

107TH CONGRESS  
1ST SESSION

# S. 836

To amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care information.

---

IN THE SENATE OF THE UNITED STATES

MAY 7, 2001

Mr. CRAIG (for himself, Mr. DORGAN, and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Finance

---

## A BILL

To amend part C of title XI of the Social Security Act to provide for coordination of implementation of administrative simplification standards for health care 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. COORDINATION OF IMPLEMENTATION OF AD-**  
4 **MINISTRATIVE SIMPLIFICATION STANDARDS**  
5 **FOR HEALTH CARE INFORMATION.**

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

1           “(1) IN GENERAL.—Each person to whom an  
 2           initial standard or implementation specification is  
 3           adopted or established under sections 1172 and  
 4           1173 applies shall comply with the standard or spec-  
 5           ification by the later of—

6                   “(A) 24 months after the date on which  
 7           the Secretary determines that—

8                           “(i) regulations with respect to all of  
 9                           the standards and specifications required  
 10                          by such sections (other than standards for  
 11                          unique health identifiers for individuals  
 12                          under section 1173(b)(1)) have been  
 13                          adopted in final form;

14                          “(ii) regulations implementing section  
 15                          1176 have been issued in final form; and

16                          “(iii) reliable national unique health  
 17                          identifiers for health plans and health care  
 18                          providers are ready and available; or

19                          “(B) October 16, 2004.”.

20           (b) RULE OF CONSTRUCTION.—For purposes of sec-  
 21           tion 1175(b)(1) of the Social Security Act (42 U.S.C.  
 22           1320d–4(b)(1)), as amended by subsection (a)—

23                   (1) the requirements of such section (relating to  
 24                   issuance of a regulation “in final form”) shall be  
 25                   considered to be met with respect to a standard,

1 specification, or section if a regulation implementing  
2 such standard, specification, or section is issued and  
3 becomes effective in accordance with section 553 of  
4 title 5, United States Code;

5 (2) nothing in such section 1175(b)(1) shall be  
6 construed as requiring the Secretary of Health and  
7 Human Services to take into account subsequent  
8 modifications made to such regulation pursuant to  
9 section 1174(b) of the Social Security Act (42  
10 U.S.C. 1 320d–3(b)) in making the determination  
11 that a regulation has been issued “in final form”  
12 with respect to a standard, specification, or section;  
13 and

14 (3) nothing in such section 1175(b)(1) shall be  
15 construed as limiting or affecting the authority of  
16 the Secretary of Health and Human Services to  
17 issue or implement the final regulations establishing  
18 standards for privacy of individually identifiable  
19 health information published in the Federal Register  
20 by the Secretary on December 28, 2000 (65 Fed.  
21 Reg. 82462), including the requirements of section  
22 164.530 of title 45 of the Code of Federal Regula-  
23 tions.

1 (c) STUDY OF COMPLIANCE WITH HEALTH INSUR-  
2 ANCE PORTABILITY AND ACCOUNTABILITY ACT OF  
3 1996.—

4 (1) IN GENERAL.—The Comptroller General of  
5 the United States shall conduct a study to examine  
6 the effect of the enactment of section 262 of the  
7 Health Insurance Portability and Accountability Act  
8 of 1996 (Public Law 104–191; 110 Stat. 2021), and  
9 regulations issued thereunder, on health plans,  
10 health care providers, the medicare and medicaid  
11 programs, and the Department of Health and  
12 Human Services, including the progress of such enti-  
13 ties or programs in complying with the amendments  
14 made by such section.

15 (2) REPORT.—Not later than October 31,  
16 2003, the Comptroller General shall submit to the  
17 appropriate committees of Congress a report on the  
18 study conducted under paragraph (1).

19 (d) EFFECTIVE DATE.—The amendment made by  
20 subsection (a) shall take effect as if included in the enact-  
21 ment of section 262 of the Health Insurance Portability  
22 and Accountability Act of 1996 (Public Law 104–191; 110  
23 Stat. 2021).

○