

Texas Veterans: Get Free Veterans Medical Records for VA Claims

If you are requesting a Veterans medical records from a private medical provider in the State of Texas, and plan to use them in your ***Title 38 (VA) claim***, then the private medical facility may not charge you a fee. This applies to the first copy of a Veterans medical records ONLY.

If you ask for a second copy of a Veterans Medical Records that you have already received for free, then the provider may charge you. In Texas, however, the medical provider is required by law to supplement a request for Veterans Medical Records with any new records created or added to the Veterans treatment file/record. See the below citation/link to the Texas Health and Safety Code for more information.

How to Get Free Medical Records in Texas

Under the Health and Safety Code, Chapter 161.201 and 161.202, Subchapter M, Medical or Mental Health Records, Texas veterans are eligible for no cost medical records when they are obtained to file a claim for a disability against the VA.

Texas Health and Safety Code, Chapter 161.201, Subchapter M, Medical or Mental Health Records

Definition

In this subchapter, "health care provider" means a person who is licensed, certified, or otherwise authorized by the laws of this state to provide or render health care in the ordinary course of business or practice of a profession.

Fees

(a) A health care provider or health care facility may not charge a fee for a medical or mental health record requested by a patient or former patient, or by an attorney or other authorized representative of the patient or former patient, for use in supporting an application for disability benefits or other benefits or assistance the patient or former patient may be eligible to receive based on that patient's or former patient's disability, or an appeal relating to denial of those benefits or assistance under:

- (1) Chapter 31, Human Resources Code;
- (2) the state Medicaid program;
- (3) Title II, the federal Social Security Act, as amended (42 U.S.C. Section 401 et seq.);
- (4) Title XVI, the federal Social Security Act, as amended (42 U.S.C. Section 1382 et seq.);
- (5) Title XVIII, the federal Social Security Act, as amended (42 U.S.C. Section 1395 et seq.);
- (6) 38 U.S.C. Section 1101 et seq., as amended; or**
- (7) 38 U.S.C. Section 1501 et seq., as amended.**

(b) A health care provider or health care facility may charge a fee for the medical or mental health record of a patient or former patient requested by a state or federal agency in relation to the patient or former patient's application for benefits or assistance under Subsection (a) or an appeal relating to denial of those benefits or assistance.

(c) A person, including a state or federal agency, that requests a record under this section shall include with the request a statement or document from the department or agency that administers the issuance of the assistance or benefits that confirms the application or appeal.

(d) A health care provider or health facility is not required to provide more than one complete record for a patient or former patient requested under Subsection (a)(6) or (7) without charge. If additional material is added to the patient or former patient's record, on request the health care provider or health facility shall supplement the record provided under Subsection (a)(6) or (7) without charge. This subsection does not affect the ability of a person to receive a medical or mental health record under Subsections (a)(1)-(5).

Distribution of Records

A health care provider or health care facility shall provide to the requestor a medical or mental health record requested under Section 161.202 not later than the 30th day after the date on which the provider or facility receives the request.

Application of Other Law

This subchapter controls over Section 611.0045 of this code and Section 159.006, Occupations Code, and any other provision that authorizes the charging of a fee for providing medical or mental health records.