

PRESERVING THE RIGHT TO PRIVACY IS ESSENTIAL
FOR SUCCESSFUL HEALTH CARE REFORM

Speech to Consumers for Health Care Choices

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- I. We are at a time in the nation's history when Americans have lost trust and confidence in our institutions**
 - A. Confidence our President is at an all time low;**
 - B. Confidence in Congress is low**
 - C. Confidence in our banks and investment firms**
 - D. Confidence in our insurance companies, our retirement accounts, major corporations (GM has lost 90% of the value of its stock and may run out of cash by the end of the year)**
 - E. Americans even question whether we have preserved our Constitutional principles—Does our government condone cruel and unusual punishment? Does our government engage in warrantless wire taps of the telephones of innocent Americans? Do we, as Americans, have a right to information privacy?**
 - F. A founding principle that is the core concept of the Bill of Rights—Law abiding citizens who pose no threat to society have a right to be let alone. (Examples--Freedom of religion, speech, assembly, to bear arms, to not have soldiers quartered in your home, right against self-incrimination, right to liberty, rights retained by the people and the states.)**

II. The health care delivery system is entirely dependent upon your willingness to disclose the most intimate information about yourself to your health care provider. In other words—the health care system is built upon TRUST. Sources of the right to information privacy include

- A. Constitutional right to health information privacy.**
- B. Right of consent as a core concept of the ethical practice of medicine.**
- C. Physician-patient privilege and psychotherapist-patient privilege.**
- D. Tort law and contract law.**

III. HIT has the potential to improve quality health care but poses an immediate and unprecedented threat to health information privacy.

- A. In past three and a half years, the privacy of more than 42 million electronic health records has been breached or compromised.**
- B. Health identity theft is the fastest growing type of identity theft with more than 250,000 American victims each year.**
- C. Never before in the history of medicine have we had a situation where**
 - 1. The privacy of millions of health records could be violated simultaneously;**
 - 2. Health information can be stolen by thieves without physical access to it; and**
 - 3. Health privacy once violated cannot be restored.**

D. Damage is being done

- 1. More than 2 million Americans a year fail to seek treatment for mental illness;**
- 2. Nearly 600,000 American with cancer fail to seek treatment and earlier diagnosis**
- 3. Approximately 150,000 soldiers returning from Iraq and Afghanistan with Post-traumatic Stress Disorder fail to seek treatment due to privacy concerns.**

IV. Yet HIT bills pending in Congress

- A. Fail to recognize or preserve the patient's right to privacy.**
- B. Fail to even define "privacy".**
- C. Confer authority to develop standards to "stakeholders".**

V. If health reform is to be successful, the right to health information privacy must be preserved. We must preserve the right of law-abiding citizens to be let alone.

IT'S A MATTER OF TRUST.