

107<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1975

To modify the deadline for initial compliance with the standards and implementation specifications promulgated under section 1173 of the Social Security Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2001

Mr. SHADEGG (for himself, Ms. DUNN of Washington, Mr. POMEROY, Mr. GORDON, Mr. PICKERING, Mr. FOLEY, Mr. TERRY, Mr. KIRK, Mr. LEWIS of Kentucky, Mr. TANCREDO, Mr. BUYER, Mr. TANNER, and Mr. PENCE) 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

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## A BILL

To modify the deadline for initial compliance with the standards and implementation specifications promulgated under section 1173 of the Social Security Act, 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,*

1 **SECTION 1. MODIFIED TIMETABLE FOR INITIAL COMPLI-**  
2 **ANCE WITH ADMINISTRATIVE SIMPLIFICA-**  
3 **TION STANDARDS FOR HEALTH CARE INFOR-**  
4 **MATION.**

5 (a) IN GENERAL.—Section 1175(b)(1) of the Social  
6 Security Act (42 U.S.C. 1320d–4(b)(1)) is amended to  
7 read as follows:

8 “(1) INITIAL COMPLIANCE.—

9 “(A) IN GENERAL.—Each person to whom  
10 an initial standard or implementation specifica-  
11 tion adopted or established under section 1173  
12 applies shall comply with the standard or speci-  
13 fication by the later of—

14 “(i) 24 months after the date on  
15 which the Secretary determines that—

16 “(I) regulations have been pro-  
17 mulgated in final form containing all  
18 of the standards and specifications re-  
19 quired to be adopted or established by  
20 such section (excluding standards  
21 under subsection (b)(1) of such sec-  
22 tion (providing for unique health iden-  
23 tifiers for individuals));

24 “(II) regulations have been pro-  
25 mulgated in final form implementing  
26 section 1176; and

1                   “(III) standard unique health  
2                   identifiers for each health plan and  
3                   health care provider are available for  
4                   use in the health care system pursu-  
5                   ant to standards adopted under sec-  
6                   tion 1173(b); or

7                   “(ii) October 16, 2004.

8                   “(B) DETERMINATION OF FINALITY.—

9                   “(i) IN GENERAL.—The requirements  
10                  of subclauses (I) and (II) of subparagraph  
11                  (A)(i) shall be considered to be met if the  
12                  regulations are promulgated and become  
13                  effective in accordance with section 553 of  
14                  title 5, United States Code.

15                  “(ii) MODIFICATIONS.—Nothing in  
16                  subclause (I) or (II) of subparagraph  
17                  (A)(i) shall be construed as requiring the  
18                  Secretary to take into account any subse-  
19                  quent modification made to a regulation  
20                  pursuant to section 1174(b) in making the  
21                  determination that the regulation has been  
22                  promulgated in final form.”.

23                  (b) CONFORMING AMENDMENT.—Section 1175(b)(2)  
24                  of the Social Security Act (42 U.S.C. 1320d-4(b)(2)) is  
25                  amended by adding at the end “For purposes of this para-

1 graph, the Secretary shall determine the plans that qualify  
2 as small health plans.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
4 subsections (a) and (b) shall take effect as if included in  
5 the enactment of section 262 of the Health Insurance  
6 Portability and Accountability Act of 1996 (Public Law  
7 104–191; 110 Stat. 2021 et seq.).

8 **SEC. 2. NO EFFECT ON REGULATIONS GOVERNING PRI-**  
9 **VACY OF INDIVIDUALLY IDENTIFIABLE**  
10 **HEALTH INFORMATION.**

11 Nothing in the amendments made by section 1, or  
12 in section 1175(b) of the Social Security Act (42 U.S.C.  
13 1320d–4(b)), as amended by section 1, shall be construed  
14 as affecting—

15 (1) the compliance dates for initial implementa-  
16 tion of the standards for privacy of individually iden-  
17 tifiable health information set forth in section  
18 164.534 of title 45, Code of Federal Regulations (as  
19 amended by the final rule published on February 26,  
20 2001, in the Federal Register (66 Fed. Reg.  
21 12433));

22 (2) any other provision of subpart E of part  
23 164 of subchapter C of subtitle A of title 45, Code  
24 of Federal Regulations;

1           (3) any provision of subpart A of part 164 of  
2           subchapter C of subtitle A of title 45, Code of Fed-  
3           eral Regulations, insofar as such subpart affects the  
4           application of subpart E of such part;

5           (4) any provision of part 160 of subchapter C  
6           of subtitle A of title 45, Code of Federal Regula-  
7           tions, insofar as such part affects the application of  
8           subpart E of part 164 of such subchapter; or

9           (5) the authority of the Secretary of Health and  
10          Human Services under section 264 of the Health In-  
11          surance Portability and Accountability Act of 1996  
12          (Public Law 104–191; 110 Stat. 2033 et seq.).

13 **SEC. 3. STUDY ON EFFECT OF ADMINISTRATIVE SIM-**  
14 **PLIFICATION REQUIREMENTS.**

15          (a) **IN GENERAL.**—The Comptroller General of the  
16          United States shall conduct a study to examine—

17               (1) the effect of the enactment of part C of title  
18               XI of the Social Security Act (42 U.S.C. 1320d et  
19               seq.), and the regulations promulgated under such  
20               part, on—

21                       (A) health plans;

22                       (B) health care providers;

23                       (C) health care clearinghouses; and

24                       (D) the Department of Health and Human  
25                       Services; and

1           (2) the progress of such persons and entities in  
2           complying with such part and regulations.

3           (b) DEADLINE.—Not later than October 31, 2003,  
4           the Comptroller General of the United States shall submit  
5           to the appropriate committees of the Congress a report  
6           on the study conducted under subsection (a).

7           (c) DEFINITIONS.—For purposes of this section, the  
8           terms “health plan”, “health care provider”, and “health  
9           care clearinghouse” have the meaning given such terms  
10          in section 1171 of the Social Security Act (42 U.S.C.  
11          1320d).

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