



Community Behavioral Health: Provider Notice Provision of Treatment Records in SSI Disability Cases March 3, 2020

Many CBH members apply for Supplemental Security Income (“SSI”) disability benefits. Such benefits not only help members become financially secure but are also critical to establishing their continued eligibility for Medical Assistance. The process for becoming eligible for SSI disability benefits can be quite arduous, often requiring that the applicant go through multiple steps and appeals that can take years. In order to prove eligibility, members must submit copies of all of their medical records.

Community Legal Services (“CLS”) and Philadelphia Legal Assistance (“PLA”), the non-profit law firms that represent many CBH members that apply for SSI disability benefits, have expressed concerns about agency practices that make it harder for members to get SSI benefits.

As such, CBH expects network providers will take the following steps to assist members with pending SSI claims:

1. Network providers will provide attorneys who represent CBH members with complete records, including weekly therapy or progress notes, within 30 days of request. HIPAA mandates release of these records to members or their attorneys without subpoenas.
2. Network providers will accept any HIPAA-compliant release signed by a member or personal representative. Agency-specific releases are not to be required.
3. Network providers will not require “wet,” or original, signatures. Electronic signatures are acceptable. In-person signatures are not required.
4. Network providers will not charge members or their attorneys more than the maximum state-mandated charge for records relating to their SSI cases.

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