



COMMITTEE ON
ENERGY & COMMERCE
DEMOCRATS
RANKING MEMBER FRANK PALLONE, JR.

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Pallone Remarks at Hearing Examining Health Care Apps

Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following remarks at the Subcommittee on Commerce, Manufacturing, and Trade Hearing on “Disrupter Series: Health Care Apps:”

Mobile devices have become an indispensable part of our daily lives, and apps are a major reason why. For millions of consumers, a smartphone has become more than just a means to call or text. It is now their personal scheduler, navigator, jukebox, television, and much more thanks to apps available for download online.

“Health apps,” which have risen in popularity in recent years, look to add physician, personal trainer, and dietician to that list as well. Many of these apps perform relatively simple tasks such as helping users keep track of their calories or sending out a reminder to take a prescription. Other apps may actually analyze and diagnose a medical condition, effectively eliminating the need for a doctor’s appointment altogether in some cases.

Consumers and physicians alike are embracing health apps as a way to better manage and administer care. A growing health app marketplace mirrors a rising health-consciousness among Americans, and we should support technology that yields positive outcomes for consumers.

Like many of the technologies this subcommittee has examined this Congress, however, we must also be aware of the potential risks to personal safety, privacy, and data security.

The safety and effectiveness of these apps should be closely examined. An inaccurate calorie-counting app may be an inconvenience, but an app that incorrectly diagnoses a cancerous skin condition could be fatal. It is therefore essential that consumers and physicians understand the limitations of each app and recognize when it cannot substitute for a doctor’s visit.

Personal health information is a prime target for hackers, and breaches of this type of information in recent years has been devastating for consumers. In addition to these security gaps, I am also concerned with the lack of adequate privacy protections on a large

percentage of these health apps. Health care data contain addresses and social security numbers in addition to diagnoses and prescription history. The more apps that handle this information, the greater the risk of a privacy breach for consumers.

Exacerbating the health privacy problem is consumer confusion and frankly, confusion by many stakeholders. Most people believe health information to be especially personal, requiring a higher level of privacy and security. Yet, the law protecting a person's personal health records, the Health Insurance Portability and Accountability Act, or HIPAA, applies only to health plans, healthcare clearinghouses, most healthcare providers, and their business associates.

Many, if not most, health apps available right now in the app store are not covered entities under HIPAA. So even if those apps collect the same information as a healthcare provider, the same protections may not apply.

Mobile health technology is where we are and where we are going. As the mobile app industry continues to grow, I believe that prioritizing privacy, security, and safety will benefit consumers and businesses alike. I look forward to learning more about the potential of health apps to improve health outcomes for consumers, and the protections that these apps are putting in place.

Thank you and I yield back.

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