

written testimony 1-30-24.pdf

Uploaded by: Andrew Sindler

Position: FAV

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January 30, 2024

**TESTIMONY IN SUPPORT OF SB 144 FINANCE- Medical Records - Fees -
Attorneys Representing Patients**

JANUARY 31, 2024
Senate Finance Committee

I am Andrew Sindler, an attorney, and owner of Law Offices of Andrew N Sindler, LLC. I was born and raised in Maryland. I received my undergraduate degree from UMBC and my law degree from the University of Baltimore. I have dedicated my professional career to helping the disabled obtain their Social Security disability and related benefits. My Law Office is currently based in Arnold, MD and we help disabled claimants throughout the great state of Maryland go through the Social Security Disability (SSD) and Supplemental Security Income (SSI) process. The SSD and SSI application and appeal process can take many years and requires the completion of many complicated forms and processes as well as multiple levels of appeal. One critical component is obtaining and submitting medical records to SSA.

In the 2021 MD Legislative Session this committee recognized the importance of providing free medical records to SSD/SSI applicants when it passed Health General 4-304 (c) (5) which was a much needed lifeline to claimants who are largely indigent with no means of support by allowing them free copies of their medical records in support of their disability claims; it was equally a lifeline to my office because I have been a one-person solo practice since 2010 and costs are a significant component of my practice so when I can save costs I not only help my own clients by not having to pass those costs onto them, I save valuable resources for my own practice which is highly important given that this is an area of law that is grossly underrepresented due in part to statutory limitations and caps on fees despite having to put in sometimes hundreds of hours per case.

SB 144 adds attorneys to the small group of medical requestors to receive medical records on behalf of SSD/SSI applicants with no fee attached. SB 144 would ensure that ALL SSD and SSI applicants can receive no cost medical records regardless of who the requestor is and I firmly believe this was the original intent behind this bill, particularly considering that medical records are largely kept in electronic format so there is no cost to copying or mailing paper records like there used to be prior to the advent of technology.

I wholeheartedly support SB 144 for the reasons below:

- A. The intent of Health General 4-304 (c) (5) was to reduce or eliminate medical record expenses for a disadvantaged group that lives in MD.
- B. Private attorneys represent a large portion of SSD and SSI applicants.
- C. The goal of the legislation was to protect a vulnerable class of disabled individuals regardless of who was helping them with their SSD and SSI applications and appeals or lawfully requesting records on their behalf, particularly given that such requests must be sent in writing, usually by fax or email, and most SSD claimants do not have the resources or equipment to do so on their own, nor do they have the financial ability to pay for such resources or equipment or to travel to their medical providers' offices to request such records due to their ongoing medical disability. They also do not have the technological capability or knowledge to request and send records online through a portal.
- D. When an attorney incurs medical record expenses they are passed onto the applicant by the attorney. This is contrary to the intent of Health General 4-304 (c)(5).
- E. The medical record expenses can be significant as many disabled individuals seek treatment from many providers and some requests can be hundreds or even thousands of pages or medical and/or hospital records.
- F. Medical record expenses operate to restrict representation as this cost can be a limiting factor when a representative decides to take on a new case, especially for attorneys like myself who have limited resources to even advance such costs for their clients.
- G. The attorney representative must advance the cost with no real guarantee of repayment even with a successful outcome; and
- H. Disabled individuals seeking representation and assistance from experienced and dedicated Social Security Disability attorneys such as myself, for what is already a stressful and daunting process, should not be expected to actively seek their own medical records; rather they should be able to authorize their attorneys to request their medical records for them as if they are doing it themselves and medical providers/third party facilities should be prohibited from using essentially a "loophole" to unfairly charge for records that are essentially the patient's own request to support a claim for disability, as they have enough to worry about and be burdened with while waiting for their life-sustaining benefits to survive.

For these reasons I respectfully request this committee to issue a favorable report for SB 144. Thank you for your consideration of this important legislation in the interests of justice for disability claimants.

LAW OFFICES OF ANDREW N. SINDLER, LLC

A handwritten signature in black ink, appearing to read 'AS', with a horizontal line extending to the right.

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Testimony Arun 1-31-2024 SB 144.pdf

Uploaded by: Arun Malhotra

Position: FAV

TESTIMONY IN SUPPORT OF SB 144 FINANCE- MEDICAL RECORD FEES-
ATTORNEYS REPRESENTING PATIENTS
JANUARY 31,2024
Senate Finance Committee

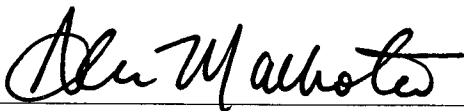
Good afternoon,

My name is Arun Malhotra. I am the Director of Case Management at London Disability, and my work for the past 12 years has focused on assisting people with serious mental and physical illnesses and helping them with their Social Security disability cases. I appreciate the opportunity to provide my testimony in support of this bill.

This bill is critical in my efforts to assist people who have applied for disability benefits due to being seriously ill, are homeless, or facing imminent threat of homelessness. Medical records are imperative to prove a client's disability, however the fees associated with obtaining the medical records are very high which the client has no funds to pay for. If the client is unable to pay for the records, presenting a disability case before the Judge without proper evidence results in a denial or postponement for several months. Clients need the help of their lawyers to obtain these medical records as most of them do not have computers or fax machines to do so themselves.

London Disability pays to obtain the records; however, the cost is passed on to the clients as their out-of-pocket expenses. The invoices to obtain the records are at time ranging from \$100 to over \$800 (I can submit the high-cost invoices as evidence). In most cases, the client is unable to reimburse this expense because the client is past due on living essentials such as rent, utilities, and medication.

This bill would ensure that Marylanders who have applied for Social Security Disability benefits, who are either low income, or are homeless to access the records they need to secure vital, and often life-saving benefits such as monthly income benefits, and medical insurance to seek necessary treatment to improve their health. This is a much-needed piece of legislation, and for this reason, I support this bill and urge a favorable outcome.



