

113TH CONGRESS
1ST SESSION

H. R. 1490

To amend title 38, United States Code, to prohibit the recording of a patient in a facility of the Department of Veterans Affairs without the informed consent of the patient.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2013

Mr. MILLER of Florida introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to prohibit the recording of a patient in a facility of the Department of Veterans Affairs without the informed consent of the patient.

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 “Veterans’ Privacy
5 Act”.

1 **SEC. 2. PROHIBITION OF VISUAL RECORDING WITHOUT IN-**
2 **FORMED CONSENT.**

3 Section 7331 of title 38, United States Code, is
4 amended—

5 (1) by striking “The Secretary, upon” and in-
6 serting “(a) IN GENERAL.—The Secretary, upon”;
7 and

8 (2) by adding at the end the following new sub-
9 section:

10 “(b) VISUAL RECORDING.—(1) The Secretary shall
11 prescribe regulations establishing procedures to ensure
12 that, except as provided by paragraph (2), any visual re-
13 cording made by the Secretary of a patient during the
14 course of furnishing care under this title is carried out
15 only with the full and informed consent of the patient or,
16 in appropriate cases, a representative thereof.

17 “(2) The Secretary may waive the requirement for
18 informed consent under paragraph (1) with respect to the
19 visual recording of a patient if such recording is made—

20 “(A) pursuant to a determination by a physi-
21 cian or psychologist that such recording is medically
22 necessary;

23 “(B) pursuant to a warrant or order of a court
24 of competent jurisdiction; or

25 “(C) in a public setting where a person would
26 not have a reasonable expectation to privacy, such as

1 a waiting room or hallway, and such recording is for
2 general security purposes not particularized to the
3 patient.

4 “(3) In this subsection, the term ‘visual recording’
5 means the recording or transmission of images or video.”.

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