DEPARTMENT OF THE NAVY
NAVAL MEDICAL COMMAND
WASHINGTON, D.C. 20372-5120

IN REPLY REFER TO
NAVMEDCOMINST 5216.2
MEDCOM-33
18 May 1989

NAVMEDCOM INSTRUCTION 5216.2

From: Commander, Naval Medical Command

Subj: RESPONSES TO CONGRESSIONAL AND SPECIAL INQUIRIES

Ref: (a) SECNAVINST 5211.5C
(b) SECNAVINST 5216.5C, Chapter 9, paragraph 5 and Appendix B-1 through B-3
(c) SECNAVINST 5730.5G, paragraph 6
(d) NAVMILPERSMAN 5410120 (NOTAL)
(e) SECNAVINST 5720.42D

Encl: (1) Sample Letter to a Member of Congress Requesting a Release of Information
(2) Sample Letter to an Individual Requesting a Release of Information
(3) Sample Format Release of Information Statement
(4) Sample Letter Involving a Federal Tort Claim

1. Purpose

a. To ensure local commands have the first opportunity to resolve issues.

b. To reduce the length of time it takes to respond to Members of Congress and beneficiaries.

c. To provide standards and guidance for responding to congressional and special inquiries.

2. Background. Congressional and other inquiries sent to the Naval Medical Command have been answered by the Commander, Naval Medical Command (COMNAVMEDCOM) after receiving information upon which to base a reply from local commands. Replies from local commands were well written and provided ample information upon which to base responses.

3. Action. With few exceptions, congressional and other inquiries pertaining to delivery of medical care and patient administration matters received at COMNAVMEDCOM will be forwarded to local commands for direct response to the inquirer. This will decrease the turnaround time for providing final replies.

S/N 0510-LD-054-4110

a. The commanding officer or officer in charge must ensure that the following actions are taken:

(1) Appoint a single position in the command to screen and assign all congressional and special inquiries.

(2) Provide interim or final responses to Members of Congress within 5 days of receipt of the inquiry.

(a) All final letters addressed to a Member of Congress must be signed by the commanding officer or officer in charge. Final letters to beneficiaries may be signed by any officer who is at a minimum a department head, by direction of the commanding officer per local directives.

(b) Written interim replies must provide as much relevant information as is then available, the reason additional time is required, and the date a final reply can be expected. The commanding officer or officer in charge may delegate signature authority for interim replies.

(c) In lieu of a written interim response, telephonic interim responses are encouraged and must be documented.

(3) Review all cases in which the quality of care rendered is in question as part of the command's quality assurance program. The response must be reviewed by the command's legal advisor.

(4) Individuals assigned to prepare responses to Members of Congress and others become familiar with references (a) through (e).

(5) Upon request from COMNAVMEDCOM or for those cases considered to be of interest to higher authority, forward a copy of the inquiry and written response to the Management Assistance Branch (MEDCOM-331) through the appropriate chain of command.

b. Individuals assigned to prepare responses to congressional and special inquiries must:

(1) Ensure there is a release of information statement following the guidance in paragraph 7b of reference (a) accompanying all inquiries about a patient when the inquirer is not the patient. This is a requirement even when the inquirer is a Member of Congress. An example of an interim letter to a Member of Congress requesting a release of information statement is shown in enclosure (1). Enclosure (2) is an example of a request directed to a private citizen. A sample format to authorize release of medical information is provided in enclosure (3).

(a) If an inquirer requests medical information or medical records concerning a deceased individual, the information may generally be released without a release of information statement from the primary next-of-kin. Consult the command legal advisor if there are any questions about requests involving sensitive matters. All personal information related to third parties (i.e., next-of-kin addresses, discussion of family members from medical histories, social security numbers of all individuals) must be deleted before release unless third parties submit release of information statements.

(b) Congressional and special inquiries for copies of medical records or other documents must be counted as Freedom of Information Act requests or Privacy Act requests for reporting purposes under references (a) and (e), as appropriate. The staff judge advocate should be consulted for current reporting criteria.

(2) Ensure that all Medical Department issues in the inquiry are addressed.

(a) Responses to Members of Congress should be concise and written in layman's terminology. A one-page response is preferable to a long, step-by-step accounting. If it is essential to include extensive information to adequately address numerous issues, an enclosure should be provided to a summarized cover letter.

(b) Some of the issues in the inquiry may need to be referred to other commands. This occurs when some issues involve line commands or a personnel support detachment. Your response must indicate the names and addresses of the commands to which you refer other concerns.

(c) Responses to inquiries involving a Federal Tort Claim filed against the U.S. Government should not provide an opinion on the medical care rendered. Enclosure (4) is a sample letter which can be used in this instance. Check with the staff judge advocate or local Navy Legal Service Office if you believe a claim may have been filed even though the inquiry does not state this action.