Arun Malhotra
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Uploaded by: Breanne Riley

Position: FAV

I am writing to you today as Breanne Riley, a dedicated Hearing Specialist at London Disability, where I have proudly served for the past 5 1/2 years. In my role, I am entrusted with the crucial responsibility of assisting clients grappling with severe medical disabilities that render them unable to work. It is an honor to share my testimony in support of the current bill, as I firmly believe in its significance for individuals seeking disability claims.

One of the core aspects of our advocacy involves navigating the intricate process of obtaining medical records on behalf of our clients. These records play a pivotal role in substantiating our clients' claims for Social Security benefits. However, a recurring challenge we face is the financial burden associated with procuring these essential medical documents.

As advocates for our clients, we willingly bear the upfront costs of obtaining medical records. Regrettably, once a client's case concludes, they often find themselves unable to reimburse us due to the pressing nature of past-due bills that take precedence in their day-to-day lives. This poses a significant dilemma for both our clients and our organization.

The bill currently under consideration addresses this critical issue by proposing that the cost for medical records, when requested for disability claims, should be waived. I wholeheartedly endorse this proposal, as it aligns with our commitment to ensuring the welfare of our clients. By removing the financial barrier associated with obtaining medical records, we can streamline the claims process and empower our clients to access the benefits they rightfully deserve.

In my tenure at London Disability, I have encountered numerous cases that have been needlessly prolonged due to exorbitant invoices received from doctors' offices, medical entities, or third-party entities involved in the retrieval of medical records. The passage of this bill would not only alleviate the financial strain on our clients but also expedite the resolution of disability claims, contributing to a more efficient and just system.

I urge you, esteemed members of the committee, to support and pass this bill. Doing so would not only relieve the financial burden on individuals with severe medical disabilities but also uphold the principles of fairness and accessibility within the disability claims process.

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SB0144_MHAMD_FAV.pdf

Uploaded by: Dan Martin

Position: FAV

Senate Bill 144 Medical Records - Fees - Attorneys Representing Patients

Finance Committee

January 31, 2024

Position: SUPPORT

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of Senate Bill 144.

SB 144 adds a patient's attorney to the list of individuals who may not be charged for copies of medical records that will be used on behalf of the patient to file for critical disability benefits under the Social Security Act. This includes federal Supplemental Security Income and Social Security Disability Insurance ([SSI/SSDI](#)).

The General Assembly enacted legislation in 2021 ([HB 849](#)) prohibiting the charging of fees to patients for medical records needed to secure these benefits. This was a hugely important bill. By definition, the people applying for these programs are disabled individuals who have little or no income and resources. Even the nominal cost of a medical record may prevent them from securing the assistance they need to survive.

However, applying for SSI/SSDI is a long and complex process, usually encompassing several years and multiple levels of appeal. This requires that many patients secure an attorney who can assist them with the application process. But an attorney representing the patient is not currently listed among individuals for whom medical records fees are waived. The result is these fees are typically passed onto the patient, which is contrary to the intent of the 2021 legislation.

For some low-income disabled Marylanders, the cost of a medical record places the help they need just out of reach. SB 144 is another step in removing this barrier. For this reason, MHAMD supports this bill and urges a favorable report.

For more information, please contact Dan Martin at (410) 978-8865

SB144.LOS.hf.20240130.pdf

Uploaded by: Heather Forsyth

Position: FAV

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Chief Deputy Attorney General

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LEONARD J. HOWIE III
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CHRISTIAN E. BARRERA
Chief Operating Officer

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January 30, 2024

TO: Senator Pamela Beidle
Chair, Senate Finance Committee

From: Heather Forsyth, Deputy Director, Health Education and Advocacy Unit

RE: SB144 – Medical Records – Fees – Attorneys Representing Patients (SUPPORT)

The Health Education and Advocacy Unit of the Office of the Attorney General writes in favor of SB144, which will help consumers afford the medical records they need to support their claim for or appeal of the denial of Social Security disability benefits.

Claims for Social Security disability benefits are most frequently made after an accident or illness has left the wage earner unable to continue working. These applications are complicated and fact-intensive, and rely heavily on the claimant's medical record. Nearly all claimants seek assistance to gather the evidence needed to apply for benefits (or to appeal the denial of their initial application).

Medical records are expensive. Attorneys who represent disabled consumers pass their costs for obtaining necessary records on to their clients. The cost of obtaining this critical evidence, particularly for extensive medical records, can be a hurdle to a successful application for a family that is already struggling with the loss of employment after an injury or illness. Current law waives the fee for patients, personal representatives, and non-profit organizations when the records will be used for filing a Social Security claim or appealing a denial. This amendment would also allow the patient's attorney to receive the records at no cost, so that the attorney can file the claim for Social Security disability benefits or appeal a denial on the claimant's behalf.

We urge the Committee to support SB144 to remove the burden of expensive medical records from applicants applying for Social Security disability benefits.

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Uploaded by: Jennifer Hishmeh

Position: FAV

January 24, 2024

Dear Members of the Committee:

As a client represented by the law firm in my Social Security claim, I wish to express my support for the initiative aimed at obtaining free access to medical records for attorneys handling disability claims in the state of Maryland. The process I underwent highlights the critical need for such advocacy.

I commenced the filing for Social Security benefits in April 2021, and it proved to be a prolonged journey marked by multiple appeals and denials. Recognizing the complexities involved, my attorney diligently pursued a hearing after facing persistent challenges. Given the protracted nature of the process and the dire financial situation I found myself in, my attorney sought an expedited hearing, which eventually led to the resolution of my case in front of an Administrative Judge in March 2023.

Throughout this extensive process, my living situation and financial stability underwent a profound transformation. The absence of income or employment during the entire duration forced me to deplete any savings I had to stay afloat, and I teetered on the brink of eviction due to the lack of income.

