

# **PUBLIC LAW 104-191**

**AUG. 21, 1996**

## **HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1996**

**Public Law 104-191**  
**104th Congress**

### **An Act**

To amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat waste, fraud, and abuse in health insurance and health care delivery, to promote the use of medical savings accounts, to improve access to long-term care services and coverage, to simplify the administration of health insurance, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**--This Act may be cited as the "Health Insurance Portability and Accountability Act of 1996".

(b) **TABLE OF CONTENTS.**--The table of contents of this Act is as follows:  
Sec. 1. Short title; table of contents.

#### **TITLE I--HEALTH CARE ACCESS, PORTABILITY, AND RENEWABILITY**

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#### **TITLE II--PREVENTING HEALTH CARE FRAUD AND ABUSE; ADMINISTRATIVE SIMPLIFICATION; MEDICAL LIABILITY REFORM**

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#### **Subtitle F--Administrative Simplification**

Sec. 261. Purpose.

Sec. 262. Administrative simplification.

#### **"Part C--Administrative Simplification**

"Sec. 1171. Definitions.

"Sec. 1172. General requirements for adoption of standards.

"Sec. 1173. Standards for information transactions and data elements.

"Sec. 1174. Timetables for adoption of standards.

"Sec. 1175. Requirements.

"Sec. 1176. General penalty for failure to comply with requirements and standards.

"Sec. 1177. Wrongful disclosure of individually identifiable health information.

"Sec. 1178. Effect on State law.

"Sec. 1179. Processing payment transactions.".

Sec. 263. Changes in membership and duties of National Committee on Vital and Health Statistics.

Sec. 264. Recommendations with respect to privacy of certain health information.

#### **SEC. 264. RECOMMENDATIONS WITH RESPECT TO PRIVACY OF CERTAIN HEALTH INFORMATION.**

(a) IN GENERAL.--Not later than the date that is 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Labor and Human Resources and the Committee on Finance of the Senate and the Committee on Commerce and the Committee on Ways and Means of the House of Representatives detailed recommendations on standards with respect to the privacy of individually identifiable health information.

(b) SUBJECTS FOR RECOMMENDATIONS.--The recommendations under subsection (a) shall address at least the following:

(1) The rights that an individual who is a subject of individually identifiable health information should have.

(2) The procedures that should be established for the exercise of such rights.

(3) The uses and disclosures of such information that should be authorized or required.

(c) REGULATIONS.--

(1) IN GENERAL.--If legislation governing standards with respect to the privacy of individually identifiable health information transmitted in connection with the transactions described in section 1173(a) of the Social Security Act (as added by section 262) is not enacted by the date that is 36 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations containing such standards not later than the date that is 42 months after the date of the enactment of this Act. Such regulations shall address at least the subjects described in subsection (b).

(2) PREEMPTION.--A regulation promulgated under paragraph (1) shall not supercede a contrary provision of State law, if the provision of State law imposes requirements, standards, or implementation specifications that are more stringent than the requirements, standards, or implementation specifications imposed under the regulation.

(d) CONSULTATION.--In carrying out this section, the Secretary of Health and Human Services shall consult with--

(1) the National Committee on Vital and Health Statistics established under section 306(k) of the Public Health Service Act (42 U.S.C. 242k(k)); and

(2) the Attorney General.

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P.L. 104-191

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