

# MEDICAL SOCIETY OF THE STATE OF NEW YORK



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State Capitol, Executive Chamber  
Albany, New York 12224

**Re: S. 6078 (Valesky)/A.7842 (Gottfried) - AN ACT to amend the public health law and the mental hygiene law, in relation to health record access for a government benefit or program**

Dear Mr. David:

We are writing to you relative to the above-referenced legislation that will prohibit health care providers and entities from charging patients for copies of medical records when such records are needed "for the purpose of supporting an application, claim or appeal for any government benefit or program".

As we understand it, the purpose of this legislation is to respond to the concerns of patients who were charged for medical records necessary to assist applications and appeals for government programs assisting lower income patients such as Social Security Disability Insurance (SSDI) and the Supplemental Nutritional Assistance Program (SNAP), despite provisions in existing law that prohibit a health care provider charging a fee where a patient is unable to pay. Physicians very much want to assist their patients with facilitating their applications for needed benefits, and therefore do not condone the actions of those who may be charging patients for medical records who are unable to pay for the costs of these records.

We are concerned, however, that prohibiting the charging for medical records to support the application of any "government benefit or program" is too broad, and goes beyond the goal of the legislation to protect those who are applying for programs designed to assist lower income individuals. We are also concerned about potentially awkward situations where some individuals seeking to avoid being charged to obtain their medical records could untruthfully make a general assertion that the purpose is to support an application for a government benefit or appeal. To address these concerns, we urge that the Governor work for a "chapter amendment" that will expressly identify in the legislation those government benefit programs to which this medical record fee prohibition should apply.

Thank you for your attention to these comments.

Respectfully submitted,

MORRIS M. AUSTER

