

Testimony on Vermont HIE
Chloé White, Policy Director
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The Vermont ACLU opposes changing the VHIE opt-in system to an opt-out. Such a system relieves administrators of the important duty to fully inform patients of their rights and could burden those with low levels of health literacy, including patients with disabilities. Health information is incredibly personal and private, and therefore sharing it should require affirmative consent. The justification for this proposal seems to be the low number of those opting in. If participation in the VHIE is so low, it seems either that administrators are not doing an adequate job of explaining patient options, or that Vermonters value their privacy and are opting not to share their information. If the former, then the solution should be increased training and education to ensure patients are fully informed, and if the latter, then an opt-out system would seem to run counter to and constitute an end-run around Vermonters' desire to guard their health information.

Others have argued that an opt-in system is too administratively burdensome. Such a complaint is worrying, as it seems to assume that an opt-out system will be less burdensome because administrators will spend less time explaining the HIE to patients. In either system, whether opt-in or opt-out, administrators must take the time to fully inform patients of their rights and about the HIE to help patients make meaningful and informed choices. Simply handing or mailing patients a glossy brochure is not enough. When dealing with such important information as personal health information, the burden for allowing disclosure should be high.