

Congress of the United States
Washington, DC 20515

August 1, 2024

Doctor Lester Martinez-Lopez
Assistant Secretary of Defense
Health Affairs
7700 Arlington Blvd., Suite 5101
Falls Church, Virginia 22042-5101

Dear Dr. Martinez-Lopez:

I write to bring your attention to a critical parental rights issue involving Tricare and the Defense Health Agency (DHA). DHA has chosen to enact a radical policy that prevents parents from accessing digital health records for their minor children. Political appointees running the DHA have forced a policy onto parents that use Tricare (servicemembers and their spouses) that requires dependent military children ages 13 through 17 to authorize the disclosure of their medical records to their parents.¹ This prevents parents from access to their child's full digital health profile to include much of their digital records on Tricare's digital patient platform, Genesis.

This policy was obviously enacted to prevent parents from finding out if their child is "identifying" as another gender. The lack of access to their child's complete digital health records on the Genesis platform is problematic and creates undue burdens on these parents. This policy also demonstrates a lack of trust by political appointees in our nations servicemembers.

Tricare recently published an article detailing changes for military parents in digital health record access for their children.² These changes are nested in Health and Human Services (HHS) update to Health Insurance Portability and Accountability Act (HIPAA) rules. These updates at HHS were enacted by political appointees in the Biden Administration. While servicemember parents may still receive paper copies of the child's health records, they must be requested through the records department. This time intensive step is simply needless bureaucracy.

Even more egregious are the policies for servicemember parents stationed overseas. Two excerpts from the DHA's policy on reproductive care for minors are quoted below.

"When reproductive health care services are requested by a minor, and the healthcare provider is satisfied the minor meets the definition of a "mature minor," the consent of the minor is sufficient to provide treatment.

¹ Defense Health Agency, DHA-Policy Memorandum 23-010, Parental Access to Protected Health Information of Unemancipated Minors, 5 October, 2023, <https://health.mil/Reference-Center/DHA-Publications/2023/10/05/DHA-PM-23-010#:~:text=Parents%20have%20full%20online%20access,other%20applicable%20law%20or%20regulation.>

² Newsroom.Tricare.Mil, The HIPAA Privacy Rule and Military Health Care: What Parents of Minors Need To Know, Tricare Communications, 21 March 2024; <https://newsroom.tricare.mil/News/TRICARE-News/Article/3714321/the-hipaa-privacy-rule-and-military-health-care-what-parents-of-minors-need-to>

“Some complicating circumstances may necessitate the notification of a minor’s parent, legal guardian, surrogate decision maker, or sponsor. These include life-threatening conditions, conditions that may require the removal of reproductive organs, and a change in behavior that brings into question the maturity with which the minor is approaching their health care that may result in potential harm to themselves or others.”³

The policy alludes to a possible scenario where a minor is deemed “mature” by a provider. That minor may then receive a diagnosis where conditions are deemed met that “may require the removal of reproductive organs.” Such a scenario may lead to a situation where servicemember parents stationed overseas have no opportunity to engage with their child about a life changing decision until the point that a provider deems it is required that they have their reproductive organs removed. Even then, the provider may not decide it is necessary to notify the child’s parents. This policy is reprehensible.

Adolescent children or teenagers under the age of 18 are prohibited from voting, drinking alcohol, using tobacco, and many other actions that vary across federal and state law because they are not mature enough to make appropriate decisions regarding their own welfare. Healthcare decisions should be no different. Prohibiting military parents from access to their teenager’s health information, the Genesis patient portal, or from making these critical health related decisions for their children is wrong. I urge you to reconsider this policy and put the rights of servicemember parents ahead of politics.

Sincerely,



Mark Alford
Member of Congress



Mike Waltz
Member of Congress



Elise Stefanik
Member of Congress



Doug Lamborn
Member of Congress

³ Defense Health Agency Memorandum, Minors and Reproductive Healthcare (Overseas), March 12, 2023;
https://www.med.navy.mil/Portals/62/Documents/NMFA/NMCPHC/root/Health%20Promotion%20and%20Wellness/Women%207s%20Health/Documents/Abortion/DHA_Memo_Minors_and_Reproductive_Health_Care_Services_Overseas.pdf



Harriet M. Hageman
Member of Congress



Cory Mills
Member of Congress



James Moylan
Member of Congress



Pat Fallon
Member of Congress



Ben Cline
Member of Congress



Rich McCormick
Member of Congress