



February 28, 2023

The Honorable Cathy McMorris Rodgers, Chair
House Energy & Commerce Committee
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Frank Pallone, Ranking Member
House Energy & Commerce Committee
2322 Rayburn House Office Building
Washington, DC 20515

Dear Chairwoman McMorris Rogers and Ranking Member Pallone,

The Health Innovation Alliance (HIA) appreciates your continued leadership on improving consumer privacy protections for people across the country. HIA is a diverse coalition of patient advocates, healthcare providers, consumer organizations, employers, technology companies, and payers who support the commonsense use of data and technology to improve health outcomes and lower costs.

As you consider modernizing our nation's privacy framework, we urge you to explicitly carve out existing healthcare laws and regulations in any legislation considered by the Committee. Health information exchange is vital to the practice of medicine and its regulation, and Congress has worked for years to facilitate the access, exchange, and use of health data for everything from preventing malpractice and improving patient care to advancing medical research.

Privacy of sensitive health information is necessary to establish trust to deliver care, enhance quality, and pay for services and products. This necessity is one reason there are so many existing laws to protect patient privacy while ensuring health data is available to those who need it.

Congress should ensure that any policies intended to rein in inappropriate use, disclosure, or sale of information do not thwart advances in medicine or stop medical research. Legislators in California had to amend the state's privacy law to avoid shutting down efforts to advance patient care and conduct clinical trials. Any federal legislation in this area should avoid this problem by carving out existing healthcare protections. The Health Innovation Alliance has already shared legislative text with the Energy and Commerce Committee to achieve this goal.

Additionally, health care is a complicated industry, and the regulation of health information is as well. As the Committee considers advancing consumer privacy protections and carving out existing regulations in health care, HIA urges consideration of the Health Data Use and Privacy Commission Act (S. 3620, 117th Congress). This legislation would establish a commission of experts to analyze whether health data privacy regulation should be updated, and if so, how. The Health Data Use and Privacy Commission Act would inform the Energy and Commerce Committee and the rest of Congress on how best to navigate healthcare regulation and modernize privacy for patients and consumers.

HIA stands ready to further assist the Committee in its important work to better protect consumer and health data. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brett Meeks", is written over a light blue horizontal line.

Brett Meeks
Executive Director