

**AIDS Project of Southern Vermont
HIV/HCV Resource Center
Vermont CARES
Vermont People with AIDS Coalition**

VITL Opt In/Op Out

**House Health Care Committee
April 25, 2019**

The above-named organizations provide services to people living with HIV/AIDS. We strongly oppose moving from an opt in to opt out system for sharing of medical records through VITL.

Informed Consent

All patients should have the right to make an informed decision as to whether they want their medical information shared. It is all about informed consent. People have many different reasons behind the decision whether to share their health care information. For example, although we have made progress over the years related to stigma, the stigma related HIV/AIDS has not been eliminated. Keeping our health care information confidential is crucial, especially in a small state like Vermont, where your neighbor or family acquaintance can be your medical provider.

Vermont law on the All Payer Model can provide some guidance on the informed consent issue. The statute clearly states that *coordination of patient care through the use of technology, must be with the patient's consent.*

18 V.S.A. § 9551. All-payer model

In order to implement a value-based payment model allowing participating health care providers to be paid by Medicaid, Medicare, and commercial insurance using a common methodology that may include population-based payments and increased financial predictability for providers, the Green Mountain Care Board and Agency of Administration shall ensure that the model

(13) supports coordination of patients' care and care transitions through the use of technology, with patient consent, such as sharing electronic summary records across providers and using telemedicine, home telemonitoring, and other enabling technologies;

While we can understand the value in information sharing, *a patient's right to privacy must come first.* Other medical providers should not have access to your medical records without your express consent.

The Numbers

Currently, health care providers are supposed to be asking people to opt in. They have only asked a relatively small percentage to date. The figures that we have seen indicate that only 122,431 Vermonters have been asked, with 117,432 saying yes and 4,999 saying no. While almost 5,000 may not seem like a statistically significant number of people, it is very significant for those individuals who want their health information to remain private.