While I possess knowledge on obtaining medical records independently, I learned the importance of meticulous record-keeping. Maintaining a detailed list of providers, reasons for visits, along with dates, phone numbers, and addresses proved crucial when navigating the process of requesting medical records.

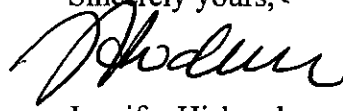
Attempting to handle this independently, especially dealing with multiple providers, would have been an overwhelming task. The time-consuming nature of the process, combined with limited resources, further heightened the challenges associated with obtaining medical records on my own.

Engaging an attorney for my Social Security claim was a pivotal decision. The complex nature of the filing process and the intricacies involved in presenting a compelling case necessitated the expertise of legal professionals. Having initially filed on my own, I quickly realized the necessity of legal representation to ensure the attention my claim deserved. Hiring an attorney proved crucial, especially in the face of initial and continuous denials, ensuring the pursuit of the maximum benefits entitled to me.

The financial burden associated with reimbursing medical records expenses, whether I won or lost my case, would be substantial. This is primarily due to the extreme financial hardship I faced during the proceedings and the prolonged period without income, leaving me struggling to meet basic expenses. Reimbursement may not be feasible or affordable for many individuals who, like myself, have experienced years without income, leading to a significant fall behind in expenses and potential further hardship.

In conclusion, I affirm the accuracy of this statement, emphasizing the importance of securing free access to medical records for attorneys in Maryland involved in disability claims.

Sincerely yours, ✓

A handwritten signature in black ink, appearing to read "J. Hishmeh", written in a cursive style.

Jennifer Hishmeh

Testimony SB 144 1-31-2024.pdf

Uploaded by: Jessica Ballantine

Position: FAV

TESTIMONY IN SUPPORT OF SB 144 FINANCE- MEDICAL RECORD FEES-
ATTORNEYS REPRESENTING PATIENTS
JANUARY 31,2024
Senate Finance Committee

Good afternoon:

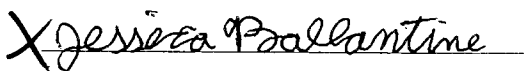
My name is Jessica Ballantine. I suffer from Generalized Anxiety Disorder; ADD/ADHD; Bipolar 1; Depression; Borderline Personality Disorder; Slurred Speech; Premenstrual Dysphoric Disorder; Anorexia, Suicidal Ideation. Due to my mental disabilities, I am unable to leave my home at times and am extremely nervous interacting with people.

I filed my Social Security Disability case in November 2016. My lawyer helped me in getting my records and getting my case approved in November of 2023. It took almost 7 years for my case to be approved. I needed my lawyer to help me with the process of filing the appeals, requesting my records, and presenting the case to the Judge at the hearing as I was unable and unaware of how to do it myself. My lawyer requested my medical records from all my treatment sources. Scott London paid up front for my medical records as it was necessary to present evidence to prove my disability.

I don't think that I would have been able to manage the difficult process of obtaining medical records in a timely fashion without my lawyer's help due to not knowing which records to order, not having a fax machine to fax the request, or to upload requests via certain portals. I also was not able to afford to pay for the records due to limited income. The cost of these medical records exceeded \$200.00, and that cost has now been passed on to me as my out-of-pocket expense. It is not fair for me to pay for these medical records since I had been behind in paying my rent and needed every penny for my medicines and food. My lawyer helped me immensely by obtaining my medical records. I would not have been able to request my records from all the different treating sources without the help of my lawyer.

I favor and support this bill to waive the cost of medical records for Social Security applicants who are being helped by a lawyer to obtain the evidence to present at the hearing. People suffering from physical and mental disabilities, who have limited mobility, limited or no resources, unable to navigate the cumbersome and difficult process of obtaining their own medical records, need a lawyer's help with the process. My lawyer helped me with every step of the case from the beginning to the end and obtained all the necessary evidence to prove my disability. Medical records should be free of charge for the lawyers who help clients with their Social Security disability cases.

Thank you.



Jessica Ballantine
13304 Rising Sun Lane
Germantown, MD 20874
240-678-7832

MF witness statement.pdf

Uploaded by: Matthew Fyock

Position: FAV

January 31, 2024

Senate Finance Committee
Statement in Support of SB 144
Finance – Medical Record Fees – Attorneys Representing Patients

Dear Committee Members:

I am Matthew Fyock, an attorney and Vice President of Disability Advocacy at London Disability based in Owings Mills, MD. I have dedicated my life to helping the disabled navigate the process of qualifying for Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) benefits.

In 2021 the Maryland legislature passed Health General 4-304(c)(5) which required that SSDI/SSI claimants be provided their medical records free of charge. I now firmly support SB 144 which extends this provision to attorneys representing SSDI/SSI claimants.

The process of qualifying for SSDI/SSI benefits is extraordinarily complex. An individual is deemed disabled and qualified for benefits under a convoluted scheme of statutory, regulatory, sub-regulatory, and court-mandated rules on all medical and non-medical aspects of a claim. Applicants must complete many long and confusing forms. For example, an initial application for SSI benefits is itself twelve (12) pages in length. Keep in mind that applicants for SSI are frequently individuals with lifetime disabilities who have limited education, have never been able to maintain a full-time job, are often homeless, and have little or no social support. And that twelve-page application is the tip of the iceberg.

Processing times and denial rates are very high. In FY 2022, out of the over 1.7 million initial applications filed, 62% of those were denied. Out of over 450,000 requests for reconsideration filed, 85% of those were denied. Current processing times in Maryland at the initial and reconsideration levels often exceed one year at each stage, during which any work performed by the claimant resulting in gross monthly earnings over \$1550 may result in a summary denial.