(d) Those inquiries that can be resolved by a telephone conversation or in person can be closed out with concurrence from the Member of Congress or their designee. Accurate conversation records must be maintained.

(e) References (b) through (d) provide further guidance.

c. Advice on answering inquiries is available by calling the Management Assistance Branch, MEDCOM-331, on AUTOVON 294-1081 or commercial (202) 653-1081.

H. JAMES T. SEARS

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SAMPLE LETTER TO A MEMBER OF CONGRESS
REQUESTING A RELEASE OF INFORMATION

5860
Ser 33/89031045
21 April 1989

The Honorable John Q. Smith
Member, United States House of Representatives
Federal Office Building
Jefferson, KS 67041-5000

Dear Mr. Smith:

I am responding to your recent letter concerning Hospital Corpsman Second Class Neal A. Brown, U.S. Navy, 001-01-0001.

A thorough review of the medical concerns raised in your letter is being conducted. While the review is expected to be completed within 2 weeks, the provisions of 5 U.S.C. 552a (The Privacy Act of 1974 P.L. 93-579) prohibit the release of copies of or information from an individual's medical record to third parties unless the subject individual has given specific written permission to do so. To avoid unnecessary delay, we urge you to contact Mr. Arthur Brown and request that his son provide permission to the Commanding Officer (Attn: PAD-33), Naval Hospital, Groton, CT 06349-56002 to release medical information to you.

Upon receipt of Petty Officer Brown's authorization and completion of our review, we will provide you with a further reply. It is our normal procedure to automatically close an inquiry if we have not received authorization within 30 days. Please be assured of our interest and desire to respond in a timely manner.

Sincerely,

W. P. C. BARTON
Lieutenant, Medical Service Corps
United States Navy
Director, Patient Administration
Department
By direction of the Commanding
Officer

Enclosure (1)

SAMPLE LETTER TO AN INDIVIDUAL
REQUESTING A RELEASE OF INFORMATION

5860
Ser 33/89031846
25 April 1989

Mr. and Mrs. John T. Peck
3 Sherman Street
Little Falls, NY 13365

Dear Mr. and Mrs. Peck,

Thank you for your recent letter concerning your daughter, Lieutenant Carol A. Peck, U. S. Navy, 100-10-1000.

I appreciate your concern for your daughter's condition. A thorough review of your daughter's medical care at the Naval Hospital, Long Beach, CA is expected to be completed in 2 weeks.

Before I can provide you with specific medical information about your daughter, the Privacy Act of 1974 requires that she authorize such disclosure. Please have your daughter complete the enclosed Release of Information form and return it within 30 days in the self-addressed envelope provided. Upon receipt of Lieutenant Peck's authorization and completion of our review, you will be provided a further reply. Please be assured of our interest and desire to respond in a timely manner.

Sincerely,

H. C. CLARK
Lieutenant, Medical Service Corps
United States Navy
Director, Patient Administration
Department
By direction of the Commanding
Officer

Enclosures

SAMPLE FORMAT

RELEASE OF INFORMATION STATEMENT

I, HN JOHN C. DOE, USN-000-00-0000, give
(Name of person/patient receiving care)

permission to the Commanding Officer, Naval Hospital, Oakland, CA to release any information pertaining to me and to the care and treatment I have received. This information may be released to:

1. Senator Richard A. Smith
2. Mr. and Mrs. Paul L. Lee
3. _____
4. _____

This release remains in effect until canceled by me in writing.

Date: 9 May 1989

Signature: John C. Doe

Address: 1234 Sea Lane

Oakland, CA. 94176

Telephone: (982) 764-1541

SAMPLE LETTER INVOLVING A FEDERAL TORT CLAIM

5860
Ser 33/89035921
28 April 1989

The Honorable James E. Williams
United States Senate
Washington, DC 20510

Dear Senator Williams:

I am responding to your inquiry concerning Mrs. Elizabeth Y. Black, dependent wife of Lance Corporal Harold D. Black, 145 62 2379, U.S. Marine Corps.

Since Mrs. Black filed a Federal Tort Claim against the U.S. Government and there has been no final legal decision rendered on this case, it would not be appropriate for me to comment on the medical care provided. Please be assured that a thorough investigation is being conducted to review the circumstances surrounding the medical care provided Mrs. Black. If any deficiencies are noted, we will make sure appropriate corrective action is taken to prevent a recurrence.

If Lance Corporal and Mrs. Black have any questions concerning the status of the claim, they can write the Office of the Judge Advocate General, Claims and Tort Litigation (Code 15), 200 Stovall Street, Alexandria, VA 22332.

Sincerely,

W. B. LEONARD
Captain, Medical Corps
United States Navy
Commanding Officer