



Senators Introduce Bipartisan Legislation to Modernize HIPAA

In February, U.S. Senators Bill Cassidy, M.D. (R-LA) and Tammy Baldwin (D-WI) introduced the Health Data Use and Privacy Commission Act (S. 3620) as a first step in the process of modernizing the nation's outdated health privacy laws and regulations. The presence of technology companies is increasing in health care, and health information is expanding beyond the reach of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). HIPAA, enacted over 25 years ago, protects all interactions between patients and their doctors, but it does not protect health data stored on emerging technologies, such as cell phones and smart watches which, according to the bill's sponsors, puts this data at significant potential risk.

The bipartisan legislation, if enacted, would create a health and privacy commission to research and give official recommendations to Congress on how to modernize the use of health data and privacy laws to ensure patient privacy and trust while balancing the need for doctors to have information at their fingertips to provide patient care.

The new commission would conduct a coordinated and comprehensive review and comparison of existing protections of personal health information at the state and federal level, as well as current practices for health data use in various industries including, but not limited to, health care, insurance, and financial services.

The new commission would also be charged with weighing the potential threats posed to individual health privacy against legitimate business interests, and whether health outcomes are threatened if privacy rules are too stringent.

The effectiveness of existing statutes, regulations, and private sector self-regulatory efforts would be reviewed, and recommendations would be made if new federal legislation is necessary, including a cost analysis of any new legislation. Further, recommendations would be made on effective non-legislative solutions to individual health privacy concerns, including education, market-based measures, industry best practices, and new technologies.

Finally, the commission would conduct an analysis of whether additional regulations may cause unintended consequences in other policy areas, such as law enforcement, medical research, health care cost containment, or improved patient outcomes.

The proposed legislation is currently under consideration in the U.S. Senate Committee on Health, Education, Labor, and Pensions.

[Full text of Health Data Use and Privacy Commission Act \(S. 3620\) \(Congress.gov\)](#)

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