

# FINAL BILL REPORT

## ESHB 1239

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Synopsis as Enacted

**Brief Description:** Concerning requests for medical records to support an application for social security benefits.

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representative Sullivan).

**House Committee on Health Care & Wellness**  
**Senate Committee on Health Care**  
**Senate Committee on Health & Long Term Care**

### **Background:**

Under the federal Social Security Act, individuals with disabilities may be eligible for social security disability benefits. Applicants have the right to an administrative appeal and judicial review of the denial of these benefits. The Social Security Administration suggests an appealing applicant provide certain medical information, such as any medical report, form, or written statement related to the person's disability.

The Uniform Health Care Information Act governs the disclosure of health care information by health care providers and their agents or employees in Washington. Health care providers may charge a reasonable fee for providing copies of health care records.

A "reasonable fee" is established in statute as 65 cents per page for the first 30 pages and 50 cents per page for any additional pages. A clerical fee of \$15 may also be charged for searching and handling. The amounts must be adjusted every two years according to changes in the Consumer Price Index, as determined by the Secretary of Health. The current adjusted rates, as adopted in rule by the Secretary of Health, are \$1.17 per page for the first 30 pages, 88 cents per page for all other pages, and a clerical fee of up to \$26.

### **Summary:**

Health facilities, health care providers, and health insurance issuers are required to provide, upon request by a patient, a person covered by a health plan, or his or her personal representative, one free copy of the person's health care information if the person is appealing the denial of federal Supplemental Security Income or Social Security disability benefits. A

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patient or representative making this request may complete and provide a disclosure authorization that specifies the requested health care information to the health care facility or provider. The health care facility, provider, or insurance issuer may decide whether to provide the records in paper or electronic format and they are not required to provide the free copy of the records if the information was previously provided, free of charge, in the preceding two years.

**Votes on Final Passage:**

House	90	6	
House	91	5	
Senate	40	9	(Senate amended)
House	93	3	(House concurred)

**Effective:** June 7, 2018