

Report on Patient Privacy Volume 24, Number 6. June 27, 2024 DOJ Indicts Houston Surgeon for Leaking PHI in Texas Case Involving Transgender Care for Children

By Jane Anderson

A Houston surgeon who allegedly obtained and then leaked identifiable health information on children receiving gender-affirming treatment at Texas Children's Hospital (TCH) has been indicted by the Department of Justice (DOJ) on four counts of violating HIPAA.

The indictment, filed May 29 and unsealed June 17, alleges that Dr. Eithan Haim obtained personal information—including patient names, treatment codes and attending physicians' names—from TCH's electronic system without authorization.^[1] Haim then shared it with a conservative media outlet, the charges state.

Haim has maintained his innocence. "I have maintained from day one that I have done nothing wrong," he said in an interview outside the courthouse. "We're going to fight this tooth and nail [and] stand up for whistleblowers everywhere, because if they can come for me, they're going to come for people like you."^[2]

The 34-year-old general surgeon calls himself a whistleblower who uncovered secretive transgender treatments. "After understanding how far this corruption went, I had no other option but to take the story public and fight back," he told the *National Review*.^[3] Gender-affirming care was legal in Texas at the time; however, TCH said publicly that it was not being offered there.

Texas Progresses to Care Ban

Texas policymakers began clamping down on gender-affirming medical care for minors beginning in 2022.

Also in March 2022, Attorney General Ken Paxton, R-Texas, released a formal but nonbinding opinion concluding that "performing certain 'sex-change' procedures on children, and prescribing puberty-blockers to them, is 'child abuse' under Texas law."^[4] Subsequently, Gov. Greg Abbott, R-Texas, directed the state's child welfare agency to open child abuse investigations into parents who provide gender-affirming care to their children.

In March 2022, TCH in Houston said it had stopped providing hormone therapy to transgender children. "This step was taken to safeguard our health care professionals and impacted families from potential criminal legal ramifications," a spokesperson for the hospital told the *Texas Tribune*.^[5]

However, Texas didn't legally ban puberty blockers and hormone therapies for children until Sept. 1, 2023, when a law signed by Abbott in early June 2023 took effect.^[6] Supporters of the law said that it protects children from what they call "harmful and experimental treatments" for gender dysphoria. Under the legislation, children receiving banned therapies were required to be weaned off them.

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