

# MAINE STATE LEGISLATURE

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Hospital Records X Rays  
X-rays: Patient's Right to Copy

JOSEPH E. BRENNAN  
ATTORNEY GENERAL

22 MAY 1978



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AUGUSTA, MAINE 04333

May 8, 1978

Robert P. Lynch, D. C.  
(Board of Chiropractic Examination  
and Registration)  
Lynch Chiropractic Arts Building  
1200 Broadway  
South Portland, Maine 04106

Dear Dr. Lynch:

This responds to your request for an opinion as to whether patients have a right to receive copies of hospital medical records including "x-rays" or roentgenograms. It is our opinion that patients have such a right.

Section 1711 of Title 22 of the Maine Revised Statutes, as enacted by P. L. 1977, c. 122, provides in relevant part that "(i)f a patient of an institution licensed as a hospital by the State, after discharge from such institution, makes written request for copies of his or her medical records, the copies, if available, shall be made available within a reasonable time. . . ." The Legislature has provided that the patient may be denied such access if the hospital believes it would be detrimental to the health of the patient but in that event an authorized representative of the patient, presumably an attorney or health care professional, must be provided with the copies.

Roentgenograms are diagnostic aids. As such, they are clearly as much a part of the patient's medical record as the patient's medical history, physician's notes, laboratory reports, surgical reports or nurse's notes. The plain meaning of the language of §1711 is to provide patient access to all records in a licensed hospital's possession which pertain to his or her medical condition. The clear purpose for such access is to permit a patient to

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become informed about all aspects of his or her medical treatment. While an x-ray report evidences one physician's opinion of what an x-ray reveals, the x-ray photograph itself is the best evidence of conditions revealed through x-rays. A patient would be unable to question diagnosis or treatment based upon x-ray photographs without access to a copy of those x-ray photographs. Maine is not alone in guaranteeing such access. See, for example, Chapter 111, Annotated Laws of Massachusetts, § 70.

Sincerely yours,

*Joseph E. Brennan*  
JOSEPH E. BRENNAN  
Attorney General

JEB:we