

Testimony
Jan Thomas
Committee on Energy and Commerce
Subcommittee on Oversight and Investigations
Friday, April 26, 2013

I would like to thank Congressman Braley for asking me to come to Washington to tell my story. I'd also like to thank Chairman Murphy and Representative DeGette for holding this hearing today on a very important subject. My name is Jan Thomas and the story I have to tell is a nightmare that could have been prevented. My life has not been the same since this tragedy occurred. It also changed the lives of my entire family and my community.

On June 24, 2009, what started out as a normal beautiful spring morning ended up being the beginning of a nightmare. Shortly before 8:00am, a 24 year old former student, Mark Becker, walked into our high school weight room, and in front of 22 high school students emptied his gun at close range into my husband, Ed. Ed did not survive his injuries and died on the way to the hospital. He was only 58 years old, and had taught and coached for 36 years.

In one quick moment, so many lives were impacted forever. Our family lost a son, husband, father, grandfather, and brother, who we loved very much. The students in the weight room that day, along with our extended community, lost a mentor, friend, teacher, and a coach. They lost their sense of confidence and security. The horror of that day will be with them forever.

Innocent youngsters, including our own young grandsons, suddenly realized that the world has a dark side. They were taught a horrible but truthful lesson that day. Bad things do happen to good people for no explainable reason, even when they think they are safe.

Our grandsons were robbed of the deep love of their "grandpa". They will miss all of the experiences they could have had with him. My sons lost their father, whom they loved very much. I lost my husband and life partner on that day. We miss him every day.

But the real tragedy of that day is the fact that it could have been prevented. Only four days before Ed was murdered, this same young man rammed his car into the garage of an acquaintance, and tried to break his way into the house with a baseball bat. When police arrived, he fled in his car leading law enforcement on a high speed chase. When the police apprehended him, he was then taken to an area hospital for psychological evaluation.

Less than 24 hours before my husband died, Mark decided he didn't want to stay at the hospital. Not following the advice of his doctor, Mark was dismissed from the hospital.

No one knew! Law enforcement was not notified, even though they had requested the hospital let them know when he was being dismissed. The hospital's justification for not notifying law enforcement prior to his release was that HIPAA prevented this disclosure. Even his parents didn't know until he called them later that evening.

No one knew he had been released, but Mark's privacy had been protected. During the investigation into the murder, it was revealed that Mark had feelings of animosity and resentment toward Ed. We didn't know this information. If Mark had come to my home and asked where Ed was that morning, I would have innocently sent Ed's killer directly to him and Ed to his grave. What a horror to think I may have had to live with that.

Once again, Mark Becker's privacy was protected. Adults with severe mental illnesses are not always able to make good choices for themselves concerning their treatment or their actions. They may need help of a family member or other responsible parties to be sure they receive required treatment. They may need outsiders to keep them and others out of harm's way. Due to HIPAA, even Mark's parents were unable to get requested information or help make decisions for his treatment.

I ask you. Is the privacy of one individual more sacred than a life? Is it more important than the welfare of the general public? Is it more important than allowing our law enforcement to know when a potentially violent offender is being released back into the very communities they risk their own lives to protect?

Ed was an inspiration to so many in our community. Most importantly, he was a loving son, husband, father, grandfather, and brother. I urge Congress to update this law so we can prevent further tragedies like this one.