

**From:** Cheryl F. Coon [ccoone@stc-law.com]  
**Sent:** Wednesday, March 25, 2015 7:24 AM  
**To:** Sen Gelser  
**Subject:** Responses to questions raised at hearing

Hi Sara,

I watched the yesterday's hearing online just now and thought I would provide you with some thoughts on issues that were raised.

- 1) Does OAR 847- 012-0000(7), cited by Ms. Paul, in fact cover the problem already?

Response: No, because it applies only to licensees of the Oregon Medical Board. Many other types of healthcare providers, who are not licensees of the Oregon Medical Board, have relevant records, including clinical psychologists, licensed clinical social workers, psychiatric nurse providers, family nurse providers, etc. and these folks are often the key treating providers for claimants. I would also comment that I have yet to see a claimant successfully invoke this provision.

- 2) Could SB 710 be used by the Disability Determination Services (DDS, the state agency that handles disability applications on behalf of SSA) to give them free copies?

Response: No. They are neither "personal representatives" nor "authorized representatives" of claimants. However, if that's truly a worry, language could be added to specifically exclude DDS and SSA.

- 3) Ms. O'Sullivan noted that attorneys are reimbursed by claimants for costs if the claimant wins.

Response: By law, if a lawyer or non-lawyer represents a claimant, they are entitled to a legal fee ONLY if they are successful. That fee is capped at \$6000 no matter how many years the case takes, and is further limited to 25% of past-due benefits only. Typically, a successful case might bring a fee in the \$3000 range. Costs for medical records are not reimbursed by anyone. They are paid by the claimant.

- 4) How many folks will be affected?

Response: This number is surprisingly difficult to accurately pin down because of the way Social Security (SSA) compiles information. I requested this information directly from Mary Gabriel, the Director of DDS and she referred me to a series of charts.

We concluded that Oregon ODARs (Offices of Disability Adjudication and Review) disposed of 8383 cases in the last reported 12-month period (9/2013-9/2014), based on SSA data here: [http://www.ssa.gov/appeals/DataSets/archive/03\\_FY2014/03\\_September\\_ALJ\\_Disposition\\_Data.html](http://www.ssa.gov/appeals/DataSets/archive/03_FY2014/03_September_ALJ_Disposition_Data.html)

What this means is that 8383 cases went all the way to hearing that year, reflecting the fact that those folks had been denied at earlier stages of decision-making and had had to appeal **and provide medical updates** for the hearing. How many pages of medical updates and the cost of

that would vary widely. For example, the Veterans' Administration provides many many pages but it's free.

I hope this is helpful and as always, I stand ready to assist in any way you need.

Warm regards,  
Cheryl

Cheryl F. Coon  
Swanson, Thomas, Coon & Newton  
Personal Injury • Social Security Disability • Workers' Compensation  
820 SW Second Avenue, Suite 200  
Portland, OR 97204

Phone: 503-228-5222

Website: [www.stc-law.com](http://www.stc-law.com)

Email: [ccoon@stc-law.com](mailto:ccoon@stc-law.com)