

patientprivacyrights

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President's National Electronic Healthcare Network: "Wired For Exposure"

WASHINGTON, DC -- In his State of the Union Address last night, President Bush referred to his plan for a national electronic medical records system, which is currently being rushed through Congress. He has yet to make good on his promise of patient privacy.

"We will make wider use of electronic records and other health information technology, to help control costs and reduce dangerous medical errors," President Bush said.

Patient Privacy Rights Foundation points out a fatal flaw in the President's plan. Currently, Americans cannot control who can see and use their medical records.

"The planned national health information network authorizes over 600,000 private individuals, corporations and government agencies to see and use the medical records of all 295 million Americans without their permission," said Dr. Deborah Peel, Chairman of Patient Privacy Rights Foundation, a consumer medical privacy watchdog organization based in Austin, Texas.

As proposed, the Senate and House bills building the President's national electronic health information system do not give Americans control over their own medical records. Changes to the nation's Privacy Rule eliminated the "right of consent" – the right to give permission before others can see or use their medical files.

Currently, self-insured employers, drug and insurance companies, marketing firms, accountants, banks and financial service companies, data warehouses, medical transcribers, data processing firms, consumer reporting agencies, pharmacies, legal services, and government agencies are all authorized to see and use Americans' medical records.

President Bush has said Americans should be able to control who sees their healthcare records in high tech networks, stating on April 27, 2004 "...there's a lot of people in America who say, good, I want there to be good information technology in the health care field, I just don't want

somebody looking at my records unless I give them permission to do so. And I fully understand that. And your records are private, if that's the way you want them to be.”

But the current healthcare technology bills, "Wired for Health Care Quality Act" (S. 1418) and "Health Information Technology Promotion Act of 2005" (H.R. 4157) don't give Americans the control President Bush says they should have.

“If the President’s plan is not fixed, all of the benefits a national health information network can bring will not happen,” Dr. Peel said. “All national healthcare polls confirm that people will avoid care, lie and omit critical information if their medical records are used without their permission.”

On January 27, 2005, President Bush continued to tell Americans that he understands that they want their medical records to be private, saying, “I presume I'm like most Americans -- I think my medical records should be private. I don't want people prying into them, I don't want people looking at them, I don't want people opening them up unless I say it's fine for you to do so.”

“The President has clearly stated he wants patients to control access to their personal health information. So why doesn't he tell Congress they must fix the proposed legislation to insure that patients can control their own medical records?” Dr. Peel said.

To insure patient privacy, the following changes must be made to the legislation building the national electronic health system, and all healthcare technology legislation in Congress:

- Patients should control who can see and use their medical records.
- Patients should be able to opt-out of having their records in the national electronic health system
- Patients should be able to segregate their most sensitive medical records
- Audit trails should be kept of all disclosures
- Employers must not have access to medical records
- Patients should be notified of all suspected or actual privacy breaches
- Stronger privacy protections in state laws must not be eliminated
- Effective penalties for privacy violators are desperately needed. Making complaints to a federal agency is not enough to stop privacy violations

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About Patient Privacy Rights

Patient Privacy Rights is a national consumer watchdog organization based in Austin, TX. The mission of Patient Privacy Rights is to empower Americans to protect and preserve their human rights to medical privacy. Patient Privacy Rights believes Americans should control who can see and use their medical records and is educating Americans about threats to the privacy of their medical records. They have launched an online petition for Americans to tell Congress “I Want My Medical Privacy!”

Web site: www.patientprivacyrights.org

“I Want My Medical Privacy” Petition: www.patientprivacyrights.org/petition