

Action Alert!

YOUR MEDICAL AND MENTAL HEALTH RECORDS AND SECTION 215 OF THE PATRIOT ACT

The House and Senate have unfortunately both passed bills extending the sections of the Patriot Act that were set to sunset at the end of this year.

The Senate bill S.1389, however, is significantly preferable as it includes some protections of confidentiality of medical and mental health records.

The House bill continues to allow the FBI to search the records of anyone, including people who are not suspected of a crime; all they have to say is their records are "relevant" to a counter-terrorism or counter-espionage investigation. The House bill also leaves the gag order on physicians and therapists, prohibiting them from telling anyone including their clients or professional organizations that their records were taken. And it would not sunset for 10 years.

The main reasons the Senate version S.1389 is preferable are:

1. There would need to be some reasonable grounds that records are relevant to an authorized investigation before they are taken.
2. Records would not be able to be obtained without approval of the FBI Director or Deputy Director.
3. The recipient of the order would be allowed to obtain legal counsel and/or challenge the legality of the order--including prohibitions on disclosure.
4. The Justice Department would be required to disclose how many Section 215 orders have been requested yearly.
5. It would sunset in 4 years.

The two bills will likely go to conference committee in September.

Please contact your representatives in Congress and tell them to make sure the final bill corresponds with Senate bill S.1389 regarding the medical records portion of the bill.

Hand written letters faxed from your home or office carry the most weight. Please include your name and home address or zip code. Phone calls are also useful as are emails sent from your personal address.

To find contact information for your Senator and Representative and to get more details on the Patriot Act, please go to <http://action.aclu.org/reformthepatriotact/>

For content of S.1389: <http://www.govtrack.us/congress/billtext.xpd?bill=s109-1389>

***TIME IS OF THE ESSENCE! WE CALL ON HEALTH PROFESSIONALS AND
ALL CITIZENS TO TAKE ACTION NOW.***