

**Date:** May 20, 2025  
**To:** Chair Marcotte and Members of the House Committee on Commerce and Economic Development  
**From:** Coalition of Vermont Health Care Organizations (signatories below)  
**Re:** S. 71 - § 2415k, Consumer Health Data Privacy

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Our organizations are made up of and represent health care providers and insurers who use health care data on a daily basis to improve patient care and health outcomes in our state -and all are already subject to a number of federal and state data privacy laws and regulations, including the Health Insurance Portability and Accountability Act (HIPAA).

**We are writing to submit our opposition to Draft 4.2 of S. 71, An act relating to consumer data privacy and online surveillance, and in support of S. 71 as passed the Senate.**

Our organizations consider the privacy and security of an individual's health data to be critical to the work we do and we support the goal of providing consumers rights and protections over their personal information. We appreciate your committee recognizing the strict safeguards provided by HIPAA and working to include exemptions for HIPAA-covered entities in the latest drafts of your bill.

Unfortunately, Draft 4.2 includes additional "Consumer Health Data" privacy requirements in §2415k without the exemption for HIPAA-covered entities as is found in S.71 as passed by the Senate. As a result, it places an additional data privacy framework on health care providers and insurers in addition to HIPAA. In particular, §2415k prohibits sharing any health care information with our business associates, unless those business associates comply with requirements for processors – even though they are also subject to HIPAA. This could bring critical health care data sharing to a halt.

**The coalition requests that this committee replace § 2415k in Draft 4.2 with the exemptions found in § 2426 from S.71 as passed by the Senate.**

Sincerely,

Jessa Barnard  
Executive Director, Vermont Medical Society  
jbarnard@vtmd.org

Jessica Barquist  
Vice President of Public Affairs, VT, Planned Parenthood of Northern New England  
Jessica.Barquist@ppnne.org

Eric Covey  
Interim Executive Director, VNAs of Vermont  
eric@vnavt.org

Randy Farmer  
President & CEO, VITL  
RFarmer@vitl.net

Devon Green  
VP of Government Relations, Vermont Association of Hospitals and Health Systems  
devon@vahhs.org

Courtney Harness

Director of Legislative and Government Relations, Blue Cross and Blue Shield of Vermont  
HarnessC@bcbsvt.com

Amy Johnson  
Director of Government Affairs and Communications, Vermont Care Partners  
amy@vermontcarepartners.org

Helen Labun  
Executive Director, Vermont Health Care Association  
laura@mrvt.com

Mary Kate Mohlman  
Director of Vermont Public Policy, Bi-State Primary Care Association  
mmohlman@bistatepca.org

Susan Ridzon  
Executive Director, HealthFirst Independent Practice Association  
sr@vermonthhealthfirst.org

Michelle Wade  
President, Vermont Nurse Practitioners Association  
mwadenp@gmail.com

Stephanie Winters  
Executive Director, Vermont Academy of Family Physicians; American Academy of Pediatrics- VT  
Chapter; VT Psychiatric Association  
swinters@vtmd.org