Americans Demand Medical Privacy

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It's hard to find an issue on which government officials are more out of touch with the American people than the matter of medical privacy, also known as electronic profiling. A new Gallup survey shows that the overwhelming majority of Americans do not want the government or any third parties to have access to their medical records without their permission, but government and third parties have nevertheless been stockpiling information on their electronic databases just as fast as you can say dot com.
The Gallup survey found that 92 percent of Americans oppose allowing government agencies to see their medical records without their permission, and 91 percent oppose assigning everybody a medical identification number, similar to a social security number, in order to store your medical records on a national database.

Assigning individual medical identification numbers is what makes a national database possible. This was an essential part of the infamous 1994 nationalized health care bill which the public and Congress rejected and which was so resented by the voters that it helped to elect the landmark Republican Congress.

When President Clinton made his television appeal for his health bill, he held up a card which he said would be everyone's health security card to guarantee access to care. The fine print on that card carried a number to identify each American's entire health record on a government database.

After the defeat of his 1994 bill, which would have meant a total takeover of the health industry, Clinton adopted an incremental strategy. The 1996 Health Insurance Portability and Accountability Act, known as Kennedy-Kassebaum, authorizes the Department of Health and Human Services (HHS) to assign "unique health care identifiers" to all Americans so that the government can electronically tag, track and monitor our personal medical records.

Due to grassroots lobbying, the 1998 Consolidated Appropriations Act put a temporary moratorium on individual health identifiers "until legislation is enacted specifically approving the standard." HHS has so far been unable to proceed with this project because Congress has refused to appropriate the funding.

During 1999, Congress wrangled over various privacy bills without coming to any agreement. When Congress failed to meet a deadline of August 21, 1999, the authority to write regulations passed to HHS Secretary Donna Shalala, who then issued a controversial 400+ page regulation for public comment.

The American people instinctively rebel against the government having access to all our personal medical records because it conveys ominous power to control our lives. The Centers for Disease Control (CDC) is already trying to build an electronic database of children's immunizations so that admission to daycare, school, college or even medical care can be denied to anyone who has not been injected with the government-specified number of shots.

Lacking the power to do this directly, the CDC is trying to persuade or bribe the states to build their own databases of children's medical records and then share their vaccine registries with the CDC. HHS offers each Governor a bounty of $50, $75 or $100 per child if the state registry shows that 50 percent, 75 percent or 90 percent of children, respectively, are fully immunized.

The 1999 Labor/HHS/Education Appropriations bill requires "all babies" born in hospitals to get a "hearing screening before leaving the birthing facility," requires the states "to collect data," and instructs the CDC to "promote the sharing of data" with other "monitoring programs." An electronic database of individual medical records is what proves compliance and enables the government to impose additional medical regulations.

While individual medical records in the hands of the government give bureaucrats the power to compel Americans' behavior and to deny benefits, the same personal information is very valuable commercially to third parties. Pharmacies, insurance companies and employers are now building electronic databases of individual medical records.

Americans have good reason to fear that private medical records, including genetic information, can be blueprints for genetic red-lining to deny insurance or jobs. The Gallup survey found that 93 percent of Americans do not want genetic information to be available to anyone without their consent.

We urgently need state and federal privacy legislation to prevent government or corporations from using personal information for purposes other than that for which the individuals provided it. Such legislation is opposed by the corporations that compile electronic databases because they are such tremendous financial assets.

The corporations are even lobbying for legislation to give them a new property right, akin to a copyright, to own, manage and control their databases of personal information, including medical records. One pending bill would, for example, make medical charts detailing our visits to our doctors the property of corporations, protected by the threat of heavy criminal penalties to be imposed on anyone who interferes with their ownership.

The Gallup survey, released September 27, was commissioned by the Institute for Health Freedom, a nonprofit think tank in Washington, D.C.