

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
4 date of enactment of this Act, the Secretary of
5 Health and Human Services, in consultation with
6 appropriate experts, shall update section 164.520 of
7 title 45, Code of Federal Regulations, so that cov-
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-
15 tion of how the individual may exercise these

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 sub-
sections:

9 (I) RULES OF CONSTRUCTION.—Nothing in this Act
10 or the amendments made by this Act shall be construed
11 to limit—

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 sec-
16 tion 543(a) of the Public Health Service Act (42
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-
22 sent of the individual to use or disclose a record re-

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.

