

107TH CONGRESS
1ST SESSION

H. R. 1975

To modify the deadline for initial compliance with the standards and implementation specifications promulgated under section 1173 of the Social Security Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2001

Mr. SHADEGG (for himself, Ms. DUNN of Washington, Mr. POMEROY, Mr. GORDON, Mr. PICKERING, Mr. FOLEY, Mr. TERRY, Mr. KIRK, Mr. LEWIS of Kentucky, Mr. TANCREDO, Mr. BUYER, Mr. TANNER, and Mr. PENCE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To modify the deadline for initial compliance with the standards and implementation specifications promulgated under section 1173 of the Social Security Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MODIFIED TIMETABLE FOR INITIAL COMPLI-**
2 **ANCE WITH ADMINISTRATIVE SIMPLIFICA-**
3 **TION STANDARDS FOR HEALTH CARE INFOR-**
4 **MATION.**

5 (a) IN GENERAL.—Section 1175(b)(1) of the Social
6 Security Act (42 U.S.C. 1320d–4(b)(1)) is amended to
7 read as follows:

8 “(1) INITIAL COMPLIANCE.—

9 “(A) IN GENERAL.—Each person to whom
10 an initial standard or implementation specifica-
11 tion adopted or established under section 1173
12 applies shall comply with the standard or speci-
13 fication by the later of—

14 “(i) 24 months after the date on
15 which the Secretary determines that—

16 “(I) regulations have been pro-
17 mulgated in final form containing all
18 of the standards and specifications re-
19 quired to be adopted or established by
20 such section (excluding standards
21 under subsection (b)(1) of such sec-
22 tion (providing for unique health iden-
23 tifiers for individuals));

24 “(II) regulations have been pro-
25 mulgated in final form implementing
26 section 1176; and

1 “(III) standard unique health
 2 identifiers for each health plan and
 3 health care provider are available for
 4 use in the health care system pursu-
 5 ant to standards adopted under sec-
 6 tion 1173(b); or

7 “(ii) October 16, 2004.

8 “(B) DETERMINATION OF FINALITY.—

9 “(i) IN GENERAL.—The requirements
 10 of subclauses (I) and (II) of subparagraph
 11 (A)(i) shall be considered to be met if the
 12 regulations are promulgated and become
 13 effective in accordance with section 553 of
 14 title 5, United States Code.

15 “(ii) MODIFICATIONS.—Nothing in
 16 subclause (I) or (II) of subparagraph
 17 (A)(i) shall be construed as requiring the
 18 Secretary to take into account any subse-
 19 quent modification made to a regulation
 20 pursuant to section 1174(b) in making the
 21 determination that the regulation has been
 22 promulgated in final form.”.

23 (b) CONFORMING AMENDMENT.—Section 1175(b)(2)
 24 of the Social Security Act (42 U.S.C. 1320d–4(b)(2)) is
 25 amended by adding at the end “For purposes of this para-

1 graph, the Secretary shall determine the plans that qualify
 2 as small health plans.”.

3 (c) EFFECTIVE DATE.—The amendments made by
 4 subsections (a) and (b) shall take effect as if included in
 5 the enactment of section 262 of the Health Insurance
 6 Portability and Accountability Act of 1996 (Public Law
 7 104–191; 110 Stat. 2021 et seq.).

8 **SEC. 2. NO EFFECT ON REGULATIONS GOVERNING PRI-**
 9 **VACY OF INDIVIDUALLY IDENTIFIABLE**
 10 **HEALTH INFORMATION.**

11 Nothing in the amendments made by section 1, or
 12 in section 1175(b) of the Social Security Act (42 U.S.C.
 13 1320d–4(b)), as amended by section 1, shall be construed
 14 as affecting—

15 (1) the compliance dates for initial implementa-
 16 tion of the standards for privacy of individually iden-
 17 tifiable health information set forth in section
 18 164.534 of title 45, Code of Federal Regulations (as
 19 amended by the final rule published on February 26,
 20 2001, in the Federal Register (66 Fed. Reg.
 21 12433));

22 (2) any other provision of subpart E of part
 23 164 of subchapter C of subtitle A of title 45, Code
 24 of Federal Regulations;

1 (3) any provision of subpart A of part 164 of
 2 subchapter C of subtitle A of title 45, Code of Fed-
 3 eral Regulations, insofar as such subpart affects the
 4 application of subpart E of such part;

5 (4) any provision of part 160 of subchapter C
 6 of subtitle A of title 45, Code of Federal Regula-
 7 tions, insofar as such part affects the application of
 8 subpart E of part 164 of such subchapter; or

9 (5) the authority of the Secretary of Health and
 10 Human Services under section 264 of the Health In-
 11 surance Portability and Accountability Act of 1996
 12 (Public Law 104–191; 110 Stat. 2033 et seq.).

13 **SEC. 3. STUDY ON EFFECT OF ADMINISTRATIVE SIM-**
 14 **PLIFICATION REQUIREMENTS.**

15 (a) IN GENERAL.—The Comptroller General of the
 16 United States shall conduct a study to examine—

17 (1) the effect of the enactment of part C of title
 18 XI of the Social Security Act (42 U.S.C. 1320d et
 19 seq.), and the regulations promulgated under such
 20 part, on—

21 (A) health plans;

22 (B) health care providers;

23 (C) health care clearinghouses; and

24 (D) the Department of Health and Human
 25 Services; and

1 (2) the progress of such persons and entities in
2 complying with such part and regulations.

3 (b) DEADLINE.—Not later than October 31, 2003,
4 the Comptroller General of the United States shall submit
5 to the appropriate committees of the Congress a report
6 on the study conducted under subsection (a).

7 (c) DEFINITIONS.—For purposes of this section, the
8 terms “health plan”, “health care provider”, and “health
9 care clearinghouse” have the meaning given such terms
10 in section 1171 of the Social Security Act (42 U.S.C.
11 1320d).

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