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April 13, 2017

The Honorable Ricardo Lara  
State Capitol, Room 5050  
Sacramento, CA 95814  
Fax: (916) 651-4933

SB 641 (Lara): CURES Privacy  
AAP-CA Position: SUPPORT

Dear Senator Lara:

The American Academy of Pediatrics, California (AAP-CA), representing the 5,000 board-certified pediatrician members of all four California AAP regional chapters statewide, strongly supports your proposed legislation SB 641 (Lara). This bill would prohibit the release of data obtained from CURES to a law enforcement agency without a valid court order.

Existing law identifies the purpose of CURES as “To assist health care practitioners in their efforts to ensure appropriate prescribing, ordering, administering, furnishing, and dispensing of controlled substances, law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II, Schedule III, and Schedule IV controlled substances, and for statistical analysis, education, and research.” However, the privacy protections that currently exist within CURES are excessively vague. The requirement that patient information “shall only be provided to appropriate state, local, and federal public agencies for disciplinary, civil, or criminal purposes” is so broad that patient information could be provided to government agencies for any number of reasons having nothing to do with the purposes of CURES. This is not only an inappropriate use of medical data, but also forms a breach of trust between physician and patient and disrupts the principle of medical confidentiality.

SB 641 (Lara) would remedy this issue by clarifying that CURES data is confidential and may only be provided to law enforcement agencies pursuant to a valid court order. This would help to ensure that California residents can continue to trust the safety of their information with their physicians.

California pediatricians strongly support SB 641 (Lara). We thank you for your public service and leadership on behalf of the health and well-being of children, youth, and families in California.

Sincerely,

A handwritten signature in black ink, appearing to read "Nancy Graff". The signature is fluid and cursive, with the first name "Nancy" written in a larger, more prominent script than the last name "Graff".

Nancy Graff, M.D., Fellow of the American Academy of Pediatrics  
State Government Affairs Committee, American Academy of Pediatrics, California

CC: Kris Calvin, CEO; AAP-CA Leadership; Lydia Bourne