It is no wonder that a 2014 study published by the U.S. Government Accounting Office found that claimants who appoint an attorney representative are 3.3 times more likely to prevail on their SSDI/SSI claim. Attorney representation is thus a critical component of a successful claim for disability benefits.

Representation of claimants is particularly important at the third level of the process, a hearing before an administrative law judge (ALJ). At the hearings, claimants are faced with probing questions about their medical history and personal life, and ALJs rely on the testimony of medical and vocational experts, cross-examination of whom is often the deciding factor in a claim. These claimants have already often been in the process for over two years, during which time their personal finances collapse and their health deteriorates.

Under the law, the claimant has the burden to prove his or her disability and submit medical evidence supporting his or her alleged functional limitations. In 2017, SSA adopted what is referred to as the “all evidence rule,” which requires claimants and their representatives to submit all evidence related to disability, and defines “related to” very broadly. In the current healthcare environment, evidentiary files at the hearing level regularly contain thousands of pages of medical records. I myself represented a claimant in a hearing this month who had nearly nine thousand pages of medical records. SSA’s own published policy threatens sanctions against representatives who do not obtain and submit medical evidence in support of their clients’ claims.

In the state of Maryland and in other states where medical records are not free for claimants’ attorneys, medical records costs are a significant barrier to a claimant obtaining necessary legal representation. SSA heavily regulates attorney fees in SSDI/SSI claims. We represent clients exclusively on a contingency basis, and SSA’s high denial rates means that we often do not collect a fee on a case we work on for years. For claims that are awarded, SSA caps the fees, and in many cases we do not receive a fee for months or even years after a claim has been decided. Our clients, who are unable to work due to their severe medical impairments, have no funds to pay the exorbitant fees for their medical records during the pendency of their claim, fees which are often hundreds of dollars for each treatment source for on average of five separate treatment sources. Because SSA makes it clear they will sanction attorneys who do not submit medical records, attorneys themselves must advance the cost of medical records, with no guarantee that even a successful claimant – much less an unsuccessful claimant – will reimburse those expenses. Indeed, our office receives reimbursement from less than ten percent of our clients. This environment requires London Disability to carefully screen potential clients and often decline representation where medical records expenses are overly burdensome, regardless of the merit of the claim. I want to make it absolutely clear to the Committee that desperately needy and deserving claimants are often turned down for representation. I further want to make it clear that I in no way harbor ill will for our clients who are unable to reimburse us, because even though successful claimants may be awarded past-due benefits, those past-due benefits are generally put to paying off debt and repairing lives ravaged by being unable to work with no income over the years-long approval process.

I strongly urge the Committee to support SB 144.

Sincerely,



Matthew Fyock, Esq.
Vice President, Disability Advocacy

Testimony SB 144 1-31-2024.pdf

Uploaded by: Melanie Sawyer

Position: FAV

TESTIMONY IN SUPPORT OF SB 144 FINANCE- MEDICAL RECORD FEES-
ATTORNEYS REPRESENTING PATIENTS
JANUARY 31,2024
Senate Finance Committee

Good afternoon:

My name is Melanie Sawyer. I suffer from psychotic behavior, hallucinations, anxiety & depression. I also have a learning disability. I would not have won my case without my lawyer's help as I was unable to comprehend and do what was needed to gather my medical records to present my case to the Judge.

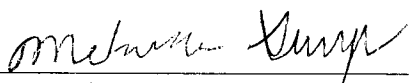
I filed a Social Security disability case in April 2017. It took me 4 years to get approved for benefits. I was approved for benefits in September of 2022. I needed my lawyer to help me with the process of filing the appeals and presenting the case to the Judge at the hearing with all my medical records. The staff at London Disability requested my medical records from all my treatment sources. Scott London paid up front for my medical records as it was necessary to present evidence to prove my disability.

I don't think that I would have been able to manage the difficult process of obtaining medical records in a timely fashion without my lawyer's help due to not knowing which records to order, not having a fax machine to fax the request, or to upload requests via certain portals. I also was not able to afford to pay for the records due to limited income. The cost of these medical records exceeded \$200.00, and that cost has now been passed on to me as my out-of-pocket expense. It is not fair for me to pay for these medical records since I had been behind in paying my rent and needed every penny for my medicines and food. My lawyer helped me immensely by obtaining my medical records. I would not have been able to request my records from all the different treating sources without the help of my lawyer.

I favor and support this bill to waive the cost of medical records for Social Security applicants who are being helped by a lawyer to obtain the evidence to present at the hearing. People suffering from physical and mental disabilities, who have limited mobility, limited or no resources, unable to navigate the cumbersome and difficult process of obtaining their own medical records, need a lawyer's help with the process.

My lawyer helped me with every step of the case from the beginning to the end and obtained all the necessary evidence to prove my disability. Medical records should be free of charge for the lawyers who help clients with their Social Security disability case as most people who have not worked for 2-3 years due to their disabilities are unable to afford the cost associated with obtaining the medical records.

Thank you.



Melanie Sawyer
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MAJ Medical Records Fees Social Security cases hb

Uploaded by: Ronald Jarashow

Position: FAV



POSITION PAPER 2024

info@mdforjustice.com

SB 144, HB 153 Attorney Requests Fees for Medical Records, Social Security cases FAVORABLE

SB 144, HB 153, Medical Records – Fees – Attorneys Representing Patients permits the lawyer for a Social Security Disability applicant to save the **applicant** substantial money. Maryland law already states that the medical provider may not charge the patient (applicant) or some of the patient's agents, a fee for obtaining medical records. See Md. Health-General Code Ann. §4-304(c)(5). But that law does not expressly exempt the patient's lawyer from being charged an unlimited fee that ultimately comes out of the applicant's money. This bill resolves the issue that lawyers requesting or being sent the patient's medical records may not be charged any amount (sometimes hundreds or thousands of dollars) that ultimately is reimbursed or paid up front by the patient, reducing the money the patient gets for an award.

