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LEGAL BRIEFING: HEALTH CARE LAW  
MEDICAL RECORDS FOR GOVERNMENT BENEFITS

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September 27, 2017

**No Charge for Medical Records for Government Benefits**

In September, 2017, New York Governor Cuomo signed into law new legislation (Chapter 322 of the Laws of 2017) that now specifically prohibits health care providers and facilities from charging patients for providing, releasing, or delivering patient information, or copies of patient information, in cases where such records are needed “for the purpose of supporting an application, claim or appeal for any government benefit or program.” Additionally, in cases where a provider maintains patient information in electronic form, the provider shall provide the copy in either electronic or paper form, as required by the government benefit or program, or at the patient's request.

The new law was intended to address complaints filed by patients where they were charged for medical records necessary to assist applications and appeals for government programs assisting lower income patients such as Medicaid, Social Security disability benefits (including Supplemental Security Income or “SSI”), or other government benefit programs. The Sponsor's memorandum in support of the legislation specifically noted that “Current law does provide free access; however, the fee waiver is routinely ignored and is poorly enforced.”

The Medical Society of the State of New York expressed concerns that the language “any government benefit or program” in the proposed legislation was too broad and should specifically reference the low-income government benefit programs to which this fee charge prohibition should apply. This requested change, however, was not incorporated into the law. Here is a link to the Society's letter:

<http://www.mssnynews.org/wp-content/uploads/2017/09/S6078-letter-to-the-Governor.pdf>

The new law was made effective immediately.

If you have any questions about this Legal Briefing, please contact any attorney of our Firm at 585-730-4773.

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