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## **ACLU OF RI POSITION: OPPOSE**

### **TESTIMONY ON 22-S 2766, AN ACT RELATING TO OFFICE OF HEALTH CARE ADVOCATE April 12, 2022**

The ACLU of Rhode Island opposes this legislation, which would allow the Attorney General's health care advocate (HCA) to receive unredacted confidential health care information of individuals without their consent.

The ACLU has long been concerned about the increasing, and seemingly never-ending, expansion of exemptions under the state's health care confidentiality law (CHCCIA), and that concern includes this effort.

We understand that the major reason offered for this revision of the law is that it currently sometimes takes a long time for the HCA to get health care records from other agencies because of the need for them to redact the documents, thus slowing release down. However, this is simply not a compelling reason to give the HCA unredacted records of sensitive personally-identifiable health care information. If the problem is one of timing, the law can set deadlines for agencies to respond to the HCA's requests for redacted records, rather than violating patients' privacy by unnecessarily turning over their unredacted health care information. After all, unredacted information simply would not seem necessary to perform the administrative and advocacy roles that largely fall within the HCA's purview.

In any event, if the HCA's need for identifiable information still seems necessary in a particular instance, that necessity would be almost certain to fall into one or more of the two dozen exemptions that already exist in the CHCCIA (and HIPAA). If there is a narrow missing exemption, then a narrow exemption should be drafted. But there is no basis for instead creating an additional broad, carte blanche exemption that provides the HCA access to sensitive and identifiable health care records without consent.

We therefore urge the committee's opposition to this bill. Thank you for your consideration.