Explanation

In Social Security Disability cases, the patient / applicant must prove that he / she is "unable to do any substantial work because of medical condition(s)" that will last for at least one year or will result in death. Typically, for that serious medical condition or combination of medical conditions, there is a long history of health care treatment with a huge number of medical records, all of which must be presented. Although Maryland law and the HITECH (federal law) say the "patient" can get those records for a nominal cost, the law does not limit the amount the patient's lawyer can be charged. In *Ciox Health, LLC v. Azar*, 435 F. Supp.3d 30 (D.D.C. 2020), the court held the HITECH limit on medical record charges for the "patient" do not apply to the patient's lawyer or when the patient requests that medical records be sent to a third party. Although not precisely on point, the case of *Silver v. Greater Balt. Med. Ctr., Inc.*, 248 Md. App. 666, 678 (2020) (not certifying a class action and not discussing *Ciox*), helps explain the issue. The lawyer requesting patient medical records was charged the patient rate for \$573.39 but the hospital maintained a distinction that a decision must be made in every request whether the lawyer or patient requested the records thereby preserving the right to charge the lawyer a higher amount.

Therefore, the lawyer representing the patient / applicant must either 1) advance money for medical records, 2) get the client to pay up front for medical records, 3) direct the patient to go to all health care providers to get medical records or otherwise get them, or 4) find some other way to get medical records. For a client who is disabled, there is significant difficulty in personally getting medical records. It benefits the client for the lawyer to request records to make sure that records are complete, obtained timely and efficiently, and can be evaluated for the client to qualify for the extremely high SS disability standard. For example, a client who is able to work in a gas station as a cashier may not be deemed sufficiently "unable to do any substantial work" as an illustration why all medical records are needed. Ultimately, the cost comes out of the patient's award, social security disability is awarded, reducing the disabled person's needed money.

This bill would benefit disabled persons and promote access to disability benefits.

The MAJ requests a FAVORABLE Committee Report.

ScottLondonTestimonyin SUPPORTofSB144Jan.2024.pdf

Uploaded by: Scott London

Position: FAV

TESTIMONY IN SUPPORT OF

SB 144 FINANCE- Medical Records - Fees - Attorneys Representing Patients

JANUARY 31, 2024

Senate Finance Committee

I am Scott S. London, an attorney, and owner of London Disability. I was born and raised in Maryland. I received my undergraduate degree at the University of Maryland and my law degree from the University of Baltimore. I have dedicated my professional career to helping the disabled.

London Disability is in Owings Mills, MD and we help disabled claimants throughout the great state of Maryland go through the Social Security Disability (SSD) and Supplemental Security Income (SSI) process. The SSD and SSI application and appeal process can take 2-3 years and requires the completion of many complicated forms. One critical component is submitting medical records to SSA.

In the 2021 MD Legislative Session this committee recognized the importance of providing free medical records to SSD/SSI applicants when it passed Health General 4-304 (c) (5).

SB 144 adds attorneys to the small group of medical requestors to receive medical records on behalf of SSD/SSI applicants with no fee attached. SB 144 would ensure that ALL SSD and SSI applicants can receive no cost medical records regardless of who the requestor is. I support SB 144 for the reasons below:

- A. The intent of Health General 4-304 (c) (5) was to reduce medical record expenses for a disadvantaged group that lives in MD.
- B. Private attorneys represent a large portion of SSD and SSI applicants.
- C. The goal of the legislation was to protect a vulnerable class of disabled individuals regardless of who was helping them with their SSD and SSI applications and appeals.
- D. When an attorney incurs medical record expenses they are passed onto the applicant by the attorney. This is contrary to the intent of Health General 4-304 (c) (5).
- E. The medical record expenses can be significant as many disabled individuals seek treatment from many providers.
- F. Medical record expenses operate to restrict representation as this cost can be a limiting factor when a representative decides to take on a new case.
- G. The attorney representative must front the cost with no real guarantee of repayment even with a successful outcome.
- H. Many disabled individuals do not have the technology capabilities to electronically request medical records nor enter a portal to request medical records. Furthermore, many SSD and SSI applicants have mobility and transportation issues to request medical records in person.

For these reasons I respectfully request this committee to issue a favorable report for SB 144.


Scott S. London
Attorney at Law
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SB144_Hettleman_FAV.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Chair
Rules Committee

Budget and Taxation Committee

Subcommittees

Health and Human Services

Pensions



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ANNAPOLIS, MARYLAND 21401

TESTIMONY OF SENATOR SHELLY HETTLEMAN
SB144 MEDICAL RECORDS - FEES - ATTORNEYS REPRESENTING PATIENTS

House Bill 849 passed two years ago, ushering in an important change by allowing patients on Social Security Disability or Supplemental Security Income and their personal representatives to obtain medical records from their health care providers at no cost. This important change in the law protected a low-income group of Marylanders from incurring unaffordable fees when they needed vital information about their health care.

Individuals with disabilities may be restricted in their ability to personally request records online or in-person. They often rely on civil servants, non-profit workers and attorneys to navigate the social security and medical systems, which we all know are complex to maneuver. The change in current law proposed today will include appointed attorneys on the list of representatives for whom the fee would be waived.

It is important to amend this law to preserve the original goal of the legislation- to protect a low-income group of individuals from incurring costs they cannot afford for needed medical information. Why should it matter who is getting the records when the point of the legislation is to protect the client from having to incur high costs.

Under current law, attorneys pass down expenses incurred onto their clients, contrary to the intent of Health General 4-304 (c) (5), or risk not being repaid by clients. This could have the indirect effect of restricting representation for this group, as attorneys will be less incentivized to represent clients on these matters if they do not expect to be able to recoup fees from their clients.

We should follow in the footsteps of other states, including New York and New Jersey, that enabled people with disabilities to access their medical records, regardless of who their representative is.

