

116TH CONGRESS
1ST SESSION

H. R. 4698

To amend the HITECH Act to allow an individual to obtain a copy of such individual's protected health information at no cost unless certain circumstances apply, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 16, 2019

Mr. FOSTER (for himself, Mr. MEEKS, Mr. RASKIN, and Mrs. BEATTY) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the HITECH Act to allow an individual to obtain a copy of such individual's protected health information at no cost unless certain circumstances apply, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medical Records Ac-
5 cess Fairness Act”.

1 **SEC. 2. ACCESS OF INDIVIDUALS TO PROTECTED HEALTH**
2 **INFORMATION AT NO COST UNLESS CERTAIN**
3 **CIRCUMSTANCES APPLY.**

4 Section 13405 of the HITECH Act (42 U.S.C.
5 17935) is amended by adding at the end the following new
6 subsection:

7 “(f) ACCESS OF INDIVIDUALS TO PROTECTED
8 HEALTH INFORMATION AT NO COST UNLESS CERTAIN
9 CIRCUMSTANCES APPLY.—

10 “(1) ACCESS OF INDIVIDUALS TO PROTECTED
11 HEALTH INFORMATION AT NO COST UNLESS CER-
12 TAIN CIRCUMSTANCES APPLY.—

13 “(A) IN GENERAL.—In providing an indi-
14 vidual (and, if the individual expressly requests,
15 a health care provider or a family caregiver)
16 with access to a copy of such individual’s pro-
17 tected health information (or a summary or ex-
18 planation of such information) in accordance
19 with section 164.524 of title 45, Code of Fed-
20 eral Regulations, a health care provider may
21 only impose a fee on such individual if the indi-
22 vidual is requesting—

23 “(i) a duplicate copy (or summary or
24 explanation) of protected health informa-
25 tion that was previously provided to such

1 individual in the same calendar year of the
2 request; or

3 “(ii) a non-electronic copy (or sum-
4 mary or explanation) of protected health
5 information that the health care provider
6 has made accessible for the individual, at
7 no cost, on an online portal of the health
8 care provider.

9 “(B) COPIES TRANSMITTED TO OTHER
10 HEALTH CARE PROVIDERS.—In the case of an
11 individual who expressly requests a health care
12 provider to transmit to another health care pro-
13 vider a copy of such individual’s protected
14 health information (or a summary or expla-
15 nation of such information), such transmitting
16 provider may transmit such copy (or summary
17 or explanation) in any form and format to the
18 extent that such form and format is readily us-
19 able by such receiving provider.

20 “(C) RULE OF CONSTRUCTION.—Nothing
21 in this subsection may be construed as requir-
22 ing a health care provider to provide, at no
23 cost, a copy of an individual’s protected health
24 information (or a summary or explanation of

1 such information) to any attorney of such indi-
2 vidual.

3 “(2) REGULATIONS.—Not later than six months
4 after the date of the enactment of this subsection,
5 the Secretary of Health and Human Services shall
6 promulgate and amend regulations as necessary to
7 implement the requirements described in this sub-
8 section.

9 “(3) EFFECTIVE DATE.—This subsection shall
10 apply with respect to requests for access to protected
11 health information made on or after the date that is
12 180 days after the date of the enactment of this
13 subsection.”.

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