May 13, 2013

Ms. Deven McGraw  
Director of the Health Privacy Project  
Center for Democracy and Technology  
1634 I Street, N.W. #1100  
Washington, D.C. 20006

Dear Ms. McGraw:

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. You have said that HIPAA has been "badly mangled." What can be done to clarify the law? Do we need new legislative language? Do we need some clarification from the Office for Civil Rights? More public education? Please share with us your specific recommendations.

2. In your written statement you referenced a 2007 poll showing that 17 percent, or one in six adults, say they withhold information from their health providers due to worries about how the medical data may be disclosed. Are you aware of any studies that ask this question specifically with regard to the sharing of personal mental health information?

The Honorable G.K. Butterfield

1. Patients’ rights to access psychotherapy notes are restricted more than other types of health records. Can you please explain what sort of access individuals have to that information? What happens if the patient believes that information to be inaccurate?