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July 15, 2011

Kenneth L. Zwick
Director, Office of Management Programs, Civil Division
U.S. Department of Justice,
Main Building, Room 3140,
950 Pennsylvania Avenue, NW.,
Washington, DC 20530

Re: Zadroga Suggestion

Mr. Zwick:

It was a pleasure to meet with Special Master Sheila Birnbaum at the forum earlier this month in New York. As I explained to Ms. Birnbaum, I am working with John Feal within the group of counsel that are representing first responders and others with WTC injuries.

At the forum we briefly discussed a suggestion of keeping the overall expenses down by limiting medical record expenses. Specifically, trying to set a maximum charge or .10/page for records from any provider nationwide and including that as part of the regs. This would also include producing a special HIPAA compliant authorization with the promulgated rules that would identify the specific governing regulation.

A significant example of the need for this emanates from Mt. Sinai's WTC Health Monitoring program. The very facility that we are going to rely heavily on charges .75/page. Given the amount of records that each claimant typically has from Mt. Sinai, this is going to be a staggering expense. I have attached a HIPAA redacted copy of an invoice for medical records that highlights just how expensive this will be for the responder and how it will further diminish their award. The invoice highlights charges incurred with medical record of four clients, each of which has been numbered one through four to highlight how the charges for each add up. As I stated, there is no identifying information included in this attachment.

While Mt. Sinai's per page charge is more than seven times my suggestion, it is, as you are aware, not the most expensive facility for medical records, as some will charge more than \$1/page in addition to a processing fee. We must find a way to decrease this expense, as there are many first responders that do not have records available to them from prior litigations or actions. Another option maybe to employ a Medical Records retrieval service that will make the records available to the claimants as well as your group.



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Finally, another suggestion for decreasing costs and expediting the process has to do with claimants that were represented by a law firm in litigation prior to their Zadroga claim. Regardless of whether the claimant proceeds *pro se* or with another firm for their Zadroga claim, that claimant should be able to get a full and complete copy of the medical records from the prior firm free and within 30 days of request. Given that this was an expense that was likely charged to them at settlement of the litigation, there shouldn't be another charge to the claimant. Even if the originating firm decides to make photocopies no charge should be borne by the claimant.

I would gladly meet with you or any member of your team on this issue or any other.

Best Regards,

PARKER WAICHMAN ALONSO LLP

Matthew J. McCauley

Parker Waichman Alonso LLP

Summary of Charges

The following medical records are ready for pick-up. Please provide pick-up arrangements and at the time pick up, a check drawn to the order of FPA Administration in the amount of \$1,500.00 should be received.

Date of Subpoena	Last Name	Patient Name	DOB	Social Security	Department	# of pages	Total
1 02/07/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Otolaryngology	13	\$ 8.75
2 03/05/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Orthopaedics	116	\$ 87.00
3 01/15/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Pulmonary	37	\$ 27.75
1 02/07/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Pulmonary	222	\$ 166.50
4 01/18/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	WTC	273	\$ 204.75
2 03/05/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	WTC	245	\$ 183.75
1 02/07/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	WTC	193	\$ 144.75
1 02/07/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Surgery	121	\$ 89.75
3 01/15/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Gastroenterology	91	\$ 68.25
1 02/07/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Gastroenterology	135	\$ 101.25
2 03/05/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Gastroenterology	57	\$ 42.75
3 01/15/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Preventive Medicine	124	\$ 93.00
1 02/07/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Preventive Medicine	114	\$ 85.50
2 03/05/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Preventive Medicine	145	\$ 108.75
1 02/07/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Cardiovascular Institute	9	\$ 6.75
2 03/05/11	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	Cardiovascular Institute	105	\$ 78.75
						TOTAL	\$ 1,500.00