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Subject: HB 2093 and federal regulations

I am writing about one portion of the Proposed Amendments to HB 2093 that would fly in the face of three federal agencies advice and rulings and should be removed from the bill.

On page 73, these words are found: "Prior to transferring records of live birth and death, the state registrar shall **redact all information identified as having only a medical or health purpose**…"

This is **contrary to the United States Surgeon General's "Family Health Initiative"** that encourages citizens to compile a health history, **contrary to the Centers for Disease Control and Prevention's advice that citizens develop a health history** that includes "three generations of your biological relatives, the age at diagnosis, and the age and cause of death of deceased family members."

Finally, this is **contrary to the federal Department of Health and Human Services ruling that medical records are open 50 years after death.** This is more fully covered in Judy G. Russell's blog entry, "Breakthrough for medical genealogy," http://www.legalgenealogist.com/blog/2013/04/08/breakthrough-for-medical-genealogy/.

As a summary of the blog, Russell writes,

> "**as of the 26th of March, HIPAA's definition of "protected health information" expressly excludes information regarding "a person who has been deceased for more than 50 years,"[8] and covered entities need only comply with HIPAA "with respect to the protected health information of a deceased individual for a period of 50 years following the death of the individual."[9]**

In addition, the 2011 Model Act was created by a work task force with no public involvement. It has not received federal approval, and the portion about redacting health information will surely never be approved when HIPAA states otherwise.

Connie Lenzen

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Connie Lenzen, CG*

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