

RESOLUTION 16-15

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3 Title: Protect HealthCare.gov Consumers' Personal Data
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5 Introduced by: Domenic R. Federico, MD, for the Kent County Delegation
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7 Original Author: Jayne E. Courts, MD
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9 Referred to: Reference Committee E
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11 House Action: **APPROVED AS AMENDED**
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14 Whereas, the Affordable Care Act (ACA) was signed into law in 2010, and

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16 Whereas, a provision of the ACA allows the development of a federally facilitated
17 health insurance marketplace (HealthCare.gov), and

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19 Whereas, registration through HealthCare.gov requires the on-line entry of
20 personal health information, and

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22 Whereas, this information should be protected in the same manner as protected
23 health information under the Health Insurance Portability and Accountability Act (HIPAA)
24 of 1996 with violation leading to a potential felony offense, and

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26 Whereas, several recent media reports have revealed that Healthcare.gov has
27 been sharing consumer's personal data with third-party marketing sites without explicit
28 permission from the patient, and

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30 Whereas, these reports indicate that the frequency of this practice by
31 HealthCare.gov has been decreased but not ceased in spite of public and legislative
32 outcry about privacy and security concerns, and

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34 Whereas, legislation, H.R. 633 ("Protecting Rights Online To Ensure Consumers'
35 Trust (PROTECT) of 2015"), to prohibit the inappropriate sharing of personally identifiable
36 information obtained through HealthCare.gov has been introduced in response to this
37 revelation; therefore be it

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39 **RESOLVED:** That the American Medical Association support legislation that
40 prohibits the inappropriate sharing of personal health information obtained from state and
41 federally facilitated Health Insurance Marketplaces such as HealthCare.gov.
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44 **WAYS AND MEANS COMMITTEE FISCAL NOTE: NONE**