

prevent such abuse through the establishment of reporting requirements on pharmacists and the creation of drug monitoring databases similar to those contemplated by H.R. 3015. In Massachusetts, for example, pharmacies are required to report the prescriptions they fill for substances in Schedules I and II to the state's department of Public Health.

The problem is that H.R. 3015 does not provide the safeguards that are required to shield patients—the vast majority of whom will be law-abiding citizens receiving medications as part of a legitimate plan of care—from unauthorized disclosure of their personal medical information. Instead, the legislation provides the states broad leeway to establish databases of patients' private medical records with little guidance on the privacy protections that must be in place in order to qualify for the grants.

For example, H.R. 3015 does not require states to limit access to the database information to a finite and identifiable number of individuals. Instead, the bill permits disclosure of individually-identifiable patient information in the database to a wide range of professionals in addition to practitioners and law enforcement personnel, including any local, state or federal "narcotics control, licensure, disciplinary or program authority" who can make specific certifications as to the need for access to the information. Any "agent of another state" with a monitoring program approved by the bill also could gain access to patient records in the database, provided that the purpose of the access is for "implementing the state's controlled substance monitoring program." Such easy access puts the privacy of potentially hundreds of thousands of law-abiding citizens at risk of unauthorized disclosure.

Additional privacy protections that are missing from H.R. 3015 include: a requirement that states receiving grants under the terms of the bill periodically purge the database of information about any particular prescription after a limited amount of time; unambiguous language stipulating that the bill does not override established standards of medical ethics relating to privacy; establishment of specific penalties for unauthorized access and redisclosure; and a provision making clear that the term "minimum necessary" as it relates to the limitation of information to the "minimum necessary" needed to comply with a request for patient data be interpreted as defined under the Amended Privacy Rule.

While I strongly support efforts to prevent the abuse of controlled substances, H.R. 3015 does not contain sufficient guidance to the states on the level of privacy protections that they must provide in the creation and maintenance of the databases authorized under the legislation. The potential for the invasion of patient privacy resulting from such databases is not merely theoretical. The New York Times reported on October 1, 2004 that confidential records of nearly 4,000 abused and foster children in Central Florida were available to the public on the Internet for at least four months because of a security breach in a child welfare computer system. The records included the children's names, photographs, Social Security numbers, case histories and locations of the foster homes they were in, and were accessible on a Web site of a private children's agency under contract with the Department of Children and Families. I am including a copy of this article for inclusion in the Record.

Now that H.R. 3015 has been approved by the House, I urge the Senate to strengthen the privacy provisions in the legislation so that the important goal of preventing prescription drug abuse can be advanced without sacrificing the privacy of law-abiding patients.

[From the New York Times, Oct. 1, 2004]

CONFIDENTIALITY FOR FOSTER CHILDREN IS
BROKEN

(By Terry Aguayo)

MIAMI, Sept. 30.—Confidential records of nearly 4,000 abused and foster children in Central Florida were available to the public on the Internet for at least four months because of a security breach in a child welfare computer system, the Department of Children and Families said on Thursday.

The records included the children's names, photographs, Social Security numbers, case histories and locations of the foster homes they were in, and were accessible on the Web site of Kids Central, a private children's agency under contract with the Department of Children and Families, the state's child welfare agency.

In April or May, Kids Central began using a computer system designed to let private caseworkers review state child welfare records through the Internet, said to Janice Johnson, chief executive of Kids Central in Ocala. Although a user name and a password were needed to reach the records, some passwords and user names became available online in unrestricted files created when caseworkers sought technical help with the system.

"Confidentiality is critical," said Don Thomas, district administrator for the Department of Children and Families in Central Florida. "If these kids are in the child welfare system to begin with, they have a far from ideal life, and if their personal information is available to those who don't have to know, it violates their privacy."

Department administrators ordered the Web site shut down on Wednesday after a reporter for The Miami Herald, which first reported the problem, informed them of the flaw. It was back up Thursday morning after the security issues were resolved, Mr. Thomas said.

Mr. Thomas said he knew of no one, other than the reporter, who gained access to the records because of the flaw.

"A child's case record is a child's life. It should be treated as sacred," said Richard Wexler, executive director of the National Coalition for Child Protection Reform and a strong critic of the department. "Given the kind of information, I think there is a clear danger, particularly since the locations of these children were made available to anyone."

The Department of Children and Families has been afflicted by numerous problems that surfaced after it lost track of a 4-year-old foster child, Rilya Wilson, and did not notice she was missing until 15 months later, in April 2002. She remains unaccounted for. Jerry Regier, the department's secretary, resigned in August as a result of accusations that he and two top aides took favors from contractors.

CONGRATULATING TAIWAN ON
THEIR NATIONAL DAY OCTOBER
10TH

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 2004

Mr. HONDA. Mr. Speaker, I rise today to celebrate the anniversary of Taiwan's inde-

pendence, a day more commonly referred to as Double 10 Day as it falls on October 10. Double 10 Day is a joyous and important day for the Taiwanese people, and I am proud to join the people of Taiwan and President Chen Shui-bian in commemorating the Chinese people's struggle for independence.

Double 10 Day offers those of us in Congress an opportunity to recognize Taiwan's friendship and unwavering alliance with the United States. This strong alliance is predicated in part on shared values. In fact, Taiwan has nurtured a stable democracy and vibrant economy that encourages the entrepreneurial spirit.

Through its trading relationships, Taiwan has become an economic engine in East Asia and reliable trading partner for the United States. Taiwan is our nation's 8th largest trading partner, underscoring the economic ties so critical to our two nations. In 2003 alone, two-way trade between the United States and Taiwan totaled \$49 billion, and for the past 25 years the living standards have steadily risen for the people of Taiwan.

Taiwan's strong relationship with the United States will continue to flourish and grow in the years ahead. In the meantime, I wish to welcome Taiwan ambassador Dr. David Lee to Washington. Dr. Lee has recently replaced former ambassador C.J. Chen, who was an excellent statesman and will be missed by his friends here in Washington, DC. I am confident that Dr. Lee will represent Taiwan well and I look forward to working with him and his very able staff.

Again, Mr. Speaker, I extend my congratulations and best wishes to the people of Taiwan on the occasion of their National Day this October 10.

MARGARET A. PERRY

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 7, 2004

Mr. KILDEE. Mr. Speaker, I rise before you today to recognize an outstanding community leader, Margaret A. Perry of Mt. Morris, Michigan. Margaret Perry will be retiring from her post as Mt. Morris Charter Township Trustee after 16 years of commendable service and dedication. The township along with family and friends will honor Ms. Perry during a "Sweet 16 Retirement" celebration on October 23, 2004 at the Ramada Inn and Conference Center in Flint, Michigan.

Margaret Perry was born in Athens, Georgia. She has been a resident of Genesee County for 50 years and a Mt. Morris Township resident for 40 years. Margaret has been a champion for the community. She began her career in politics in 1988 when she became the 1st African American elected to a township position in Genesee County. She has held the post of Mt. Morris Township Trustee from 1988 to the present. She is a member of the Planning Commission, and Michigan Township Association. She is a member of the Heart of Senior Citizens Services Board. Margaret has been the forerunner in organizing voter registration and get-out-the-vote drives in Genesee County. She is an active member of the A. Philip Randolph Institute (APRI). She served as the Michigan Chapter APRI Vice-