifically, 42 CFR 482.24 Conditions of Participation: Medical Record Services. In brief: The hospital must have a medical record service that has administrative responsibility for medical records. A medical record must be maintained for every individual evaluated or treated in the hospital.

Available at:

[http://www.access.gpo.gov/nara/cfr/waisidx\\_00/42cfr482\\_00.html](http://www.access.gpo.gov/nara/cfr/waisidx_00/42cfr482_00.html)

And, 45 CFR §164.500 to §164.534, HIPAA Privacy Rule: Addresses the standards for Privacy of Individually Identifiable Health Information, including the rights of a patient to access information and its disclosures

- 4.A What law governs New Jersey and what does this mean if you reside in New Jersey?

### **New Jersey Law**

New Jersey Statutes Annotated (NJSA) - NJSA Title 26:8-5.

#### *Institutional Records*

“The person in charge of a hospital, almshouse, lying-in, penal, or other institution, public or private, to which any person resorts for treatment of disease or for confinement, or is committed by process of law, shall make a record of all the personal and statistical particulars relative to each inmate in such institution, at the time of admission, and shall make a complete medical record covering the period of such person’s confinement in such institution.”

Available at: <http://www.njleg.state.nj.us/html/statutes.htm>

Hospitals must comply with hospital policies, state and federal regulation. Further guidance for hospitals is provided by JCAHO standards and/or American Hospital Association (AHA) recommendations.

[Return to Top](#)

## Consumer Questions – Continued

5. **My hospital closed. How can I locate my hospital’s administrative records or patient medical record?**

**Answer:**

**You should contact New Jersey State Licensure office. Hospitals usually make arrangement with other hospitals or warehouse their records; they usually notify the State Department of Health about how and where the medical records will be stored.**

**Contact:**

**New Jersey Licensing, Certification and Standards  
Division of Health Facilities Evaluation and Licensing  
P.O. Box 367  
Trenton, New Jersey 08625  
(609) 292-7228**

[\*\*\*Return to Top\*\*\*](#)

6. **Are there regulations for *HMOs and medical records*?**

**Answer:**

**Yes, HMOs are held to the same standards, as hospitals and according to HIPAA they are bound to the standards of “covered entity” just as hospitals are.**

**In addition, with respect to patient privacy, confidentiality and use and disclosure of health information, health insurers and carriers are considered “covered entities” and therefore must adhere to the standards specified under HIPAA Privacy Rule refer to 45 CFR §164.500 to §164.534.**

### **New Jersey Regulations**

**New Jersey Administrative Code (NJAC) Title 8:38-10, Medical Records.**

**Refer to NJAC 8:38-10.5**

**“Medical records maintained by HMO’s shall be protected against loss, destruction, or unauthorized use and retained for at least 10 years or until the member reaches age 23 years, whichever is longer.”**

**Refer to: NJAC 8:38-10.1**

**8:38-10.1 Policies and procedures  
8:38-10.2 Confidentiality of medical records  
8:38-10.3 Maintenance of medical records  
8:38-10.4 Copies of medical records  
8:38-10.5 Medical record retention**

[\*\*\*Return to Top\*\*\*](#)

## **Association/Agency Web Sites**

**American Health Information Management Association (AHIMA)**  
Publishes books, guidelines, position statements

<http://www.ahima.org>

**American Hospital Association (AHA)**  
Publishes books, guidelines, position statements

<http://www.aha.org>

**American Medical Association (AMA)**  
Publishes books, guidelines, opinions, policies

<http://www.ama-assn.org>

**American Medical Informatics Association (AMIA)**  
Publishes articles, books

<http://www.amia.org>

**Center for Medicare and Medicaid Services (CMS)**  
Publishes books, guidelines, standards

<http://www.cms.hhs.gov>

**Computer Based Patient Record Institute (CPRI)**  
Publishes guidelines

<http://www.cpri-host.org>

**Health Information Management (HIMSS)**  
Publishes books, guidelines

<http://www.himss.org>

*[Return to Top](#)*

## Association/Agency Web Sites - Continued

**Joint Commission on Accreditation of Healthcare Organizations (JACHO)**  
Publishes books, guidelines, position statements, standards

<http://www.jcaho.org>

**Medical Record Institute**

Information about the medical records institute and electronic patient records

<http://www.medrecinst.com>

[Return to Top](#)

### Disclaimer:

All rights reserved. No part of this publication may be reproduced in any form without the prior written permission of the publisher, the New Jersey Hospital Association (NJHA). NJHA is not responsible for any misprints, typographical or other errors, or any consequences caused as a result of the use of this publication. This publication is provided with the understanding that NJHA is not engaged in rendering any legal, accounting or other professional services and NJHA shall not be held liable for any circumstances arising out of its use. If legal advice or other expert assistance is required, the services of a competent professional should be sought.

Inclusion of an item in this list does not represent endorsement of the item or its contents by the New Jersey Hospital Association or any of the corporations affiliated with it, including the Health Research and Educational Trust of New Jersey.

This source was current as of the date of publication and may become out-of-date.

See also: Terms of Use for all Third Party links included herein:

[www.njha.com/memberonly/pub/privacy.aspx#thirdparty](http://www.njha.com/memberonly/pub/privacy.aspx#thirdparty)