117TH CONGRESS
1ST SESSION

S. 207

To amend titles XIX and XXI of the Social Security Act to require hospitals and certain other participating providers under Medicaid or the Children's Health Insurance Program to disclose the provider's policy on parental access to the medical records of minors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 3, 2021

Mr. LEE (for himself, Mr. TILLIS, Mr. BRAUN, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To amend titles XIX and XXI of the Social Security Act to require hospitals and certain other participating providers under Medicaid or the Children's Health Insurance Program to disclose the provider's policy on parental access to the medical records of minors, 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 "Parental Right to

5 Know Act".

SEC. 2. PARENTAL ACCESS TO MEDICAL RECORDS DISCLO-

      SURE REQUIREMENTS UNDER MEDICAID AND

      CHIP.

(a) MEDICAID.—Section 1902(w) of the Social Security Act (42 U.S.C. 1396a(w)) is amended—

    (1) in paragraph (1)—

        (A) in the matter preceding subparagraph (A), by striking "adult individuals receiving medical care by or through the provider or organization" and inserting "individuals receiving medical care by or through the provider or organization, and in the case of any such individual who is a minor individual (as defined in paragraph (4)(B)), written policies and procedures with respect to the parents and legal guardians of such an individual"; and

        (B) in subparagraph (A)—

            (i) in clause (i), by striking ", and" and inserting a semicolon;

            (ii) in clause (ii), by adding "and" after the semicolon; and

            (iii) by inserting after clause (ii), the following:

            "(iii) the provider's or organization's written policies respecting parental access

1   to the medical records of a minor indi-

2   vidual;'';

3   (2) in paragraph (2), by striking "adult indi-

4 vidual" and inserting "individual, and in the case of

5 a minor individual, to at least 1 parent or legal

6 guardian of the minor individual";

7   (3) in paragraph (3), by striking "section" and

8 inserting "subsection"; and

9   (4) in paragraph (4)—

10   (A) by striking "subsection, the term" and

11   inserting "subsection—

12   "(A) the term"; and

13   (B) by adding at the end the following:

14   "(B) the term 'minor individual' means an indi-

15 vidual who is an unemancipated individual who has

16 not attained 18 years of age.''.

17   (b) APPLICATION TO CHIP.—Section 2107(e)(1) of

18 the Social Security Act (42 U.S.C. 1397gg(e)(1)) is

19 amended—

20   (1) by redesignating subparagraphs (D)

21 through (S) as subparagraphs (E) through (T), re-

22 spectively; and

23   (2) by inserting after subparagraph (C) the fol-

24 lowing:

1   ''(D) Subsections (a)(57) and (w) of sec-

2   tion 1902 (relating to maintenance of written

3   policies and procedures respecting advance di-

4   rectives and parental access to the medical

5   records of minor individuals).''.

6 (c) EFFECTIVE DATE.—

7   (1) IN GENERAL.—Subject to paragraph (2),

8   the amendments made by this section shall apply to

9   provider agreements entered into or renewed on or

10   after January 1, 2021.

11   (2) EXCEPTION FOR STATE LEGISLATION.—In

12   the case of a State plan under title XIX or XXI of

13   the Social Security Act which the Secretary of

14   Health and Human Services determines requires

15   State legislation (other than legislation appro-

16   priating funds) in order for the plan to meet the ad-

17   ditional requirements imposed by the amendments

18   made by this section, the State plan shall not be re-

19   garded as failing to comply with the requirements of

20   such title solely on the basis of its failure to meet

21   these additional requirements before the first day of

22   the first calendar quarter beginning after the close

23   of the first regular session of the State legislature

1   that begins after the date of the enactment of this

2   Act.

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