

**FOR IMMEDIATE RELEASE**  
August 9, 2007

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**KENNEDY REQUESTS INFORMATION ON POSSIBLE PATIENTS' RIGHTS VIOLATIONS**

WASHINGTON, DC— Today, Senator Edward M. Kennedy, Chairman of the Health, Education, Labor and Pensions Committee, sent the following letter to Secretary Michael Leavitt of the Department of Health and Human Services, requesting information pertaining to possible violations of the Health Insurance Portability & Accountability Act of 1996 reported to the Centers for Medicare and Medicaid Services.

Below is the text of the letter.

August 9, 2007

Secretary Michael Leavitt  
Department of Health and Human Services  
200 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Leavitt:

I am writing to request information concerning complaints submitted to the Centers for Medicare and Medicaid Services ("CMS") alleging violations of provisions of the Health Insurance Portability & Accountability Act of 1996 ("HIPAA") that guarantee "portability" of health insurance benefits. As you know, HIPAA guarantees individual health insurance coverage for eligible individuals moving out of a group health insurance plan. Specifically, section 111 of HIPAA amends the Public Health Service Act to require (in the absence of a state-established "alternative mechanism," such as a high-risk pool) insurance carriers to offer eligible individuals "at least one 'policy form' comparable to either comprehensive coverage in the state's individual health insurance market or standard coverage under the state's group- or individual-market laws." GAO Report "'Alternative Mechanisms' Under HIPAA," May 20, 1998, GAO/HEHS-98-161R.

Implementing regulations charge CMS with collecting, maintaining, and addressing complaints of HIPAA violations—including violations of the so-called "group-to-individual portability" requirement described above. As part of my oversight responsibilities, I request that CMS provide to my office all complaints it has received over the past year involving allegations that the HIPAA provision discussed above has been violated, including complaints that insurance carriers have inappropriately delayed processing applications for individual insurance coverage for eligible individuals. I ask that you coordinate the production of documents with Sandra Gallardo or Nicholas Bath, Counsel to the Committee, at (202) 224-3112.

With respect and appreciation,

Sincerely,

Edward M. Kennedy  
Chairman

