

## **PRESS RELEASE**

**Citizens' Council on Health Care  
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### **Debate over Medical Privacy Rule Political and Misdirected**

*St. Paul, Minnesota* – According to one health care policy organization, outrage over the latest change in medical privacy regulations is misdirected and political.

"We should have seen this outrage a year ago when it could have made a real difference. The patient consent provision Bush eliminated was limited and coercive. Losing it means little. What really needs to be changed is the provision that gives federal officials and numerous others full access to the medical records of every American – without patient consent," says Twila Brase, president of Minnesota-based Citizens' Council on Health Care.

According to Brase, the rule has always allowed doctors, hospitals and health plans to disclose medical data without patient consent for 11 activities called "national health care priorities" by the Clinton Administration. In addition, the U.S. Department of Health and Human Services wrote the rule to permit federal access to patient medical records at any hour of any day – without a search warrant or even a complaint.

The patient consent provision deleted by the Bush Administration relates only to use of data for payment, treatment and health care operations. Other releases are allowed without consent. Therefore, recent political statements provide citizens with a false sense of security, says Brase:

"Patients' records belong to patients, and they should remain private unless they consent to release them." (Sen. Edward Kennedy, March 22 statement)

"The President believes strongly in the need for federal protections to ensure patient privacy, and the changes we are proposing today will allow us to deliver strong protections for personal medical information while improving access to care," (HHS Sec. Tommy Thompson, March 21, HHS press release)

"Disclosing patient data without consent for government databases, law enforcement, state and federal public health activities, medical research, public policy research, organ donation activities and public safety remains a part of the rule. That's what was in the Clinton rule. That's what Bush approved last year. That's what is still in the rule," says Brase.

"The patient consent provision was coercive in that it allowed providers to deny access to care and coverage if no consent was given. What kind of choice did patients have? If they didn't sign they wouldn't be seen. Is that really consent?" asks Brase.

"The Clinton and Bush Administrations are equally to blame for the disintegration of patient privacy rights. The Bush deletion of patient consent should be the least of our concerns."

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CCHC is an independent non-profit free-market health care policy organization located in St. Paul, Minnesota

