

ASSISTING VULNERABLE POPULATIONS

How providing medical records and completing medical certification forms can be life changing.



*By Emmalee Ross
Public Information Officer*

Eve Rutzick’s clients are extremely vulnerable due to illness, disability, and poverty. Many are homeless or on the verge of homelessness, with very few financial resources.

“I went to law school because I wanted to do public interest work, I believe the law can be a very powerful tool for social justice,” says Rutzick, a supervising attorney at Inner City Law Center in Los Angeles, a non-profit legal services provider. “It’s a very rewarding group of folks to work with because they really need legal assistance.”



One of the most important services the Inner City Law Center team provides for clients is also extremely time consuming and daunting – obtaining medical records in a timely manner and without cost from providers, so clients can be awarded Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits, both administered by the Social Security Administration.

Under **California Health and Safety Code (HSC) § 123110(d)(1)**, “...a patient, employee of a nonprofit legal services entity representing the patient, or the personal representative of a patient, is entitled to a copy, at no charge, of the relevant portion of the patient’s records, upon presenting to the provider a written request, and proof that the records or supporting forms are needed to support a claim or appeal regarding eligibility for a public benefit program....”

The willful violation of this law is considered unprofessional conduct and grounds for disciplinary action by the Medical Board of California (Board).

“Generally, it’s not getting copies of the records that’s the problem, it’s getting them for free that’s the problem,” says Rutzick, who currently employs a full-time medical records clerk to help correspond with healthcare providers.



Eve Rutzick, Inner City Law Center, Los Angeles

On a case-by-case basis, when the clock has run out to provide medical records to the Social Security Administration, Inner City Law Center’s program pays for clients’ medical records to strengthen their cases. However, many vulnerable people don’t have that option and will most likely be denied benefits if medical records are not obtained.

“The amount of money people get for SSI is still below the poverty level, so it is very difficult to survive even if you receive SSI,” says Rutzick, explaining the maximum amount provided by SSI to most Californians in 2021 is \$954.72. “But if you are denied SSI, your options for being housed, having regular access to food, having electricity – a lot of what we consider the necessities of life – are just gone.”

Helen Tran, Rutzick’s colleague and an attorney at Western Center on Law and Poverty in Los Angeles, was part of a team that advocated for **Assembly Bill (AB) 2520**, effective January 1, 2021, which was the bill that created this requirement for healthcare providers to provide a copy of a patient’s medical records at no charge to an employee of a nonprofit legal services entity that represents a patient, such as Inner City Law Center.

AB 2520 also expanded the definition of public programs to include immigration petitions affecting survivors of crime and domestic violence, publicly funded and tenant-based housing programs, and the Cash Assistance Program for Immigrants.

An important aspect of the bill for Western Center on Law and Poverty was the addition of **HSC § 123114**, which requires healthcare providers to complete patient forms and provide information responsive to forms that support a claim or appeal regarding eligibility for a public benefit program, free of charge.

“Getting providers’ opinions are so essential to getting qualified for these programs,” says Tran, who’s seen clients become ineligible for benefits due to missing forms or provider opinions. “It’s really important to let providers know they are the gatekeepers between their patients and qualifying for financial assistance, or an immigration status, or a housing program.”

AB 2520 was written to include vulnerable populations who have already navigated the system and are eligible for legal services but may be unable to obtain their benefits without free access to medical records or other forms that must be completed by their health provider.

“You could have Stage 4 cancer, look incredibly ill, and have an oxygen tank with you, but if the person making the disability determination does not have your records in front of them, they can deny you,” says Rutzick.

Rutzick has experienced providers who withhold medical records from her clients until requested by Social Security, hoping Social Security provides payment.

“Social Security is spread super thin, and often doesn’t have the means to request all the records needed,” says Rutzick. “Even if they could pay for the records, the agency doesn’t have the capacity to chase after records the way having an attorney on your side can.”

Rutzick acknowledges many providers are concerned about the time and money needed to

supply free medical records and opinions.

“We know doctors’ offices are busy and focused on patient care and can feel these requests are additional administrative burdens on them, but some providers are highly responsive to those requests in the best interests of their patients and comply with the law,” says Rutzick. “The law was designed for there to be consequence for providers who don’t follow this – our goal is to avoid holding providers accountable in that way because it isn’t a good use of anyone’s time.”

Tran and Rutzick’s ultimate hope is to raise awareness regarding the law among healthcare providers so medical records can be provided in a manner that does not impede the process of being awarded SSI and SSDI.

“If people can achieve financial stability and social stability, it really has an impact on their health,” says Tran. “I think if we start looking holistically at what health care should encompass, we’re hoping providers can also play a big role in that and not push back or feel like it’s such a burden, because it’s such an integral part of peoples’ health.”

AB 2520 AMENDS AND EXPANDS EXISTING LAW ON FREE PROVISION OF MEDICAL RECORDS

*By Emmalee Ross
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Assembly Bill (AB) 2520 went into effect January 1, 2021, expanding existing law to allow a wider population of vulnerable patients access to their medical records.

Previously, **California Health and Safety Code (HSC) § 123110** allowed a patient or a patient’s representative access to their medical records at no cost when offered proof to support an appeal or eligibility for a public benefit program.

AB 2520 was written to include free access of medical records to employees of a nonprofit legal services entity representing a patient so they may obtain proof to support an appeal or eligibility for a public benefit program. It also broadens the term “healthcare provider” to include speech-language pathologists, audiologists, physician assistants, and nurse practitioners.

Additionally, the bill amended the definition of “public benefit programs,” and requires healthcare providers to offer medical records free of cost when needed for a U Nonimmigrant Status Petition under the Victims of Trafficking and Violence Protection Act, or a self-petition for lawful permanent residency under the Violence Against Women Act.

Lastly, AB 2520 added **HSC § 123114** which states a provider cannot charge a fee when filling out forms or providing medical opinions to support an appeal or eligibility for a public benefit program.

Willful violation of the patient’s access to their records may constitute unprofessional conduct and grounds for action by the Medical Board of California.

For detailed information on AB 2520, please visit the California Legislative Information [webpage](#).