

ONE HUNDRED EIGHTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

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WASHINGTON, DC 20515-6216

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June 27, 2024

The Honorable Merrick B. Garland  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, DC 20530

Dear Attorney General Garland:

The Subcommittee on the Constitution and Limited Government is investigating the Department of Justice's investigation and recent indictment of Dr. Eithan Haim, a whistleblower who revealed that his employer, the Texas Children's Hospital, was performing "transgender medical interventions" on minors.<sup>1</sup> After Texas Attorney General Ken Paxton issued a formal attorney general opinion in February 2022 finding that these procedures amounted to criminal child abuse,<sup>2</sup> Texas Children's Hospital announced in March 2022 that it would no longer perform these procedures on minors.<sup>3</sup> In May 2023, Dr. Haim revealed that the hospital was still performing these procedures despite its March 2022 announcement.<sup>4</sup> The circumstances of the Department's actions toward Dr. Haim raise concerns that it is misusing its law-enforcement authority to advance left-wing policy goals.

While Dr. Haim's bravery to come forward led Texas to enact bipartisan legislation banning "transgender medical interventions" for minors,<sup>5</sup> the Department of Justice chose to prosecute Dr. Haim. On June 17, 2024, the Department unsealed a four-count indictment against Dr. Haim for alleged violations of the Health Insurance Portability and Accountability Act (HIPAA), even though he did not disclose patient charts or documents containing unredacted

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<sup>1</sup> Charles Creitz, *Juvenile trans-surgery whistleblower comes forward after 'wiping out' his savings to rebuff fed probe*, FOX NEWS (Jan. 14, 2024).

<sup>2</sup> Press Release, AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law, Tex. Att'y Gen. Off. (Feb. 21, 2022).  
Christopher F. Rufo, *Sex-Change Procedures at Texas Children's Hospital*, CITY JOURNAL (May 16, 2023).

<sup>3</sup> Anne Branigin, *In Texas, the nation's largest children's hospital is halting gender-affirming care for trans youths*, WASH. POST (Mar. 8, 2022).

<sup>4</sup> Brian Flood and Nate Foy, *DOJ unseals indictment against Texas doctor who blew whistle on gender-affirming care for minors*, FOX NEWS (June 18, 2024).

<sup>5</sup> Creitz, *supra* note 1.

patient information.<sup>6</sup> Dr. Haim now faces up to ten years in federal prison and fines totaling \$250,000.<sup>7</sup>

This prosecution is just the latest example of how the Biden-Garland Justice Department is using the law to target ideological adversaries instead of equally enforcing the law. For example, instead of examining allegations that the doctors involved are committing fraud by billing Medicaid for “transgender healthcare” and taking funds intended for low-income Americans to facilitate these procedures,<sup>8</sup> the Department chose to bring a prosecution against Dr. Haim in record time—issuing him a target letter in less than a month.<sup>9</sup> Additionally, Assistant U.S. Attorney Tina Ansari, the lead prosecutor assigned to Dr. Haim’s case, allegedly sought to intimidate Dr. Haim’s wife and demonstrated a political bias against Dr. Haim before the investigation concluded.<sup>10</sup>

The manner in which this prosecution has proceeded raises questions about its propriety and the use of federal resources by the U.S. Attorney’s Office for the Southern District of Texas. To assist the Subcommittee in our oversight, please produce the following material:

1. Documents sufficient to show the number of federal HIPAA violation cases brought by the Justice Department since January 2021, and:
2. All documents and communication referring or relating to Dr. Haim, the Department’s investigation of Dr. Haim, and the Department’s decision to bring charges in this case.

Additionally, please respond to the following questions:

1. When did the Department first identify Dr. Haim as a potential target in its criminal investigation?
2. What was the timeframe concerning the Department’s decision to pursue criminal charges against Dr. Haim?
  - a. How does this timeframe compare to other HIPAA violation investigations?
3. Did Ms. Ansari personally review the purported evidence against Dr. Haim before considering him a target?

