

June 6, 2007

Marvin F. Taylor  
#995801  
Indiana State Prison  
P.O. Box 41  
Michigan City, IN 46361-0041

*Re: Formal Complaint 07-FC-125; Alleged Violation of the Access to Public Records Act by Wishard Health Services*

Dear Mr. Taylor:

This is in response to your formal complaint alleging that Wishard Health Services (“Wishard”) violated the Access to Public Records Act by refusing your request for your own medical records. I find that Wishard apparently did not receive your request. In addition, I find that you are entitled to a copy of your own medical record, but Wishard may request that you complete a written request for the record.

#### BACKGROUND

You claim that in April 2007, you requested of Wishard copies of medical records, including your own laboratory records. I sent a copy of your complaint to Wishard. Wishard’s legal counsel Jessica Barth wrote the enclosed response. She stated that Wishard has no record of your request. She enclosed a form for you to complete in order to receive your medical record.

#### ANALYSIS

Any person may inspect and copy the public records of any public agency, except as provided in section 4 of the Access to Public Records Act (“APRA”). Ind. Code 5-14-3-3(a). Wishard is a public agency under the Access to Public Records Act. IC 5-14-3-2(1)(2)(A); IC 16-22. If a public agency receives a request for a record via U.S. Mail or facsimile, the public agency is required to respond within seven calendar days, or the request is deemed denied. IC 5-

14-3-9(b). Patient medical records and charts created by a provider are confidential unless the patient gives written consent under Indiana Code 16-39. Indiana Code 16-39-1-1(c) states that a person is entitled to his own medical record upon written request. Further, a request for inspection and copying must be, at the discretion of the agency, in writing on or in a form provided by the agency. IC 5-14-3-3(a)(2).

Wishard states that it has never received a request for the medical record from you. However, upon completion of the enclosed form, Wishard intends to provide the medical record to you. I recommend that you complete the enclosed form and mail it to the medical records department at Wishard Health Services, 1001 W. 10<sup>th</sup> Street, Indianapolis, Indiana 46202.

#### CONCLUSION

For the foregoing reasons, I find that Wishard Health Services has not violated the Access to Public Records Act.

Sincerely,

Karen Davis  
Public Access Counselor

cc: Jessica Barth