

Mental Health Liaison Group

July 17, 2007

The Honorable Harry Reid
Majority Leader
United States Senate
S-221 Capitol Building
Washington, DC 20510-7020
7010

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230 Capitol Building
Washington, DC 20510-
7010

Dear Majority Leader Reid and Minority Leader McConnell:

The undersigned members of the Mental Health Liaison Group write to alert you to our ongoing concern about the need for privacy and security of individual health records as the development of a national interoperable health information technology (HIT) infrastructure moves forward.

Carefully structured, HIT development has the potential to raise the overall quality of care provided to patients, inform health professionals of the latest standards of care, and improve efficiency in electronic communication of important health care information. But the potential of health information technology can only be realized if health information privacy and security are keystones to such development. We believe that assurance of confidentiality is at the foundation of an effective patient-health professional relationship, and urge you to ensure that privacy and security of individually identifiable health information—particularly with regard to mental health, substance abuse and other sensitive patient information—is a critical core element on any uniform national HIT system.

Unfortunately, the Wired for Health Care Quality Act (S. 1693), as reported by the Senate Health, Education, Labor and Pensions Committee (HELP), does not include specifications for basic privacy

and security protections that are necessary for quality health care. The many privacy breaches of electronic health information systems that have occurred over the past two years underscore the merit of ensuring that strong privacy protections be included in HIT legislation in order to preserve the patient's and the public's trust and confidence in the health delivery system.

Our organizations acknowledge the potential patient care benefits of a national HIT infrastructure, and recognize that uniform standards are a critical element in the design of a national system. We hope you will agree that such standards should ensure the highest possible level of privacy and security of patient health records. At a minimum, such standards should acknowledge the patient's right to health information privacy, provide a right of consent for the disclosure of identifiable information in routine situations, provide for notice to the patient when the right to privacy is breached and include strong enforcement measures for violations of the patient's right to privacy. We believe it is essential for comprehensive HIT legislation to include clear guidelines on privacy and security protections and continuous congressional involvement in, and ultimate approval of, the specific recommendations developed by the ONC and other public/private partnerships.

We would like to thank Senator Reed and Senator Dodd for offering an amendment accepted by the HELP Committee that would address one of our concerns with the bill. We would greatly appreciate the opportunity to work with you and your staff to address the privacy and security concerns we have with S. 1693. We believe it is possible to reach an outcome that preserves access to effective psychotherapy and helps ensure public acceptance of a national electronic health information system.

Sincerely,

Alliance for Children and Families
American Academy of Child and Adolescent Psychiatry
American Association for Geriatric Psychiatry
American Association of Pastoral Counselors
American Association of Practicing Psychiatrists
American Counseling Association
American Group Psychotherapy Association
American Mental Health Counselors Association
American Occupational Therapy Association
American Psychiatric Association
American Psychiatric Nurses Association
American Psychoanalytic Association
American Psychological Association
American Psychotherapy Association
Association for the Advancement of Psychology
Center for Clinical Social Work
Children and Adults with Attention-Deficit/Hyperactivity Disorder
Clinical Social Work Association
Clinical Social Work Guild 49, OPEIU
Depression and Bipolar Support Alliance
Mental Health America
NAADAC, The Association for Addiction Professionals
National Association of Anorexia Nervosa and Associated Disorders
National Association of Mental Health Planning & Advisory Councils
National Association of Social Workers
National Coalition of Mental Health Professionals and Consumers, Inc.
National Disability Rights Network

cc: The Honorable Edward M. Kennedy
The Honorable Michael B. Enzi
The Honorable Max Baucus
The Honorable Chuck Grassley