

WASHINGTON, D.C. – As the Senate today considers the National Defense Authorization Act, H.R. 1585, U.S. Rep. Harry Mitchell urged the Senate to adopt his amendment to help returning service members transfer their Department of Defense-held medical records to the Department of Veterans' Affairs.

The growing need for the Mitchell amendment was highlighted in a [Government Accountability Office \(GAO\) report](#) released yesterday, which found that “The need for DOD and VA to share patient data continues to be critical.” [Source: [Government Accountability Office report](#), Sept. 26, 2007]

In today's front page story about the GAO report, the Washington Post [reported](#), “More than half a year after disclosures of systemic problems at Walter Reed Army Medical Center and other military hospitals, the Pentagon's promised fixes are threatened by staff shortages and uncertainty about how best to improve long-term care for wounded troops.” [Source: [Washington Post](#), Sept. 27, 2007]

The House of Representatives [passed the Mitchell amendment](#) on May 16. Today, Mitchell renewed his call for the Senate to do the same.

“For too long, men and women of the military have had great difficulty in transferring their medical records to their VA doctors,” Mitchell said. “These difficulties persist, and I urge the Senate to join the House in helping to resolve this. Our service members and veterans deserve better.”

Mitchell, who serves as chairman of the Veterans' Affairs Subcommittee on Oversight and Investigations, was joined by fellow subcommittee members Reps. Zack Space of Ohio, Tim Walz of Minnesota and Ciro Rodriguez of Texas in offering the amendment.

Earlier this year, Mitchell's subcommittee held hearings on the issue and found that VA doctors continue to lack full access to their patients' medical information, including the medical treatment patients received and medical conditions they may have had before they were discharged from the military.

According to the GAO, one of the reasons the Defense Department and VA are not sharing medical information in their differing interpretations of the Health Insurance Portability and Accountability Act, the law that protects the release of private medical information. [Source: [Government Accountability Office report](#), May 19, 2005]

In May 2005, the GAO reported,

“DOD and VA have been working on a data sharing agreement for over 2 years, but have not reached an agreement. DOD and VA differ in their understanding of HIPAA Privacy Rule

provisions that govern the sharing of individually identifiable health data for servicemembers currently receiving that exchange. DOD's and VA's inability to resolve these differences has impeded coming to an agreement on exchanging seriously injured servicemembers' individually identifiable health data."

The Mitchell Amendment will require the Defense Department to provide every member of the armed forces a HIPAA authorization form, the voluntary signing of which will legally obligate the Defense Department to transfer that service member's medical records to the VA upon his or her discharge.

"If a soldier wants his or her medical information to be made available to a VA doctor, that information should be transferred," said Mitchell.