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U.S. Department of Health & Human Services  
Assistant Secretary for Planning and Evaluation  
Attention: Privacy-P, Room G-3222A  
Hubert Humphrey Building  
200 Independence Avenue SW  
Washington, DC 20201


Dear Sir or Madame:

This letter is a comment on the "Treatment, payment and health care operations" section of the Standards of Privacy of Individual Identifiable Health Information, RIN0991-AB08.

We urge the government expressly to state in the regulations that individuals have a right to privacy for all identifiable medical information. Statutory recognition for all privacy of psychotherapy communication is vital and must be preserved in this final draft. This privilege, as established in the Supreme Court's Jaffee v. Redmond decision, should expressly be recognized and not waived for any disclosure required for treatment or payment of insurance claim. Information, once revealed outside the treatment relationship can and has become public Information and effectively destroys the treatment and harms the patient.

Patient consent should be required for the disclosure of all mental health information. I urge the government to adopt the "New Jersey" model for protecting mental health information, which contains this requirement. The regulations should not permit disclosure of mental health information related to items and services (employers, marketers, law enforcement, government data, banks, financial institutions, etc.) without the patients express consent.

As a member of the Clinical Social Work Federation, a national organization dedicated to clinical treatment of patients with mental health problems, I urge you to consider these important issues in your deliberations.

Sincerely,  
  
Walter D. Miller, LCSW