

**House Bill 2948 Testimony**  
**March 11, 2015**  
**House Committee on Health Care**

My name is Kazuko Arai Gardner and I'm here today to speak with you about my experiences related to House Bill 2948.

On February 24, 2014 I lost my daughter, Jackie, to suicide. A suicide that could have been prevented had her health care providers shared with us their knowledge that she had bought a handgun two weeks prior and was planning to kill herself. Knowledge that both her therapist and her psychiatrist had, but did not share, we assume due to a fear of violating HIPAA. That fear was apparently so strong that they ignored the release of information form that Jackie had signed and was on file.

It was only by accident that we learned Jackie's therapist and her psychiatrist had known Jackie had purchased the gun and had even discussed it among themselves. If not for a slip-up by her therapist, it would have never come to light. Had it been shared with us in a timely fashion, it is very likely that Jackie would still be with us today.

Jackie had bi-polar disorder and had previously attempted suicide and, as such, was at a high risk of attempting it again. Yet none of her health care providers cared enough to reach out to the very people who could have made a difference. They will claim that privacy protections provided by HIPAA prevented them from disclosing anything to us.

I would like to tell you a bit about the incredible daughter I lost. Jackie was an artist, an actor, a model, a singer, a writer, a comedian, a dancer, a choreographer. She had many friends. Jackie always prepared breakfast in bed for me on Mother's Day with a flower in a vase. She spent a year in Sendai, Japan as an exchange student and in 2008 Jackie graduated from the Arts & Communication Magnet Academy in Beaverton as valedictorian. She earned a scholarship to Northwestern University in Chicago where she studied communications. She had such a bright future. She was only 23.

Bi-polar disorder is a brain illness that can impair an individual's ability to fully understand and comprehend the implications of their behavior and actions. The illness makes the sufferer very impulsive and they often live in the moment with little or no concern to the future. Resulting poor decisions often have dire consequences, such as the loss of friends and other relationships. Sometimes, the immediate family members are the only ones left that care enough to support them through their illness. When health care providers do not communicate with the family members, they lose critical support. Sometimes, family members are their last life line to help them navigate through our fragmented, dysfunctional mental health care system. As our experiences show, health care providers often do not have the same level of care and concern as the family members.

We need to provide clear and concise direction to the health care community that motivates them to familiarize themselves with the existing provisions within HIPAA that both allow and encourage them to communicate with families and loved ones when it is warranted. Therefore, I urge you to pass HB 2948 and let families and loved ones be part of the team caring for people living with mental illness.

What we are going through could have been prevented. There may be many other unknown cases like ours because of HIPAA, and we may be just the tip of the iceberg.

Please, take a stand and don't let this happen to another loving, supportive Oregon family.

Thank you.