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<sup>6</sup> Press Release, Doctor charged for unauthorized access to personal information of pediatric patients at Texas Children’s Hospital, U.S. Attorney’s Office, S.D. Tex. (June 17, 2024); David Zimmerman, *DOJ Indicts Whistleblowing Surgeon for Exposing Transgender Procedures at Texas Children’s Hospital*, NAT’L REV. (June 6, 2024).

<sup>7</sup> *Id.*

<sup>8</sup> Christopher Rufo, *The Murky Business of Transgender Medicine*, CITY JOURNAL (June 18, 2024); see also Jennie Taer, *Brave nurse tells The Post why she blew the whistle on Texas children’s hospital accused of manipulating parents into giving kids life-changing trans treatments*, N.Y. POST (June 23, 2024).

<sup>9</sup> Letter from Marcella Burke, et al., to Rep. Jim Jordan, et al., Chairman, H. Comm. on the Judiciary (Jan. 24, 2024).

<sup>10</sup> *Id.* at 3.

- a. If so, on what date did Ms. Ansari first personally review this evidence?
4. Has Ms. Ansari ever alleged that the medical records published by Dr. Haim included patient names?
5. Was the decision to open an initial investigation into Dr. Haim based on the allegation that the medical records published by Dr. Haim included patient names?
6. What, if any, “personally identifiable information” did Ms. Ansari allege Dr. Haim published?
7. Has Ms. Ansari referred to the patients as “victims,” as alleged by Dr. Haim’s legal team?
  - a. If so, what medical evidence is she citing for this claim?
8. How can Ms. Ansari effectively carry out the Department’s mission of doing justice if she has exhibited biases in sympathizing with the “victims” and repeatedly mentioning how the families will sue Dr. Haim civilly even if he wins his criminal case?
9. Has Ms. Ansari ever requested that Dr. Haim admit wrongdoing to avoid felony prosecution?
  - a. What aggravating factors make Dr. Haim’s actions a felony rather than a misdemeanor for a normal HIPAA violation?
10. Does the Justice Department believe that blowing the whistle on procedures recognized by the state of Texas as child abuse qualifies as an exception to HIPAA’s privacy requirements?<sup>11</sup> If not, why not?
11. Has Ms. Ansari ever stated that she would pursue a trial by jury, even “on a technicality,” as alleged by Dr. Haim’s legal team?
12. Will the Department be investigating the alleged fraudulent billing of Medicaid by doctors employed at Texas Children's Hospital?
13. Did Ms. Ansari threaten Dr. Haim’s wife’s career aspirations to be an Assistant U.S. Attorney if she “became difficult,” as alleged by Dr. Haim’s legal team?

Please provide this information as soon as possible, but no later than 5:00 p.m. on July 11, 2024. The Committee is authorized to conduct oversight of the Justice Department pursuant

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<sup>11</sup> See, e.g., *What constitutes a “serious and imminent” threat that would permit a health care provider to disclose PHI to prevent harm to the patient, another person, or the public without the patient’s authorization or permission?*, Dep’t of Health and Human Services (Dec. 28, 2022).

The Honorable Merrick B. Garland

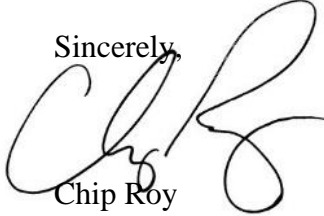
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to Rule X of the Rules of the House of Representatives.<sup>12</sup> Additionally, the Committee has jurisdiction to conduct oversight of matters concerning “civil liberties” to inform potential legislative reforms.<sup>13</sup> If you have questions about this matter, please contact Committee staff at (202) 225-6906.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chip Roy', with a large, stylized 'R'.

Chip Roy

Chairman

Subcommittee on the Constitution and  
Limited Government

cc: The Honorable Mary Gay Scanlon, Ranking Member, Subcommittee on the Constitution and Limited Government

Mark Wallace, CEO, Texas Children’s Hospital

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<sup>12</sup> Rules of the House of Representatives, R. X, 118th Cong. (2023).

<sup>13</sup> *Id.* at Rule X.1(n)(2).