This is an essential step to protecting the original intent of the existing law by including a relevant group on the list of entities exempt from medical record processing fees and thereby ensuring that persons that are disabled do not incur unaffordable costs when engaging with the health care system.

Testimony SB 144 1-31-2024.pdf

Uploaded by: Stephanie Means

Position: FAV

TESTIMONY IN SUPPORT OF SB 144 FINANCE- MEDICAL RECORD FEES-
ATTORNEYS REPRESENTING PATIENTS
JANUARY 31,2024
Senate Finance Committee

Good afternoon:

My name is Stephanie Means. I suffer from fibromyalgia, seizures, syncope, rheumatoid arthritis in my right knee, migraines, anxiety, depression, and bi-polar symptoms. I am unable to walk one city block due to my physical disabilities. I filed a Social Security disability case with the help of my lawyer in February of 2021. It took almost 3 years for my case to go before a Judge and I was approved for benefits in December of 2023. I needed my lawyer to help me with the process of filing the case, filing the appeals, and presenting the case to the Judge at the hearing with all my medical records. The staff at London Disability requested my medical records from all my treatment sources. Scott London paid up front for my medical records as it was necessary to present evidence to prove my disability.

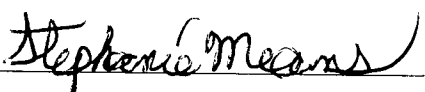
I don't think that I would have been able to manage the difficult process of obtaining medical records in a timely fashion without my lawyer's help due to not knowing which records to order, not having a fax machine to fax the request, or to upload requests via certain portals. I also was not able to afford to pay for the records due to limited income. The cost of these medical records exceeded \$100.00, and that cost has now been passed on to me as my out-of-pocket expense.

It is not fair for me to pay for these medical records since I had been behind in paying my rent and needed every penny for my medicines and food. My lawyer helped me immensely by obtaining my medical records. I would not have been able to request my records from all the different treating sources without the help of my lawyer.

I favor and support this bill to waive the cost of medical records for Social Security applicants who are being helped by a lawyer to obtain the evidence to present at the hearing. People suffering from physical and mental disabilities, who have limited mobility, limited or no resources, unable to navigate the cumbersome and difficult process of obtaining their own medical records, need a lawyer's help with the process.

My lawyer helped me with every step of the case from the beginning to the end and obtained all the necessary evidence to prove my disability. Medical records should be free of charge for the lawyers who help clients with their Social Security disability case as most people who have not worked for 2-3 years due to their disabilities are unable to afford the cost associated with obtaining the medical records.

Thank you.

X. 

Stephanie Means
430 N. Luzerne
Baltimore, MD 21224
410-522-8613

TraceyPateTestimonyMRFEEWaiver2024.pdf

Uploaded by: Tracey Pate

Position: FAV

TESTIMONY IN SUPPORT OF

SB 144 FINANCE- Medical Records - Fees - Attorneys Representing Patients

JANUARY 31, 2024

Senate Finance Committee

I am Tracey Pate, an attorney, and owner of Disability Associates, LLC. I was born and raised in Maryland. I received my undergraduate degree at Wake Forest University and my law degree from the University of Baltimore. I have advocated for the disabled community since my admission to the bar in 1992.

Disability Associates, LLC is located in Towson, Maryland. Our sole mission is to represent disabled individuals in their claims for Social Security Disability (SSD) and Supplemental Security (SSI) benefits.

Obtaining and submitting medical records on behalf of my clients is paramount to the success of a claim.

In the 2021 MD Legislative Session this committee recognized the importance of providing free medical records to SSD/SSI applicants when it passed Health General 4-304 (c) (5).

SB 144 adds attorneys to the small group of medical requestors to receive medical records on behalf of SSD/SSI applicants with no fee attached. SB 144 would ensure that ALL SSD and SSI applicants can receive no cost medical records regardless of who the requestor is. I support SB 144 for the reasons below:

- A. The intent of Health General 4-304 (c) (5) was to reduce medical record expenses for a disadvantaged group that lives in MD.
- B. Private attorneys represent a large portion of SSD and SSI applicants.
- C. The goal of the legislation was to protect a vulnerable class of disabled individuals regardless of who was helping them with their SSD and SSI applications and appeals.
- D. When an attorney incurs medical record expenses they are passed onto the applicant by the attorney. This is contrary to the intent of Health General 4-304 (c) (5).
- E. The medical record expenses can be significant as many disabled individuals seek treatment from many providers.
- F. Medical record expenses operate to restrict representation as this cost can be a limiting factor when a representative decides to take on a new case.
- G. The attorney representative must front the cost with no real guarantee of repayment even with a successful outcome.

- H. Many disabled individuals do not have the technology capabilities to electronically request medical records nor enter a portal to request medical records. Furthermore, many SSD and SSI applicants have mobility and transportation issues to request medical records in person.

For these reasons I respectfully request this committee to issue a favorable report for SB 144.

Tracey N. Pate, Esquire

Disability Associates LLC



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Tracey N. Pate, Esquire, Managing Attorney

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Testimony SB 144 1-31-24.pdf

Uploaded by: Trentin Alford

Position: FAV

TESTIMONY IN SUPPORT OF SB 144 FINANCE- MEDICAL RECORD FEES-
ATTORNEYS REPRESENTING PATIENTS
JANUARY 31,2024
Senate Finance Committee

Good afternoon:

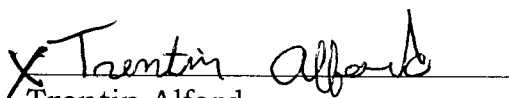
My name is Trentin Alford. At 23 years of age, I am suffering from Lupus, Tourette Syndrome, Atrial Ectopic, Hemicrania Continua, Occipital Neuralgia, blurred vision, and chronic back pain. I am constantly in pain due to inflammation caused by Lupus and have headaches almost daily. I walk with a cane.

