

Gregg B. Wolfe, RPR, CM

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Good Morning, Chairman Murphy, Vice Chairman Burgess, Ranking Member DeGette and Members of the Oversight and Investigations Subcommittee. My name is Gregg Wolfe, CEO of Kaplan, Leaman & Wolfe Court Reporting & Litigation Support and Federal Official Court Reporter for the Eastern District of Pennsylvania.

I am very thankful for the invitation extended to me so that I may testify to address the necessary and dire need to change the HIPAA law regarding minors and legally emancipated adults who either have a mental disorder, disability or drug and/or alcohol addiction. I will set forth the reasoning for the exception to our valuable HIPAA law, which will have a positive impact on our society.

My son, Justin, was a gregarious, affectionate, caring, compassionate and intelligent young man whose life came to a sudden end on December 19, 2012 from a heroin overdose at the very young age of 21.

Justin had attended Drexel and Syracuse Universities for his freshman and sophomore years respectively, carried a 3.0 GPA, but each year ended poorly due to aberrant

behavior. Justin had been seeing therapists since he was 15 and a half due to anxiety, OCD and ADHD.

He was placed on Adderall when he was almost 17 years old. Unlike physical illness, mental illness has a much longer maturation and duration until one discovers the effects and results with which to treat and possibly cure.

In 2012, Justin told his mother that he was addicted to Percocets and Oxycontin. She, in turn, took him to our primary care physician without my knowledge, per Justin's request. At that time, Justin apprised the doctor of his addiction, but also, when his mother was not present in the room, that he had been using heroin for a few months prior to that date.

Justin had asked that I not be apprised of any of those substances, and did not want his mother being informed of his heroin usage. Without disclosing the heroin usage, the doctor expressed dire concern to Justin's mother and told her to take him immediately to a recommended crisis center for treatment. However, upon departing the office, Justin convinced his mother, through his drug-manipulative behavior, to take him instead to a Suboxone doctor he knew of, which she did.

Justin would not allow his mother into the treatment room. There, Justin admitted to using heroin for the previous year, and he was prescribed Suboxone.

Two months later, against Justin's wishes, I was informed ONLY of his Percocet addiction, and implored him to enter into drug rehabilitation treatment. Justin was working two jobs during this time, with little time to attend treatment, Additionally, he convinced his mother and I the Suboxone was helping him with his recovery.

As another month had passed. Justin was residing in his college apartment and he finally hit rock bottom. We finally gave him an ultimatum and he entered Intensive Outpatient Treatment for five weeks that summer. Once in rehab, I contacted the intake director to inquire about his progress. I was informed that he could not disclose any information under the HIPAA regulations. I was extremely frustrated as I could not be apprised of my son's condition.

During Justin's 5-week rehabilitation, I sent him to see an experienced psychiatrist weekly, which ensued until his ultimate demise this past December. I explained to the psychiatrist his history with abuse, for which he tried to counsel Justin, as well as to prescribe medication for his depression, anxiety and OCD. I later learned, however, upon Justin's passing, that he had not disclosed his heroin addiction to the psychiatrist, except to say that he had tried it once.

Upon Justin's passing, his depression and OCD medication were found untouched in his apartment. Oddly, he continued to take his anxiety medication. Justin returned to school last fall at Temple University where he appeared to be doing well. He even joined AEPI, a wonderful fraternity, where he pledged and was fully supported by the brotherhood.

However, Justin obviously was terribly and secretly addicted to heroin, in addition to having mental disorders. He died of an accidental heroin overdose just a few weeks later.

Though doctors knew since May 2011, no one in our family was aware that Justin was using heroin, a lethal and insidious drug. Everyone was in shock and disbelief when we found out. Nevertheless, it was too late.

I have confronted numerous parents, and nine out of ten people are not aware that snorting heroin is an option, which is how Justin used the drug, not by injection. Most are also shocked to learn that heroin is only 5-10 dollars a bag.

It was alarming to learn that it is actually cheaper to buy a bag of heroin on the street than it is to purchase Percocet or Oxycontin. Even kids from affluent suburban neighborhoods like my son traveled to dangerous places like Camden, NJ and North Philadelphia, PA to buy drugs. Justin sold some of his personal belongings and items stolen from his mother, pawned his computer on several occasions, and actually sold his Suboxone and Adderall medication, which I learned after the fact by reading his text messages.

