

118TH CONGRESS
1ST SESSION

H. R. 6764

To direct the Secretary of Health and Human Services to modify the HIPAA privacy regulation with respect to the disclosure of certain protected health information.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 13, 2023

Mr. NEGUSE introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To direct the Secretary of Health and Human Services to
modify the HIPAA privacy regulation with respect to
the disclosure of certain protected 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 “Patient Privacy and
5 Caregiver Awareness Act of 2023”.

6 **SEC. 2. MODIFICATION OF HIPAA PRIVACY REGULATION.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this section, the Secretary of
9 Health and Human Services shall revise the HIPAA pri-

1 vacy regulation to require that, if an individual (or a per-
2 sonal representative of the individual or another person
3 responsible for the care of the individual) provides consent
4 in accordance with such regulation for a covered entity
5 to use or disclose any protected health information of the
6 individual that is related to a mental health condition or
7 a substance use disorder—

8 (1) the authorization with respect to such use
9 or disclosure shall have an expiration date that is
10 not less than 2 years after the date on which such
11 consent is provided; and

12 (2) the covered entity shall provide the indi-
13 vidual (and, in the case that such consent is pro-
14 vided by a personal representative or another person
15 responsible for the care of the individual, such per-
16 sonal representative or person so responsible) with
17 written notice of the expiration of such authorization
18 not later than the date that is 30 days before such
19 expiration date.

20 (b) DEFINITIONS.—In this section, the following defi-
21 nitions apply:

22 (1) HIPAA PRIVACY REGULATION.—The term
23 “HIPAA privacy regulation” has the meaning given
24 such term in section 1180(b)(3) of the Social Secu-
25 rity Act (42 U.S.C. 1320d–9(b)(3)).

1 (2) HIPAA TERMS.—The terms “authoriza-
2 tion”, “covered entity”, and “protected health infor-
3 mation” have the meanings given such terms for
4 purposes of the HIPAA privacy regulation.

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