

Congress of the United States
Washington, DC 20515

July 26, 2018

Dear Secretary Azar:

We write to express our strong support for the Compassionate Communication on HIPAA provisions authorized under Subtitle C, Title XI, Section 11004 of the 21st Century Cures Act and to request an update on the status of implementing this provision which was enacted by Congress in 2016.

HIPAA regulations allow health professionals to share information with a patient's loved ones in emergency or dangerous situations. However, widespread misunderstandings persist and create obstacles to family support that is crucial to the proper care and treatment of persons experiencing a crisis. To enhance the quality of behavioral health and medical/surgical services, we believe it is essential that model programs and training materials be developed for health care professionals regarding permitted uses and disclosures of Protected Health Information through HIPAA.

Unfortunately, many health providers either misinterpret or do not understand what HIPAA actually permits them to say. As long as misconceptions or ignorance of the rights and responsibilities associated with the privacy rule persist, HIPAA may continue to hinder necessary communication with significant implications for patient care and public safety in circumstances in which providers are legally allowed to share information.

In an effort to promulgate a proper understanding, the Compassionate Communication on HIPAA provision within the 21st Century Cures Act requires HHS to develop model programs and training for health care providers to clarify when information can be shared. It is important that HHS prioritize the training of health professionals – including physicians, nurses, emergency medical personnel, care managers, and hospitals – regarding permitted HIPAA uses and disclosures. The measure also provides for training of patients and their families to understand their rights to obtain treatment information.

Providers should reasonably work with families who, in good faith, seek information about a family member with serious mental illness to protect their health or safety, particularly where that individual lacks judgment to make an informed decision regarding their need for treatment, care, or supervision. Therefore, we respectfully request an update on your progress in implementing the Compassionate Communication on HIPAA provision within the 21st Century Cures Act.

We appreciate your attention to this important matter and look forward to your response.

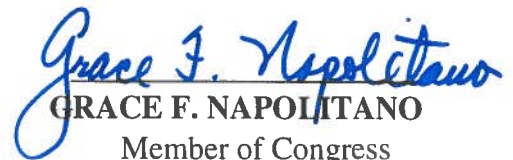
Sincerely,



ADAM B. SCHIFF
Member of Congress



JOHN KATKO
Member of Congress



GRACE F. NAPOLITANO
Member of Congress



GUS M. BILIRAKIS
Member of Congress



JIMMY PANETTA
Member of Congress



SALUD O. CARBAJAL
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