

108TH CONGRESS
1ST SESSION

H. R. 2003

To clarify the criminal intent required to be established to prove a criminal violation for wrongful disclosure of individually identifiable health information.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Mr. BERRY introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and the Judiciary, 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 clarify the criminal intent required to be established to prove a criminal violation for wrongful disclosure of individually identifiable health information.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Health Care Practi-
5 tioner Protection Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

1 (1) criminal penalties may be unfairly imposed
2 on persons who, without criminal intent, disclose in-
3 dividually identifiable health information in violation
4 of part C of title XI of the Social Security Act, or
5 otherwise commit a violation punishable under sec-
6 tion 1177 of the such Act; and

7 (2) it is necessary to revise such section 1177
8 to establish a general rule that offenses under such
9 section are not punishable if the person committing
10 the offense did not know, or have reason to know,
11 that they were violating Federal law.

12 **SEC. 3. CRIMINAL INTENT REQUIRED FOR OFFENSE OF**
13 **WRONGFUL DISCLOSURE OF INDIVIDUALLY**
14 **IDENTIFIABLE HEALTH INFORMATION.**

15 Section 1177(b)(1) of the Social Security Act (42
16 U.S.C. 1320d–6(b)(1)) is amended by inserting “if the of-
17 fense is committed while knowing, or having reason to
18 know, that it is an offense against the United States,”
19 before “be fined”.

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