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THE HIDDEN WOUNDS OF WAR

OF VETS, MENTAL DISORDERS AND THE RIGHT TO PRIVACY

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When it comes to war, the wounds we can't see can take the longest to heal. Sometimes the wounds never heal because they're never reported.

A recent RAND Corp. study, a comprehensive look at the psychological and cognitive injuries among service members who have returned from Iraq or Afghanistan, reported that nearly one in every five veterans is battling depression or post-traumatic stress disorder (PTSD). Many slip through the bureaucratic cracks and go without necessary treatment. The RAND researchers concluded that modern warfare might kill fewer soldiers than traditional battles but leaves them with deeper psychological scars.

As psychoanalysts, we are also troubled by another finding in the RAND report: Many service members are reluctant to seek treatment because they fear their medical information will be used to restrict their military careers or cause them to be viewed as weak or unreliable. Since commanders have access to a service member's military medical records, veterans have to decide if seeking mental health services will put their military futures at risk. As one Marine cited in the RAND report put it: "You don't want people to think you're weird, so you bury it."

To show how seriously they take the privacy problem as an impediment to veterans' willingness to seek care, the RAND researchers' core recommendations included providing opportunities for service members to seek mental healthcare in confidential, off-the-record settings. This extraordinary recommendation, which we support wholeheartedly, conflicts strikingly with some current healthcare proposals in Congress that insist that, in order to promote quality care, a patient's entire health record must be accessible and easily shared

in a centralized electronic information system without the patient's permission and over his or her objection. The evidence simply does not support this claim. The experience of our veterans mirrors the findings of HHS that more than 2 million Americans each year fail to seek treatment for mental illness because of privacy concerns. The American Psychoanalytic Association, the nation's oldest psychoanalytic organization, has long fought to preserve the right to health information privacy. We know that privacy is essential for effective psychotherapy and psychoanalytic treatment, and we believe that veterans deserve the right to seek mental health treatment without worrying whether their health records will be used against them in determining assignments or promotions. Our nation's veterans, who must always be ready to give what Lincoln called the "last full measure of devotion," need to know that they can seek mental health services without jeopardizing their futures.

A patient's health information must be sacrosanct. To this end, APsA has worked closely with members of Congress, notably Rep. Edward Markey (D-Mass.), to protect the privacy of every citizen's medical records. The Data Accountability and Trust Act, recently introduced by Markey and co-sponsored by six other members of Congress, expressly recognizes and protects the individual's right to health information privacy in any national electronic health information system. We believe that this information must never be disclosed without a patient's expressed consent, unless the law requires it. Moreover, when it comes to sensitive health information such as mental health, genetic, HIV/AIDS, and drug and alcohol treatment, it should only be available to designated practitioners. No medical practitioner should be forced to disclose a patient's identifiable health information in violation of medical or professional ethics.

Clearly, our veterans need mental health services and we must do everything we can to remove impediments to treatment. As a nation, we are already witnessing the damage that untreated PTSD can create. Today, one-third of homeless men in America are veterans; we now have more Vietnam veterans who are homeless than the total number of U.S. troops killed during that war. Add to this the thousands of veterans returning from Afghanistan and Iraq who have the signature wounds of these wars: PTSD and traumatic brain injury—with some soldiers suffering from both conditions. The cost of treating the depression, substance abuse and occupational dysfunction that inevitably follow inadequately treated PTSD or TBI can be enormous for soldiers, families and society.

We cannot afford to have open medical records stand between a soldier and high-quality, informed care. And when veterans need mental health or psychiatric care, they should be certain that seeking treatment won't threaten their military future. In *Jaffee v. Redmond*, the Supreme Court upheld the psychotherapist-patient privilege based on finding that "Effective psychotherapy ... depends upon an atmosphere of confidence and trust in which the patient is willing to make a frank and complete disclosure of facts, emotions, memories and fears. Because of the sensitive nature of the problems for which individuals consult psychotherapists, disclosure of confidential communications made during counseling sessions may cause embarrassment or disgrace. For this reason, the mere possibility of disclosure may impede development of the confidential relationship necessary for successful treatment.

Simply put, without the underlying assurance of privacy and confidentiality, our soldiers will not seek mental health treatment, and we will see even higher costs for our nation in the untreated effects of war on service members and their families. We must match our commitment of troops in combat with a lifetime commitment to our fighting men and women to address the trauma that so many of them will experience.