



CNA HealthPro

FAQs – Attorney’s Request for Records

Q. I recently received a letter from an attorney representing a new patient. In it, he requests that I prepare a report describing my examination findings as well as my personal thoughts regarding the patient’s prior care. He included an authorization signed by the patient to release dental records. I am guessing that the patient plans to bring an allegation of malpractice against his former dentist. I feel uncomfortable about the whole thing and would really prefer not to respond at all, let alone put my comments in writing. What am I legally required to do?

A. If you are presented with an authorization to release records signed by the patient, you must send a copy of the record to the designated party. The designated party may be the patient, another dentist, an attorney or anyone else specified by the patient. Remember to send duplicates, never originals! You may charge a “reasonable duplication fee” for the copied records, but you may not withhold copies because of an outstanding balance owed to you for professional services.

The attorney’s request for a report is another matter. If you do not wish to provide a narrative report, you are not required to do so. Your legal obligation ends with providing duplicate records. Our advice is simply to forward a copy of the patient’s record, since you have already received a signed patient authorization.

Additionally, you may wish to report the attorney’s request to your PPP State Administrator agent as an *incident*, allowing us to monitor the situation for 90 days and to protect your interests as an insured.

This publication is for educational purposes only. It is not legal or dental advice. CNA makes no representations as to its correctness or completeness and accepts no liability for any injury or damage that may arise from its use. Specific legal or dental questions should be referred to a competent attorney or dental professional. This material may address and discuss matters for which your policy does not provide coverage, and the material does not create or imply the existence of coverage. Please consult your insurance policy for the specific terms and conditions of coverage.

CNA policies are underwritten by the property/casualty companies of CNA, Chicago, IL. CNA is a registered service mark of CNA Financial Corporation. ©2005 Continental Casualty Company. All rights reserved.