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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.