I filed my Social Security Disability case with the help of my lawyer in May of 2020. It took more than 3 years for my case to go before a Judge and I was approved for benefits in July of 2023. I needed my lawyer to help me with the process of filing the application, filing the appeals, requesting my records, and presenting the case to the Judge at the hearing as I was unable and unaware of how to do it myself. My lawyer requested my medical records from all my treatment sources. Scott London paid up front for my medical records as it was necessary to present evidence to prove my disability.

I don't think that I would have been able to manage the difficult process of obtaining medical records in a timely fashion without my lawyer's help due to not knowing which records to order, not having a fax machine to fax the request, or to upload requests via certain portals. I also was not able to afford to pay for the records due to limited income. The cost of these medical records exceeded \$530.00, and that cost has now been passed on to me as my out-of-pocket expense. It is not fair for me to pay for these medical records since I had been behind in paying my rent and needed every penny for my medicines and food. My lawyer helped me immensely by obtaining my medical records. I would not have been able to request my records from all the different treating sources without the help of my lawyer.

I favor and support this bill to waive the cost of medical records for Social Security applicants who are being helped by a lawyer to obtain the evidence to present at the hearing. People suffering from physical and mental disabilities, who have limited mobility, limited or no resources, unable to navigate the cumbersome and difficult process of obtaining their own medical records, need a lawyer's help with the process. My lawyer helped me with every step of the case from the beginning to the end and obtained all the necessary evidence to prove my disability. Medical records should be free of charge for the lawyers who help clients with their Social Security disability cases.

Thank you.



Trentin Alford
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Baltimore, MD 21207-6867
443-800-8999

Health Care for the Homeless Testimony - SB 144 FA

Uploaded by: Vicky Stewart

Position: FAV

HEALTH CARE FOR THE HOMELESS TESTIMONY
IN SUPPORT OF
SB 144 - Medical Records - Fees - Attorneys Representing Patients

Senate Finance Committee
January 31, 2024



Health Care for the Homeless supports SB 144, which would add an attorney representing a patient to the list of individuals to whom a health care provider is prohibited from charging a fee for providing copies of a medical record that will be used for the purpose of filing a claim regarding or appealing a denial of Social Security disability income or Social Security benefits.

Health Care for the Homeless strongly supported HB 849 in the 2021 Legislative Session, which originally set the maximum fee that can be charged for a copy of a medical record and repeal the ability of a health care provider to charge a separate preparation fee. The Social Security benefits process can be a complicated one, and oftentimes clients will seek attorneys to help them navigate this process. Adding attorneys to the list of entities to enable them to more easily obtain medical records in these cases is a natural extension of the current law.

For nearly 40 years Health Care for the Homeless has supported thousands of adults and families experiencing homelessness in the Baltimore metropolitan area. As part of our full, integrated medical and behavioral health care, we have a team of staff assisting clients with their applications for Supplemental Security Income (SSI)/Social Security Disability Insurance (SSDI). Through our [SSI/SSDI Outreach, Access, and Recovery \(SOAR\) program](#), our Disability Assistance Outreach Specialists assist between 100 and 200 clients every year. Our clients are among the most vulnerable, those experiencing homelessness or living in unstable housing. For our clients, and particularly those experiencing substance use disorder, SSI/SSDI benefits not only support their economic health but their physical and mental health as well.

Our SOAR Coordinator, along with a statewide group of SOAR and disability advocates, previously identified the charging of medical records fees as a barrier for clients accessing their benefits across the state. Health Care for the Homeless never charges for medical records as part of our clients' SSI/SSDI applications. However, it came to our attention that other providers do not offer the same service free of charge to SSI/SSDI applicants.

These fees can be prohibitively costly, as medical records in order to make an SSI/SSDI claim can be dozens, sometimes hundreds, of pages. Particularly with individuals in need of SSI/SSDI benefits, the fees for medical records necessary to make the appropriate case to Social Security can be the difference between whether an individual can afford to complete their SSI/SSDI application. To be clear, extensive medical records are necessary as part of an individual's application for SSI/SSDI.¹

By eliminating fees for medical records for people applying for public benefits for attorneys representing clients in these cases, SB 144 will ensure that low-income Marylanders can access the medical records they need in order to obtain critical public benefits. For the aforementioned reasons, Health Care for the Homeless strongly urges a favorable report on this bill.

Health Care for the Homeless is Maryland's leading provider of integrated health services and supportive housing for individuals and families experiencing homelessness. We deliver medical care, mental health services, state-certified addiction treatment, dental care, social services, housing support services, and housing for over 10,000 Marylanders annually at sites in Baltimore City and Baltimore County.

Our Vision: Everyone is healthy and has a safe home in a just and respectful community.

Our Mission: We work to end homelessness through racially equitable health care, housing and advocacy in partnership with those of us who have experienced it.

For more information, visit www.hchmd.org.

¹ Social Security Administration (SSA) must obtain all necessary information and evidence to determine an individual's eligibility and payment amount. See Social Security Act, § 1631; 20 CFR § 416.200 and 203.

Testimony SB 144 1-31-2024.pdf

Uploaded by: Wanda Clark

Position: FAV

TESTIMONY IN SUPPORT OF SB 144 FINANCE- MEDICAL RECORD FEES-
ATTORNEYS REPRESENTING PATIENTS
JANUARY 31,2024
Senate Finance Committee

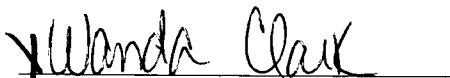
Good afternoon:

My name is Wanda Clark. I suffer from Meningioma for which I have had two surgeries in 2019 followed by radiation. I also suffer from migraines several times a week. I have high blood pressure and anemia. I am unable to walk for an extended period. I also have blindness caused from Meningioma surgeries and my vision worsens with migraines. I also suffer from depression.

