

(2) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(Added Pub. L. 115–182, title I, §106(a), June 6, 2018, 132 Stat. 1413; amended Pub. L. 115–251, title II, §211(a)(11), Sept. 29, 2018, 132 Stat. 3175.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of the Caring for Our Veterans Act of 2018, referred to in subsecs. (a)(3)(B) and (b), is the date of enactment of Pub. L. 115–182, which was approved June 6, 2018.

AMENDMENTS

2018—Subsec. (a)(1). Pub. L. 115–251, §211(a)(11)(A)(i), substituted “Secretary shall” for “Secretary of Veterans Affairs shall”.

Subsec. (a)(2)(B). Pub. L. 115–251, §211(a)(11)(A)(ii)(I), substituted “Department across” for “Department of Veterans Affairs across”.

Subsec. (a)(2)(C). Pub. L. 115–251, §211(a)(11)(A)(ii)(II), substituted “of this title” for “of title 38, as added by section 102”.

Subsec. (a)(2)(H)(i). Pub. L. 115–251, §211(a)(11)(A)(ii)(III), substituted “Department” for “Department of Veterans Affairs”.

Subsec. (a)(4)(A)(iii). Pub. L. 115–251, §211(a)(11)(A)(iii)(I), inserted “of this title” after “section 1703C”.

Subsec. (a)(4)(B). Pub. L. 115–251, §211(a)(11)(A)(iii)(II), inserted “of this title” after “section 1703(b)”.

Subsec. (b)(2)(I). Pub. L. 115–251, §211(a)(11)(B), inserted “of this title” after “section 1706A”.

Subsec. (c)(1). Pub. L. 115–251, §211(a)(11)(C)(i), substituted “a high-performing” for “such high performing”.

Subsec. (c)(3). Pub. L. 115–251, §211(a)(11)(C)(ii), inserted “such” before “a high-performing”.

§ 7330D. Inapplicability of Paperwork Reduction Act to research activities

Subchapter I of chapter 35 of title 44 (commonly referred to as the “Paperwork Reduction Act”) shall not apply to the voluntary collection of information during the conduct of research by the Veterans Health Administration, including the Office of Research and Development, or individuals or entities affiliated with the Veterans Health Administration.

(Added Pub. L. 117–328, div. U, title I, §181(a), Dec. 29, 2022, 136 Stat. 5435.)

SUBCHAPTER III—PROTECTION OF PATIENT RIGHTS

§ 7331. Informed consent

The Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of section 7334 of this title, shall prescribe regulations establishing procedures to ensure that all medical and prosthetic research carried out and, to the maximum extent practicable, all patient care furnished under this title shall be carried out only with the full and informed consent of the patient or subject or, in appropriate cases, a representative thereof.

(Added Pub. L. 94–581, title I, §111(a)(1), Oct. 21, 1976, 90 Stat. 2849, §4131; renumbered §7331 and amended Pub. L. 102–40, title IV, §§401(a)(4)(A), 402(d)(1), 403(a)(1), May 7, 1991, 105 Stat. 221, 239;

Pub. L. 102–405, title III, §302(c)(1), Oct. 9, 1992, 106 Stat. 1984.)

Editorial Notes

AMENDMENTS

1992—Pub. L. 102–405 substituted “Under Secretary for Health” for “Chief Medical Director”.

1991—Pub. L. 102–40, §401(a)(4)(A), renumbered section 4131 of this title as this section.

Pub. L. 102–40, §403(a)(1), substituted “Secretary” for “Administrator”.

Pub. L. 102–40, §402(d)(1), substituted “7334” for “4134”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Subchapter effective Oct. 21, 1976, see section 211 of Pub. L. 94–581, set out as an Effective Date of 1976 Amendment note under section 111 of this title.

§ 7332. Confidentiality of certain medical records

(a)(1) Records of the identity, diagnosis, prognosis, or treatment of any patient or subject which are maintained in connection with the performance of any program or activity (including education, training, treatment, rehabilitation, or research) relating to drug abuse, alcoholism or alcohol abuse, infection with the human immunodeficiency virus, or sickle cell anemia which is carried out by or for the Department under this title shall, except as provided in subsections (e) and (f), be confidential, and (section 5701 of this title to the contrary notwithstanding) such records may be disclosed only for the purposes and under the circumstances expressly authorized under subsection (b).

(2) Paragraph (1) prohibits the disclosure to any person or entity other than the patient or subject concerned of the fact that a special written consent is required in order for such records to be disclosed.

(b)(1) The content of any record referred to in subsection (a) may be disclosed by the Secretary in accordance with the prior written consent of the patient or subject with respect to whom such record is maintained, but only to such extent, under such circumstances, and for such purposes as may be allowed in regulations prescribed by the Secretary.

(2) Whether or not any patient or subject, with respect to whom any given record referred to in subsection (a) is maintained, gives written consent, the content of such record may be disclosed by the Secretary as follows:

(A) To medical personnel to the extent necessary to meet a bona fide medical emergency.

(B) To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient or subject in any report of such research, audit, or evaluation, or otherwise disclose patient or subject identities in any manner.

(C)(i) In the case of any record which is maintained in connection with the performance of any program or activity relating to infection with the human immunodeficiency virus, to a Federal, State, or local public-