

**Testimony of the National Alliance on Mental Illness (NAMI) Connecticut  
Before the Government Administration and Elections Committee  
March 7, 2016**

**IN OPPOSITION TO  
Raised HB 5499 AN ACT CONCERNING THE PRESERVATION OF HISTORICAL RECORDS  
AND ACCESS TO RESTRICTED RECORDS IN THE STATE ARCHIVES.**

Good afternoon Senator Cassano, Representative Jutila and members of the Government Administration and Elections Committee. My name is Daniela Giordano and I am the Public Policy Director for the National Alliance on Mental Illness (NAMI) Connecticut. NAMI Connecticut is the state affiliate of NAMI, the nation's largest grassroots mental health organization dedicated to building better lives for all those affected by mental health conditions. NAMI Connecticut offers support groups, educational programs, and advocacy for quality of life for individuals and families in the community. I am here today on behalf of NAMI Connecticut to express our opposition to *HB 5499 An Act Concerning the Preservation of Historical Records and Access to Restricted Records in the State Archives*.

We oppose the provision in Section 2(c) of this bill as it would break the confidentiality protections for individuals who happen to have been served in the public mental health system, fifty years after their death. That means that anyone served at Connecticut Valley Hospital or any other state facility could have their privacy rights violated. Under existing law, those records are protected, but relatives or researchers can have access when certain protocols are followed. In contrast, persons served in the private sector (for example general hospitals, private psychiatric hospitals, private practitioners) do not have their medical or psychiatric record made public without signing a release. HB 5499 creates one set of rules with more privacy protections for persons with the means to be served in the private sector and a different set of rules with fewer protections for people who are poor and or very ill and need to be served by the state.

While HIPAA rules have been revised to allow for the disclosure of records fifty years after the death of an individual, medical records in the private sector can be destroyed during that fifty year period. Therefore, the assumption that a 'fifty year rule' for all records is equitable, is incorrect. In reality, it discriminates against persons receiving services from state facilities. At a time when there is heightened awareness of the need to eliminate stigma and discrimination as experienced by individuals who seek mental health treatment, HB 5499 would unintentionally add a discriminatory practice toward people served in the public sector. The interests of historians, who can still access these records but not the names, should not supersede the privacy rights of individuals served by the state. In fact, research can and has been done without exposing the names of the individuals served by the state.

We urge you to *not* move HB 5499 forward to assure that medical and psychiatric records of individuals in both the private and public sector are treated *equally*.

Thank you for your time and consideration on this important privacy and equity issue.  
Respectfully, Daniela Giordano

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