

How to Request Medical Records from the Department of Veterans Affairs



One of the most common requests we receive is to retrieve medical records from the Department of Veterans Affairs (VA). Requests typically come from attorneys who are filing personal injury or medical malpractice lawsuits. We also receive requests from attorneys who are defending insurance companies named in the same types of lawsuits. Still other requesters represent veterans in claims for veterans' disability benefits.

Whatever the nature of the legal action in which your firm is involved, the VA often plays more than one role in the case. It is typically:

1. **The Healthcare Provider.** The VA likely provided medical care to the veteran (or a veteran's family member). You'll need to request records from the VA facilities that treated the veteran.
2. **A Subrogation Claimant.** Regardless of where your client receives medical care, the VA likely paid/pays for its cost. The VA has a right to recover these costs when a third party is determined to be responsible for an underlying tort that caused the injury or disease. They is typically done through a subrogation claim.

Of course, just like all other evidence obtained during discovery, both the attorneys for the plaintiffs and the attorneys defending the insurance companies and other third parties involved require a complete record of the medical care the veteran received.

Where Did the Veteran Receive Medical Care?

A veteran may have received care at one or more VA medical facilities. He or she may also have received care at a non-VA facility, particular in cases of medical emergencies. It's important to get the names and locations of every medical facility that treated the veteran in order to request billing and medical records from the proper healthcare providers. That includes getting the names and locations of additional VA medical facilities if the veteran received care at more than one location.

At some point, you've probably asked clients to sign HIPAA-compliant authorizations for the release of medical records that you could attach to medical records requests. And, you're probably used to adding specific data such as names and dates of treatment into a basic records request form letters that contain the appropriate HIPAA-compliant information and wording.

However, as you might've suspected, the procedures to request medical records from the VA is different from those taken with non-VA hospitals and doctor offices.

Forms Needed for Medical Records Requests to the VA

The first thing you must do when requesting records from the VA is ensure you're using the proper forms and they are up to date. Important Note: Signatures on VA forms must have been obtained within the past year.

The VA provides their own forms that meet their specific requirements for requesting records and authorizing their release. Veterans, their family members, or authorized representatives must use these to obtain healthcare records from the VA.



VA Request for and Authorization for Release of Health Records

The VA recently updated their form [VHA 10-5345 Request for and Authorization to Release Health Information](#). It is a 2-page HIPAA compliant form that requests specific details about:

- The veteran's personally identifiable information,
- The party to whom the records are to be released,
- The purposes for which the records are requested,
- An expiration date for the form.

Included on the form is a checklist of specific types of records you may request such as lab results, discharge summaries and radiology reports. An area concerning sensitive diagnoses such as drug abuse or HIV should also be completed.

VA Request for Billing Records

The VA also provides a standard form for use in requesting billing records for care related to personal injury or Workers' Compensation claims titled [Request for VA Billing](#). A letter of representation should accompany the form, which needs to be filled out with information related to:

- The veteran's personal information,
- A detailed description of the injuries sustained or the nature of the disease,
- Locations and status of treatment,
- Attorney information,
- Information regarding the veteran's insurance such as med pay, no fault, etc.,
- The responsible party's contact information,
- The responsible party's insurer.

Requesting the Records

Provide your records retrieval specialist with up-to-date, signed copies of these forms along with the names and locations of the VA facilities where the veteran received medical treatment. The specialist will perform any follow-up needed with the VA to get the records. He or she will also review the records for completeness to make sure you get a thorough account of the medical care the VA provided and the costs the VA covered.

The VA's Subrogation Claim

Veterans are required to tell the VA when they received a settlement or reward because the VA has a right to recover the costs it paid for medical care the veteran received. The VA's Federal Medical Care Recovery Program makes it their business to recover these costs when a court determines that a third party such as an auto insurance carrier or medical malpractice insurance carrier is responsible for them.

If your client receives a smaller settlement or award than anticipated, compromises or waivers of VA subrogation claims are available. You must provide the following information to the Collections National Practice Group team member identified in the VA's notice of subrogation claim:

- Settlement amount
- Details of the amounts and types of insurance coverage
- Attorneys' costs and fees (note if reductions were taken)
- Amount of other medical claims and reductions negotiated
- Any other information you wish them to consider such as the veteran's copayment amounts.

Learn more on the [subrogation](#) page of the website of the U.S. Department of Veterans Affairs.

Getting Records from the VA

Working with the Department of Veterans Affairs isn't a pain when you're armed with the proper tools, knowledge, and assistance. With an understanding of the roles the VA typically plays in legal actions and access to the proper forms, you'll know exactly what information to [send to your records retrieval specialist](#) to get the records you need as fast as possible.