

*****NEWS RELEASE*****

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Justice Scalia's Death Could Impact Supreme Court Patient Data Case

Citizens' Council for Health Freedom: He Who Holds the Data Makes the Rules; Patient Data Should Be Used for Patient Care, Not to Influence Policy, Build Big Databases or Control Doctors

ST. PAUL, Minn.—With the death earlier this month of Supreme Court Justice Antonin Scalia, many are wondering how the loss will impact several high-profile cases, including one that surrounds patient data.

If a Supreme Court Justice should happen to pass away after his vote is cast on the outcome of a case, but before the decision is announced, his vote does not count. That is the situation at hand in *Gobeille v. Liberty Mutual Insurance Co.*, which will decide whether an employer that self-funds insurance for employees should have to turn over medical information to the state of Vermont, according to Modern Healthcare. The case could have far-reaching implications.

Twila Brase, president and co-founder of *Citizens' Council for Health Freedom (CCHF, www.cchfreedom.org)*, a patient-centered national health freedom organization based in St. Paul, Minn., existing to protect health care choices, individualized patient care, and medical and genetic privacy rights, says the case surrounds a powerful fact: "He who holds the data makes the rules."

"In this case, the state of Vermont is demanding certain data from an insurance company, Liberty Mutual," Brase said. "But the insurance company is standing on the federal Employer Retirement Income Security Act, or ERISA, which protects both the company and its third-party administrator from giving out this information on their employees. States increasingly gather data from every patient encounter reimbursed by insurers or government. They often use this data to push intrusive or overreaching state and national health care policies.

"The information we give our doctors and our health insurance companies should not be used without our consent to influence policy and give states more power over treatment decisions," Brase added. "The doctor-patient-insurance company relationship should be focused, first and

foremost, on the care of the patient, rather than building huge databases, influencing policy, scoring physicians, imposing penalties or controlling health care through data.”

According to the National Academy for State Health Policy, 18 states have enacted laws to create All-Payer Claims Database (APCD) systems, and 20 more are considering similar laws.

The Supreme Court heard the case in December, before Scalia’s death, and if the vote happened to be 5-4—and Scalia’s voice was a deciding factor—the outcome may now be deadlocked at 4-4. In that scenario, the lower court’s decision would be upheld. The Second Circuit Court previously ruled 2-1 in favor of Liberty Mutual, stating that the APCD law was preempted by ERISA; the state of Vermont appealed to the Supreme Court.

Heard on 368 stations nationwide, including nearly 200 on the American Family Radio Network and 100 on the Bott Radio Network, **CCHF**’s daily, one-minute radio feature, *Health Freedom Minute*, helps listeners learn more about the agenda behind health care initiatives, as well as steps they can take to protect their health care choices, rights and privacy. The one-minute program is free for stations to run; for details, contact Michael Hamilton at mhamilton@hamiltonstrategies.com or (610) 584-1096 or (215) 519-4838.

For more information about **CCHF**, visit its web site at www.cchfreedom.org, its Facebook page at www.facebook.com/cchfreedom or its Twitter feed, @CCHFFreedom.

Citizens’ Council for Health Freedom, a patient-centered national health freedom organization based in St. Paul, Minn., exists to protect health care choices, individualized patient care, and medical and genetic privacy rights. CCHF sponsors the daily, 60-second radio feature, Health Freedom Minute, which airs on approximately 350 stations nationwide, including nearly 200 on the American Family Radio Network and 100 on the Bott Radio Network. Listeners can learn more about the agenda behind health care initiatives and steps they can take to protect their health care choices, rights and privacy.

CCHF president and co-founder Twila Brase, R.N., has been called one of the “100 Most Powerful People in Health Care” and one of “Minnesota’s 100 Most Influential Health Care Leaders.” A public health nurse, Brase has been interviewed by CNN, Fox News, Minnesota Public Radio, NBC Nightly News, NBC’s Today Show, NPR, New York Public Radio, the Associated Press, Modern Healthcare, TIME, The Wall Street Journal, The Washington Post and The Washington Times, among others. She is at the forefront of informing the public of crucial health issues, such as intrusive wellness and prevention initiatives in Obamacare, patient privacy, informed consent, the dangers of “evidence-based medicine” and the implications of state and federal health care reform.

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For more information or to interview Twila Brase, president and co-founder of *Citizens’ Council for Health Freedom*, contact Deborah Hamilton at 215-815-7716 or 610-584-1096, or Beth Harrison at 610-584-1096, Media@HamiltonStrategies.com.