

FOR IMMEDIATE RELEASE

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PATIENT PRIVACY RIGHTS URGES CONGRESS TO CLOSE THE UNNECESSARY AND DAMAGING INDUSTRY LOOPHOLES IN THE HEALTH IT PACKAGE FOR THE ECONOMIC RECOVERY ACT.

Washington, DC -- There's a knock at your door. Your neighbor accidentally received your mail; the neighbor you carpool to work with. You are horrified to see that the mail included an unsealed marketing piece from the chain drug store that identifies that YOU take Paxil and perhaps you would be interested in trying the newest anti-depressant.

In the Senate version of the Economic Recovery Act, industry succeeded in weakening two important privacy protections that would go a long way to prevent this nightmarish scenario among many others. The House passed HR 1 required corporations to obtain your permission before sending any such marketing and also limited just how much money the chain drug store or other corporation could make off of selling your private medical information.

Americans are facing tough economic times and are eager for new jobs and job security. As Congress works for a compromise between the House and Senate versions of the Economic Recovery Package, creating and protecting jobs – and ensuring basic economic protections for consumers is the primary goal. “Congress must close a number of the unnecessary and damaging loopholes designed by industry that have been added to the economic recovery package,” said Ashley Katz, Executive Director of Patient Privacy Rights. **“These loopholes will destroy public trust in electronic health records and serve to protect a shadow market that makes a tremendous profit by selling our private health records.** Once trust is gone---it will take years and billions more taxpayer dollars to restore that trust.”

Health IT can effect getting job and retaining them because it contains vast amounts of our most sensitive and personal information. Information we might not even share with a spouse is currently being sold without our permission, and the chain drug stores, pharmaceutical corporations, data miners and others are raking in billions. Insurance companies are also buying our medical records and using them to redline people and deny coverage.

Over 35% of Fortune 500 companies admitted to looking at employee's health records before making hiring and promotion decisions (65 Fed. Reg. 82,467). Our private health records can and do find themselves in the hands of our employers.

The House took a bold step to stop the flow of private medical records to those having nothing to do with making us healthier. Provisions to prohibit the sale of health information and to limit marketing received overwhelming support from consumer and privacy advocates, unions, social workers and many other providers. The public is outraged when they learn their private medical records are sold and used for marketing. Claims that the protections limiting sale and marketing would prevent refill reminders or other public health communications are patently false. Congress must close these industry loopholes so that the strong, common sense consumer protections in the House passed HR 1 prevail.