

Comment re: Petition for Rule Making (RM-11699)

Please approve the encryption of Amateur Radio Emergency Communications during certain operations involving health care organizations. The Health Insurance Portability and Accountability Act (HIPAA) requires covered entities to observe very strict privacy controls. I, for example, work in a hospital emergency department as a licensed health care practitioner. I am also a licensed Amateur Radio Operator. During a hurricane last year, I was on duty in my professional capacity at the same time that I was the only licensed radio amateur in the facility. Thankfully, circumstances were such that I did not need to choose between violating my professional and legal obligations and saving someone's life. Under some emergency conditions, the type of emergency conditions for which the Amateur Radio Service is uniquely positioned to be indispensable, it may be necessary to call for specific types of assistance. In this rural area where people have known each other's families for generations, for example, identifying the characteristics and needs of an individual is as revealing as saying that person's name. I am a "covered entity" for HIPAA privacy, violations of which are a serious criminal matter.

I am a radio amateur required to maintain unencrypted communication. The two roles are inconsistent. The problem is fixed by allowing encryption during emergency operations.

Wayne D. Rosenfield, Ph.D.

Connecticut Psychologist License #000935

Amateur Radio Callsign K1WDR