



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

All Provider Bulletin 416

DATE: May 2026

TO: All Providers Participating in MassHealth

FROM: Mike Levine, Undersecretary for MassHealth

RE: **Requirement to Provide Medical Records to MassHealth Upon Request**

Background

Pursuant to state regulations, one of the ways MassHealth determines if an applicant has a disability is through a disability evaluation conducted by the Disability Evaluation Services (DES). MassHealth uses a business associate, ForHealth Consulting, to administer the DES program and ensure disability evaluations are conducted for applicants and members on behalf of MassHealth.

As part of the evaluation process, DES may reach out to a provider to request medical records for review. Under HIPAA, “a covered entity may disclose protected health information to another covered entity . . . for the payment activities of the entity that receives the information.” (See 45 C.F.R. § 164.506(c)(3).) A “payment activity” is defined, in part, as “the activities undertaken by . . . a health plan . . . to determine or fulfill its responsibility for coverage and provision of benefits under the health plan or . . . determinations of eligibility” (See 45 C.F.R. § 164.501.) Failure to provide DES with requested records may result in delaying a patient’s application for MassHealth benefits or even denial of coverage.

If the provider fails to provide the needed information, DES will ask their patient or their personal representative to request access to their public health information (PHI) and to provide DES with access. These applicants and members (or their personal representative) fill out, sign, and submit an [Authorization to Release Protected Health Information \(MADS-MR\)](#) for each medical provider.

Failure to respond to an individual’s request to access their PHI in a timely manner is a violation of federal regulations. See 45 C.F.R. § 164.524. A practice may be subject to enforcement by federal regulators and may be subject to fines and other penalties to resolve potential violations of law. (See [45 C.F.R. § 160.312](#).) There is more information about individual right of access at the U.S. Health and Human Services website, under the the following question: [Can an individual, through the HIPAA right of access, have his or her health care provider or health plan send the individual’s PHI to a third party?](#)

Furnishing Medical Records to MassHealth When Requested

MassHealth providers must offer services that conform to professionally recognized standards of health care within the Commonwealth. Providing an individual's medical records to a health plan so they can determine their responsibility to provide benefits or establish eligibility is within those standards and consistent with HIPAA, unless a provider has agreed to restrict disclosures of an individual's PHI. MassHealth providers who do not comply with DES requests may risk violation of their MassHealth provider agreement. As MassHealth is responsible for determining eligibility for applicants and members for the payment of medical services, it is a provider's responsibility to provide the medical records that MassHealth's covered entity is requesting.

DES is a MassHealth business associate with an independent legal obligation to protect the privacy and security of PHI held on behalf of MassHealth in addition to contractually-mandated safeguards, such as, adherence to the Executive Office of Technology Services & Security information security policies and Commonwealth Terms & Conditions. If you have concerns about the privacy or security of patient PHI held by DES, you can email the MassHealth Privacy Office at privacy.officer@mass.gov.

Reminder About Electronic Signatures

The [MassHealth Authorization to Release Protected Health Information](#) (MADS-MR) forms may be signed via electronic signature process, including docu-sign and adobe signature. Please remember that per [All Provider Bulletin 385: Criteria for Acceptable Traditional and Electronic Signatures](#), MassHealth will accept wet and electronic signatures that are submitted. MADS-MR forms that are sent to request medical records for members that have appropriate electronic signatures attached should be accepted in the same manner as a wet signature.

MassHealth Website

This bulletin is available on the [MassHealth Provider Bulletins](#) web page.

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Questions?

If you have questions about the information in this bulletin, please contact:

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