



April 17, 2024

The Honorable Melissa H. Wiklund
Chair, Health and Human Services Committee
Minnesota Senate
2107 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Paul J. Utke
Ranking Minority Member, Health and Human Services Committee
Minnesota Senate
2403 Minnesota Senate Bldg.
St. Paul, MN 55155

Re: Legal Aid letter of support for SF 4699 DE Amendment regarding medical record fees for legal services organizations

Dear Chair Wiklund, Ranking Minority Member Utke, and Members of the Committee:

Legal Aid provides civil legal services statewide to low-income Minnesotans, Minnesotans with disabilities, and elder Minnesotans. Legal Aid strongly supports the changes on lines 484.24-485.27 in the DE amendment (originally found in SF 4833).

Legal Aid represents clients in Social Security appeals, moving clients from state benefits like General Assistance to federal Social Security benefits, and allowing clients with disabilities to have a higher and more stable income. Medical records for these appeals must be ordered and submitted to Social Security prior to the hearing. Most healthcare providers do not have in-house medical records copying services and use companies outside of Minnesota.

Getting medical records for these cases is a needlessly time-consuming task because of the runaround we receive from these copying services. It usually takes hours to get one set of records, and most clients have records at several hospitals and clinics. I was a benefits attorney for 22 years prior to moving within Legal Aid to do legislative work two years ago. This was the typical process I went through requesting records:

1. Submit paperwork, including a cover letter quoting the statute and specifying the date range of the records needed and a letter from the Minnesota Supreme Court which explains that Legal Aid is a legal services program to show that we qualify for free records under the statute).
2. Receive an invoice for the full cost of the records days or weeks after submitting the request. This is the price for getting records in cases other than Social Security appeals.
3. Call the copying service, wait on a lengthy hold, and speak to a representative. Sometimes there would be pushback requiring a longer conversation, sometimes not.
4. Get transferred to a supervisor involving another lengthy hold. Again, sometimes there was pushback, sometimes not.
5. My issue would be escalated to a billing specialist I was not allowed to speak to.
6. Receive an invoice for \$10 (the cost for private attorneys representing clients in Social Security appeals) days or weeks later.
7. Repeat steps 3-5.

The sticking points with the copying services were usually that we did not submit the right proof (which was a moving target) or they did not understand that we were an organization entitled to free records.

These delays often mean that we do not receive the records prior to the hearing. When this happens, we cannot use those test results, diagnoses, or doctor's notes to prove disability, and it weakens the client's case. Even if the judge agrees to hold the record open so we can submit records after the hearing, the client has not had their strongest case presented at the hearing, and the medical and vocational experts have not given their opinions in consideration of the full record. We have had cases where the records never arrived or arrived after the record closed.

By clarifying the statute and specifying what proof is required to show that we are entitled to receive records without charge, we hope to put a stop to the delay in receiving medical records. We sympathize with these medical records services that have to navigate multiple billing rules, but action is needed to ensure that clients' cases are not jeopardized.

Thank you for allowing Legal Aid to share its views. We urge passage of the DE amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellen Smart", with a stylized, flowing script.

Ellen Smart, Staff Attorney
Legal Services Advocacy Project

This document has been formatted for accessibility. Please call Ellen Smart at 612/746-3761 if you need this document in an alternative format.