My lawyer filed my Social Security disability application in January of 2021 and helped me with the approval of my case in September 2023; after two and a half years. My lawyer requested my medical records to be presented at the hearing. These medical records were imperative to prove my disability. Scott London paid a hefty cost of \$181.49 which has been passed on to me as my out-of-pocket expense. Being behind in payment of my rent and utilities, I needed every penny to buy food and medicine. It is not fair for me to pay for the records needed to prove my disability. I needed my lawyer's help to navigate the process of requesting and obtaining my records to prove my disability.

I support this bill as it would ensure that clients with disabilities who are waiting for 2-3 years to get any sort of income or benefits from the government don't have to be burdened with the cost of getting their records to prove their disability. I favor this bill to waive the cost of medical records for Social Security applicants who are being helped by a lawyer to obtain the evidence to present at the hearing. People suffering from physical and mental disabilities, who have limited mobility, limited or no resources, unable to navigate the cumbersome and difficult process of obtaining their own medical records, need a lawyer's help with the process.

Thank you.

A handwritten signature in black ink that reads "Wanda Clark". The signature is written in a cursive style and is positioned above a horizontal line.

Wanda Clark
4408 Marx Avenue
Baltimore, MD 21206
443-629-5061

Testimony SB 144 1-31-24.pdf

Uploaded by: William Kline

Position: FAV

TESTIMONY IN SUPPORT OF SB 144 FINANCE- MEDICAL RECORD FEES-
ATTORNEYS REPRESENTING PATIENTS
JANUARY 31,2024
Senate Finance Committee

Good afternoon:

My name is William Kline. I suffer from 2 bulging discs, deterioration in my back, COPD, arthritis in my hands and knees, high blood pressure. I am unable to walk, stand, or sit for long periods.

I filed a Social Security disability case with the help of my lawyer in January of 2021. It took almost 3 years for my case to go before a Judge and I was approved for benefits in December of 2023. I needed my lawyer to help me with the process of filing the case, filing the appeals, and presenting the case to the Judge at the hearing with all my medical records. The staff at London Disability requested my medical records from all my treatment sources. Scott London paid up front for my medical records as it was necessary to present evidence to prove my disability.

I don't think that I would have been able to manage the difficult process of obtaining medical records in a timely fashion due to not knowing which records to order, not having a fax machine to fax the request, or to upload requests via certain portals. I also was not able to afford to pay for the records due to limited income. The cost of these medical records exceeded \$149.00, and that cost has now been passed on to me as my out-of-pocket expense.

It is not fair for me to pay for these medical records since I had been behind in paying my rent and needed every penny for my medicines and food. My lawyer helped me immensely by obtaining my medical records. I would not have been able to request my records from all the different treating sources without the help of my lawyer.

I favor and support this bill to waive the cost of medical records for Social Security applicants who are being helped by a lawyer to obtain the evidence to present at the hearing. People suffering from physical and mental disabilities, who have limited mobility, limited or no resources, unable to navigate the cumbersome and difficult process of obtaining their own medical records, need a lawyer's help with the process.

My lawyer helped me with every step of the case from the beginning to the end and obtained all the necessary evidence to prove my disability. Medical records should be free of charge for the lawyers who help clients with their Social Security disability case as most people who have not worked for 2-3 years due to their disabilities are unable to afford the cost associated with obtaining the medical records.

Thank you.



William Kline
2728 Rittenhouse Ave
Baltimore, MD 21230
410-371-2852

SB0144_FWA_MedChi_Med. Rec. - Fees - Attorneys Rep

Uploaded by: Steve Wise

Position: FWA

MedChi

The Maryland State Medical Society

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www.medchi.org

TO: The Honorable Pamela Beidle, Chair
Members, Senate Finance Committee
The Honorable Shelly Hettleman

FROM: J. Steven Wise
Pamela Metz Kasemeyer
Danna L. Kauffman
Andrew G. Vetter
Christine K. Krone

DATE: January 31, 2024

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 144 – *Medical Records – Fees – Attorneys Representing Patients*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **supports with amendment** Senate Bill 144.

Senate Bill 144 adds attorneys representing a patient to the list of those individuals who cannot be charged a fee by a health care provider when obtaining copies of a patient's medical records, if the purpose is to file a disability income or Social Security claim.

MedChi worked with the House sponsor on the existing statute when it was adopted in 2021 and does not object to the addition of attorneys. In fact, it could be argued that a patient's attorney is covered by the term "patient's personal representative," which is already found in the statute. Nonetheless, this clarification is not objectionable.

The issue MedChi would like to address through its amendment is limiting the number of times that a patient or their representative can obtain a free medical record related to the same claim. During our review of this bill, physicians stated that patients sometimes request the same record multiple times for the same claim, either because the records were lost or not initially submitted toward the claim as planned. Each time the records are requested, staff at the physician's practice must collect the needed records and assemble either an electronic or hard copy for the

patient. While shorter records are more easily compiled, records that reflect years of care are time-consuming and take staff time away from other important tasks in already overwhelmed medical practices.

Accordingly, MedChi asks that an amendment be adopted limiting the number of times that a record can be obtained free of charge to once per claim. Language to that effect is below.

For these reasons, MedChi supports Senate Bill 144 with amendment.

Amendment No. 1

On Page 2, at line 3, insert: “EXCEPT AS PROVIDED IN _____”

Amendment No. 2

On Page 2, after line 13, insert: “A HEALTH CARE PROVIDER OR REPRESENTATIVE OF A HEALTH CARE PROVIDER MAY CHARGE A FEE FOR PROVIDING A SECOND OR SUBSEQUENT COPY OF A MEDICAL RECORD RELATED TO THE SAME CLAIM OR APPEAL.”

For more information call:

J. Steven Wise
Pamela Metz Kasemeyer
Danna L. Kauffman
Andrew G. Vetter
Christine K. Krone
410-244-7000