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**TESTIMONY IN SUPPORT OF HB 0153 HEALTH AND GOVERNMENT
OPERATIONS- Medical Records - Fees - Attorneys Representing Patients**

February 5, 2024
Health and Government Operations 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.

HB 0153 adds attorneys to the small group of medical requestors to receive medical records on behalf of SSD/SSI applicants with no fee attached. HB 0153 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 for copying or mailing paper records like there used to be prior to the advent of technology.

I wholeheartedly support HB 0153 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;
- 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; and
- I. This bill is also necessary to enjoin medical providers from 1) intentionally misinforming their patients that they are not entitled or allowed to request their own medical records and must have an attorney do so on their own behalf (a direct and clear untruth), and 2) improperly attempting to charge attorneys for requests directly made under current law by patients requesting that their records be sent directly to attorney of their choosing for review rather than having the records sent to themselves with no realistic ability to send the records directly to the attorney due to financial and technological difficulties as noted herein; both of these flagrant violations by providers have been occurring at an alarming rate per the patients reporting so.

For these reasons I respectfully request this committee to issue a favorable report for HB 0153. 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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