

[116H4698]

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(Original Signature of Member)

117TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

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.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. FOSTER introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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.”.