

ONE HUNDRED THIRTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

May 13, 2013

Mr. Mark A. Rothstein
Herbert F. Boehl Chair of Law and Medicine
Director, Institute for Bioethics, Health Policy and Law
University of Louisville School of Medicine
501 East Broadway #310
Louisville, KY 40202

Dear Mr. Rothstein:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Friday, April 26, 2013, to testify at the hearing entitled, "Does HIPAA Help or Hinder Patient Care and Public Safety?"

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. The format of your responses to these questions should be as follows: (1) the name of the Member whose question you are addressing, (2) the complete text of the question you are addressing in bold, and (3) your answer to that question in plain text.

To facilitate the printing of the hearing record, please respond to these questions by the close of business on Tuesday, May 28, 2013. Your responses should be e-mailed to the Legislative Clerk in Word format at brittany.havens@mail.house.gov and mailed to Brittany Havens, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, D.C. 20515.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



Tim Murphy
Chairman
Subcommittee on Oversight and Investigations

cc: Diana DeGette, Ranking Member, Subcommittee on Oversight and Investigations

Attachment

Attachment—Additional Questions for the Record

The Honorable Tim Murphy

1. In your testimony, you recommend that in order to advance health privacy and public health and safety, redrafting some of the public purpose exceptions to the privacy rule to make them more explicit would make sense. Can you please explain how your recommendation could be implemented?

The Honorable Bill Cassidy

1. It seems to me that one of the biggest questions in a doctor's mind when dealing with a patient with serious mental illness is whether a threat is not only serious, but also "imminent." As countless families have told us, their children were seen by mental health professionals but they were released without information to the parent, seemingly because the doctor detected no imminent threat. Language, including regulations issued in regards to the NICS background check system, do not say "serious and imminent" threat, but only "serious threat." Knowing that HIPAA serves only as a floor for privacy laws (added onto by state laws, etc.), do you believe there would be a negative effect of removing the imminent requirement?

The Honorable Bruce Braley

1. What have we learned from experiences as we move forward and try to create a balanced system that is protecting the public and rights of the patients to get the best possible treatment, when obviously we have been failing them? What can we do about that?

The Honorable G.K. Butterfield

1. Can you please describe how the new program of public and health care provider education and outreach suggested by the National Committee on Vital and Health Statistics could improve patient awareness of their rights to privacy?