AMENDMENT TO H.R. 5795

Offered by M .

[Page and line numbers refer to the posted draft dated May 15, 2018]

Page 8, line 4, strike "The Secretary" and insert the following:

1 (1) IN GENERAL.—The Secretary

Page 8, after line 11, insert the following new paragraph:

2 (2) Easily understandable notice of pri-3 VACY PRACTICES.—Not later than 1 year after the date of enactment of this Act, the Secretary of 4 5 Health and Human Services, in consultation with 6 appropriate experts, shall update section 164.520 of title 45, Code of Federal Regulations, so that cov-7 8 ered entities provide notice, written in plain lan-9 guage, of privacy practices regarding patient records 10 referred to in section 543(a) of the Public Health 11 Service Act (42 U.S.C. 290dd–2(a)), including— 12 (A) a statement of the patient's rights, in-13 cluding self-pay patients, with respect to pro-14 tected health information and a brief descrip-

tion of how the individual may exercise these

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1	rights (as required by paragraph (b)(1)(iv) of
2	such section 164.520); and
3	(B) a description of each purpose for
4	which the covered entity is permitted or re-
5	quired to use or disclose protected health infor-
6	mation without the patient's written authoriza-
7	tion (as required by paragraph (b)(2) of such
8	section 164.520).

Page 10, after line 21, inset the following new subsections:

9 (1) Rules of Construction.—Nothing in this Act 10 or the amendments made by this Act shall be construed to limit— 11 12 (1) a patient's right, as described in section 13 164.522 of title 45, Code of Federal Regulations, or 14 any successor regulation, to request a restriction on 15 the use or disclosure of a record referred to in section 543(a) of the Public Health Service Act (42 16 17 U.S.C. 290dd–2(a)) for purposes of treatment, pay-18 ment, or health care operations; or 19 (2) a covered entity's choice, as described in 20 section 164.506 of title 45, Code of Federal Regula-21 tions, or any successor regulation, to obtain the con-

sent of the individual to use or disclose a record re-

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1	ferred to in such section 543(a) to carry out treat-
2	ment, payment, or health care operation.
3	(m) Sense of Congress.—It is the sense of the
4	Congress that—
5	(1) patients have the right to request a restric-
6	tion on the use or disclosure of a record referred to
7	in section 543(a) of the Public Health Service Act
8	(42 U.S.C. 290dd-2(a)) for treatment, payment, or
9	health care operations; and
10	(2) covered entities should make every reason-
11	able effort to the extent feasible to comply with a
12	patient's request for a restriction regarding such use
13	or disclosure.

