

June 6, 2013

The Honorable Kathleen Sebelius
U.S. Department of Health and Human Services
Office for Civil Rights
Attention: HIPAA Privacy Rule and NICS
200 Independence Avenue, SW (Room 509F)
Washington, DC 20201

Re: HIPAA Privacy Rule and the National Instant Criminal Background Check System

Dear Secretary Sebelius:

On behalf of the undersigned national physician and public health organizations, we write to support providing express permission in the *Health Insurance Portability and Accountability Act of 1996* (HIPAA) rules to allow reporting information to the National Instant Criminal Background Check System (NICS) as [published](#) in the April 23, 2013, *Federal Register*.

Our organizations support efforts to improve the NICS, which is the federal government's existing background check system for the sale or transfer of firearms by licensed dealers. As a step toward reducing gun violence, we support creating a permission within HIPAA privacy rules to allow states to report the identities of individuals subject to the mental health prohibitor to the NICS. The mental health prohibitor under federal law disqualifies individuals from possessing or receiving firearms who have been involuntarily committed to a mental institution, found incompetent to stand trial or not guilty by reason of insanity, or otherwise have been determined, through a formal adjudication process, to have a severe mental condition that results in the individuals presenting a danger to themselves or others or being incapable of managing their own affairs. We appreciate that HHS seeks ways to address the HIPAA barrier to NICS reporting without discouraging individuals from seeking needed mental health services.

We appreciate the opportunity to provide these comments and make ourselves available for any questions you might have or clarifications you might need. Please contact Robert Bennett at 202-232-9033 or rbennett@aafp.org.

Sincerely,
American Academy of Family Physicians
American Academy of Pediatrics
American Public Health Association
Association of Maternal & Child Health Programs
Doctors for America
National Association of County and City Health Officials