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TO: Joseline A. Pena-Melnyk
Chair, Health and Government Operations

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

RE: HB153 – Medical Records – Fees – Attorneys Representing Patients (SUPPORT)

The Health Education and Advocacy Unit of the Office of the Attorney General writes in favor of HB153, 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. If an attorney requests records on behalf of their client, they are charged, even though their client bears the cost. 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 provide a favorable report for HB153 to remove the burden of expensive medical records from applicants applying for Social Security disability benefits.