

111TH CONGRESS
1ST SESSION

H. R. 2630

To protect the privacy of patients and physicians.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. PAUL 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 protect the privacy of patients and physicians.

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 “Protect Patients and
5 Physicians Privacy Act”.

6 **SEC. 2. PATIENT RIGHT TO OPT OUT OF ELECTRONIC**
7 **HEALTH RECORDS SYSTEM.**

8 All individuals shall have the ability to opt out of any
9 Federally mandated, created, or funded electronic system
10 for maintaining health care information.

1 **SEC. 3. REPEAL OF STANDARD UNIQUE HEALTH IDENTIFI-**
2 **FIERS.**

3 (a) IN GENERAL.—

4 (1) Section 1173 of the Social Security Act (42
5 U.S.C. 1320d–2) is amended by striking subsection
6 (b).

7 (2) Section 1177(a) of such Act (42 U.S.C.
8 1320d–6(a)) is amended by striking paragraph (1).

9 (b) PROHIBITION OF FEDERAL EXPENDITURES.—No
10 Federal funds shall be used to support, encourage, or oth-
11 erwise promote the use of standard unique health identi-
12 fiers (such as those described in section 1173(b) of the
13 Social Security Act, before the amendment made by sub-
14 section (a)(1)) in any Federal, State, or private health
15 care plan.

16 **SEC. 4. REQUIREMENT OF INFORMED CONSENT FOR SHAR-**
17 **ING INFORMATION FROM ELECTRONIC MED-**
18 **ICAL RECORDS.**

19 (a) LIMITATION ON SHARING INFORMATION FROM
20 EMRs.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), no information from any electronic med-
23 ical record maintained by a health care provider and
24 created pursuant to a Federally mandated, created,
25 or funded program may be shared with another

1 health care provider absent a signed, informed con-
 2 sent from the patient involved.

3 (2) EXCEPTION FOR EMERGENCIES.—Para-
 4 graph (1) shall not apply in a medical emergency.

5 (b) LIMITATION ON MERGER OF INFORMATION.—No
 6 health care information from an individual medical record
 7 shall be placed in a Federally mandated, created, or fund-
 8 ed electronic system of health care information, absent a
 9 signed, informed consent from the patient involved.

10 (c) DEFINITIONS.—In this subsection:

11 (1) INFORMED CONSENT.—The term “informed
 12 consent” means, with respect to the sharing of infor-
 13 mation concerning a patient, a written document
 14 certifying that the patient gives permission to such
 15 sharing of information.

16 (2) MEDICAL EMERGENCY.—The term “medical
 17 emergency” means any situation where the failure to
 18 provide immediate medical treatment or assistance
 19 could result in serious injury, loss of life, or both.

20 **SEC. 5. PROVIDER FREEDOM FROM REQUIRED PARTICIPA-**
 21 **TION IN AN ELECTRONIC HEALTH CARE**
 22 **RECORDS PROGRAM.**

23 (a) IN GENERAL.—The Federal Government may not
 24 require a health care provider to participate in any Feder-

1 ally mandated, created, or funded electronic system of
2 maintaining health care information.

3 (b) LIMITATION.—No health care provider shall be
4 denied participation in, or otherwise sanctioned with re-
5 spect to participation in, a Federal health care program
6 because the provider refuses to participate in a Federally
7 mandated, created, or funded electronic system of main-
8 taining health care information.

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