

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.

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