I hereby request an exception be added to HIPAA allowing parents of minors with a mental disorder or addiction, who maintain legal residency in their parents' homes, living under the auspices of their parents' care, and who are under their parents' health insurance coverage as specified by President Obama, until the age of 26, access to that

minor's medical records for the following reason -- **PREVENTION OF HARM TO INDIVIDUALS AND TO SOCIETY.**

1. Any type of addiction or mental disorder can be life-threatening to not only one's self, but to society as a whole, as indicative of the Newtown Massacres, Columbine, the Aurora shootings, to name just a few.

Justin was non-violent and would never intentionally hurt a soul. But, unintentionally, his life cut short destroyed other lives including his younger brother, Austin, not to mention the individuals to whom he sold his Suboxone and Adderall. After Justin's passing, Austin told us of his reckless disregard when driving as well as when conducting some of his activities. Thank God he never hurt anyone on the road. I have pictures of Justin's apartment from his last months that demonstrate how he resided at college, including cigarette burns in his bedding from obviously nodding out which could have set the apartment complex ablaze, resulting in injury or death to himself and others.

2. Justin's stepfather had taken him target shooting on occasion for sport. Had we known about his heroin addiction, he would not have armed him. Justin often asked my permission to become licensed to buy a gun, which I was against despite not knowing about his addiction. However, I am forever thankful for not allowing it, especially now that I know he was using a mind-bending drug.

3. Justin's lying and manipulation was the result of his heroin addiction. I have learned that heroin rewires the synapses of the brain so the only way to experience pleasure is by doing more of the drug. One becomes numb to all other surroundings, emotions and empathy, thereby resulting in the aforementioned behavior.
4. Drug-related deaths have risen steadily over the last 11 years, according to a study from the Center for Disease Control. In 2010, drug overdoses killed 38,329 people, making drugs a more common cause of death than car accidents, guns or alcohol. By comparison, approximately 8,500 homicides were the result of firearms.
5. According to a 2011 article in "Psychology Today," accidental drug overdosing is the second most cause of death of young people in the US, exceeding those attributable to firearms, homicides or HIV/AIDS.
6. According to the U.S. Department of Health & Human Services, "With an immature prefrontal cortex, which does not develop until 24-25 years old, even if teens understand that something is dangerous, they may still go ahead and engage in risky behavior." With young adults not having their frontal cortex fully developed, those with mental disorders and/or addictions exacerbate the irrational behavior.

In many circumstances, parents know what's best for their children, especially if given the appropriate medical information with which to exercise judgment and guidance. In an effort to help other parents in similar situations, I have launched an all-out campaign to the media, President Obama, lawmakers in NJ, PA and DE, and congressional leaders such as yourselves to call attention to this issue, and to lobby for adding language to HIPAA that may help protect troubled young adults -- and their communities -- from harm.

Parents are unable to operate effectively in a vacuum, without knowledge by healthcare professionals about our drug-induced, or mentally disabled, legally aged children who do not have the wherewithal to reason or think rationally for themselves. The absence of rationale may result in life-threatening decisions or, as in my son's case, premature death.

HIPAA has exceptions for public health and safety built-in. Item #5 under "Permitted Uses and Disclosures" whereby protected health information can be disclosed without an individual's consent, including, "Serious threat to Health or Safety. Covered entities may disclose protected health information that they believe is necessary to prevent or lessen a serious and imminent threat to a person or the public, when such disclosure is made to someone they believe can prevent or lessen the threat, including the target of the threat." So, it should stand to reason language addressing this particular safety hazard is prudent and necessary.

In, closing, I am hereby requesting the following language be added to this HIPAA exception to avoid ambiguity. Parents or legal caretakers of a minor and/or emancipated adult with documented drug abuse and/or mental health histories, who continue to cover the minor and/or emancipated adult with health coverage, and/or continue to support the individual financially, will have access to that individual's healthcare records until the age of 26 to prevent him/her or society from harm.

Although Justin's family, friends, nor Justin himself, could not save him, it is my hope that with change Justin's situation can help save millions of young lives in the future. Addiction and mental disabilities wreak havoc on our society and affect all ethnicities and socioeconomic backgrounds.

When you look at all the famous and intelligent people whose lives were tragically taken due to mental disturbances and drug abuse, this country has lost a wealth of talent and success which would have been an asset to the growth and strength of our nation.