



LEGAL SERVICES ADVOCACY PROJECT

Patient Record Fees for Social Security Income and Benefit Appeals are Harmful

H.F.2116

Proposal

If passed, section 1 of the bill would amend the Minnesota Health Records Act to remove the state ban on fees for copies of medical records when a patient is appealing a denial of Social Security disability income or benefits under title II or title XVI of the Social Security Act (SSA).

Background

Social Security disability benefit programs provide critical benefits to children and adults with disabilities in Minnesota. Title XVI—the Supplemental Security Income (SSI) program—provides payments to low-income children and adults, who are blind, disabled, or elderly. This program plays an important role in meeting the basic necessities of food, clothing, and shelter for the very low-income and disabled Minnesotans. Title II specifically provides benefits to disabled individuals who worked and paid into Social Security, as well as to many disabled dependents. If denied benefits under either program, an individual has a right to appeal the decision to the Social Security Administration, and, subsequently, to a federal district court when the administrative appeal is denied or unfavorable. An individual's medical records regarding the disability play an important role in preparing for such appeals. In the past, copies of these records have been very costly for individuals. For those who have very limited means, even a nominal copy fee for these records can make pursuing an appeal impossible. In 2007, the Minnesota State Legislature passed the Minnesota Health Records Act, which includes a ban on copy fees for medical records when requested pursuant to disability benefits appeal under the SSA. This bill aims to repeal that ban.

Impact of Bill

Unfairly targets low-income disabled children and adults in Minnesota.

The bill repeals one of the most important provisions enacted under Minnesota law that was designed specifically to protect low-income children and adults who have been denied access to Social Security disability benefits. Since 2008, this ban has helped provide our poorest disabled populations with an equal opportunity to prepare their appeal without the undue financial burden of obtaining their medical records.

Creates an insurmountable barrier to critical supports for low-income and disabled families.

Removing this ban would result in an overall reduction of benefits to otherwise eligible families who are unable to pursue a successful claim because they cannot afford to prepare their case, adequately. This would create significant instability among low-income families with disabilities, and place many of them at a higher risk of not being able to meet their daily basic needs, like food, shelter, and clothing.

Effectively shifts the costs of providing these federal benefits to the state.

These Social Security disability benefit programs provide basic assistance and supports to many poor disabled children and adults in Minnesota. Without an accessible avenue for an appeal when denied access to these important benefits, these families will be forced to either forgo basic necessities or seek out other available state benefit programs instead, which would ultimately shift more costs to the state.