

Statement by Cong. Henry A. Waxman
Hearing of the Subcommittee on Health
Committee on Energy and Commerce
“Legislative Proposals to Promote Electronic Health Records and Smarter Health
Information System”
March 16, 2006

Mr. Chairman, I am pleased that the Subcommittee is holding this hearing today, and that we will have the benefit of hearing from some expert witnesses about both the potential and the issues involved as we move forward with health information transfer (IT) systems.

Certainly, IT holds great promise to make our system more efficient and hopefully more effective. It can be a valuable tool in reducing medical errors and assuring appropriate coordination of care.

But before we get carried away with the benefits that information technology can bring to health care, I think we have to keep focused on the real dangers that this can bring to the already fragile protection we have regarding privacy issues.

Computerized medical records pose a threat to one of the most basic privacy rights that an individual can have. Basic medical and genetic information should not be shared without meaningful informed consent. But even with consent, protections against release of information, the right to be informed of any breach of privacy, the right to have access to one's own information, and strong protections against the discriminatory use of the information are all critical.

Further, the maintenance of State laws that protect privacy should be a bedrock principle. We cannot take such comfort in our Federal rules that we can afford to eliminate any additional protections.

Finally, I cannot help but comment on the irony that we would even contemplate limiting State protections when we have so clearly failed at the Federal level to adopt legislation that assures basic protections against discrimination on the basis of genetic information. This Committee has jurisdiction in this area, and it should exercise it.

This area is simply one illustration of the fact that we cannot enact IT laws in a vacuum. Our system does not assure nondiscrimination in many areas, so the uses that can be made of information that is collected are important, and the assurance of confidentiality of the information is critical.

I look forward to hearing from our witnesses today.