

April 24, 2002

U.S. Department of Health and Human Services
Office for Civil Rights
Attention: Privacy 2
Room 425A
Hubert H. Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

Re: Comments on Proposed Modifications to Privacy Rule

To Whom It May Concern:

I am writing on behalf of Pennsylvanians for Choice to oppose any changes to the federal health privacy regulation that would weaken its protection with respect to minors.

The new proposed regulations would make minors' health information available to the child's parent unless state law explicitly stated otherwise. Pennsylvanians for Choice believes this change retreats from the strong protection of confidential information given in the prior version of the rules. In that version, medical information about procedures for which minors could consent on their own would remain confidential.

This was a wise approach: Research has suggested that young people will seek medical assistance for sensitive health issues only if they are guaranteed confidentiality. The prior version was also clearer for doctors. Under the proposed change, doctors would have to learn a new and murky body of law regarding confidentiality.

The prior version of the regulation struck the appropriate balance on this issue. It respected the important role that parents generally play in obtaining health care for their children, while at the same time recognizing the need to let minors continue to control their protected health information in the particular and narrow circumstances when they can consent to their own treatment. We urge you to reject the new proposed regulation with respect to minors' health information and return to the prior regulation.

Sincerely yours,

Susan Frietsche
Senior Attorney
Women's Law Project