



**Department of
Veterans Affairs**

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News Release

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VA Updates Information Sharing Rule with DOD *Federal Rule Change Enhances Collaboration and Preserves Patient Privacy*

WASHINGTON – The Department of Veterans Affairs (VA) has announced that it is amending an agency rule in the Code of Federal Register (C.F.R.) to remove an inappropriate restriction on sharing of information about treatment for certain types of medical conditions with the Department of Defense (DOD). This update to the regulation removes the restrictive VA provision and enhances VA’s collaboration with DOD so Veterans can receive better and more timely treatment, services and benefits.

“VA and DOD clinicians must have the most accurate and comprehensive data available to ensure they provide the highest quality care possible. We have discovered that, particularly in this age of electronic health records, this regulatory restriction created an impediment to maximizing this exchange of information,” said Eric K. Shinseki, Secretary of Veterans Affairs.

This interim final rule removes a restriction that is not required by the statute, 38 United States Code (U.S.C.) § 7332, and is inconsistent with the intent and purpose of that statute. This confidentiality statute was enacted before other privacy laws were in place to protect against the unauthorized disclosure of VA medical records relating to treatment for drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus (HIV), and sickle cell anemia.

Because Congress never intended the protection of such records to interfere with the treatment of Veterans, the statute contains an exception that permits VA to share the protected records with DOD. 38 U.S.C. § 7332(e). However, when VA published the implementing regulation in 1995, 38 C.F.R. § 1.461, the rule further narrowed the exception to allow the interchange of only a subset of these records: those pertaining to a period when the individual was subject to the Uniform Code of Military Justice.

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Information Sharing Rule 2/2/2/2

A recent VA review of information sharing processes with DOD found that this restriction, which is narrower than the statutory exception, impedes VA's ability to share important medical information to coordinate the care and treatment of Veterans. The updated rule removes this extra restriction and makes the agency rule consistent with statute. It allows for the appropriate sharing of this treatment information and continues to preserve Veteran and patient privacy in accordance with § 7332 and other privacy statutes and regulations without obstructing the delivery of medical care to Veterans.

The interim final rule, which may be found at <http://www.regulations.gov/#!documentDetail;D=VA-2011-VHA-0025-0001>, is effective the date posted to the Federal Register. Written comments may be submitted through www.regulations.gov; by mail or hand-delivery to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1068, Washington, DC 20240; or fax to (202) 273-9026. Comments should indicate that they are submitted in response to "RIN 2900-AN95—Sharing Information Between the Department of Veterans Affairs and the Department of Defense."

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