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Association of American Physicians and Surgeons, Inc.
A Voice for Private Physicians Since 1943
Omnia pro aegroto

H.R. 4157 IS NOT THE SOLUTION TO HEALTH INFORMATION TECHNOLOGY

The Association of American Physicians and Surgeons is a non-partisan professional association of physicians in all specialties dedicated to protection of the patient-physician relationship since 1943, and represents thousands of doctors and hundreds of thousands of their patients.

We urge you vote no on H.R. 4157, the **Health Information Technology Promotion Act of 2006. This is a weak bill that may actually weaken patient privacy and increase costs.**

NO PROVISIONS FOR PATIENT PRIVACY OR CONSENT TO DISCLOSE

This bill would enable the development of a national electronic health information system. Unfortunately, there are no provisions to protect patient privacy or security. Further, the bill doesn't require patient consent for your medical information to be disclosed to government or private parties. In summary, the bill doesn't even recognize your right to privacy, nor your right to be informed if there has been a security breach.

This has been a battle of the PR wars, with misleading information claiming huge cost savings and a safer system. Supporters point to surveys that show that consumers support a national health information technology system. But that is misleading – consumers only support a system that is voluntary, protects their privacy, allows them to control the use of their information, and is NOT dumped into a central repository vulnerable to security breaches.

SECURITY CANNOT BE GUARANTEED

Even the President's own cyber task reported that existing systems are vulnerable to intrusions, and it's getting worse. Just look at the recent breach of the VA system exposing millions of records.

WILL NOT ACCOMPLISH GOAL OF COST SAVINGS

The bill will not save costs, and in fact, places a further compliance burden on physicians to purchase and implement new technology incurring costs that will be passed along to patients.

EXPANSION OF POWERS OF DHHS

We also question the wisdom of conferring broad authority on the Department of Health and Human Services to develop national privacy principles in view of the following facts:

1. that agency has been given an "F" for two straight years by the House Committee on Government Reform on its ability to protect the security of the personal health information it handles,
2. it eliminated the patient's right of consent and granted "regulatory permission" for thousands of covered entities to routinely use and disclose individuals' identifiable health information even over their objection in the HIPAA Privacy Rule,
3. it failed to enforce the remaining weak privacy protections in the HIPAA Privacy Rule, and
4. it was found by the General Accountability Office to have little commitment to the protection of the privacy of health information.

We see that the latest version of H.R. 4157 has dropped the provision which would have conferred authority on the Secretary of Health and Human Services to issue national privacy standards in regulations that would have preempted state health information privacy laws. However, the revised bill provides for the development of a national electronic health information system that relies on the ineffectual "floor" of privacy protections in the HIPAA privacy regulations. We believe, and surveys show that the public strongly agrees, that no electronic health information system should be implemented without national privacy standards that are brought up to the level of the strongest state protections.

We urge you to defeat this bill, and replace it with one that includes the following principles:

1. Patient-centered and patient-controlled;
2. Market-driven;
3. Voluntary, with no central database;
4. Secure & private.