

WASHINGTON, D.C. – The House of Representatives today adopted an amendment offered by U.S. Rep. Harry Mitchell to H.R. 1585, the National Defense Authorization Act, which will help returning service members transfer their Department of Defense-held medical records to the Department of Veterans' Affairs.

“For too long, men and women of the military have had great difficulty in transferring their medical records to their VA doctors,” Mitchell said. “I’m proud that once we learned more about the problem we were able to identify a simple solution that will go a long way in improving veterans’ health care.”

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.

Mitchell’s subcommittee held hearings on the issue and discovered 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 U.S. Government Accountability Office, 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: <http://www.gao.gov/new.items/d05722t.pdf> ]

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.