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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R.

To amend title XVIII of the Social Security Act to establish certain standards and requirements with respect to obtaining informed consent and providing chaperones for providers of services participating in the Medicare program.

IN THE HOUSE OF REPRESENTATIVES

Mrs. TRAHAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title XVIII of the Social Security Act to establish certain standards and requirements with respect to obtaining informed consent and providing chaperones for providers of services participating in the Medicare program.

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 “Protect Patients from
5 Healthcare Abuse Act”.

1 **SEC. 2. ESTABLISHING STANDARDS AND REQUIREMENTS**
2 **WITH RESPECT TO OBTAINING INFORMED**
3 **CONSENT AND PROVIDING CHAPERONES AS**
4 **A MEDICARE CONDITION OF PARTICIPATION.**

5 Section 1866 of the Social Security Act (42 U.S.C.

6 1395cc) is amended—

7 (1) in subsection (a)(1)—

8 (A) in subparagraph (X), by striking
9 “and” at the end;

10 (B) in subparagraph (Y), by striking the
11 period at the end and inserting “, and”; and

12 (C) by inserting after subparagraph (Y)
13 the following new subparagraph:

14 “(Z) beginning January 1, 2026, in the case of
15 a provider of services, to comply with the informed
16 consent and chaperone requirements described in
17 subsection (l).”; and

18 (2) by adding at the end the following new sub-
19 section:

20 “(l) INFORMED CONSENT AND CHAPERONE RE-
21 QUIREMENTS.—

22 “(1) IN GENERAL.—For purposes of subsection
23 (a)(1)(Z), the informed consent and chaperone re-
24 quirements are, with respect to a provider of serv-
25 ices—

1 “(A) the written notification requirement
2 described in paragraph (2); and

3 “(B) the chaperone training and education
4 requirement described in paragraph (3).

5 “(2) WRITTEN NOTIFICATION REQUIREMENT.—

6 For purposes of paragraph (1), the requirement de-
7 scribed in this paragraph is, with respect to a pro-
8 vider of services, that the provider maintains written
9 policies and procedures with respect to all adult indi-
10 viduals receiving medical care by or through such
11 provider to provide written information to each such
12 individual concerning the right of such individual or
13 a surrogate of such individual (to the extent per-
14 mitted under State law) to make informed decisions
15 with respect to the care of such individual, includ-
16 ing—

17 “(A) the right to be informed of the indi-
18 vidual’s health status;

19 “(B) the right to be involved in planning
20 for the individual’s care;

21 “(C) the right to provide informed consent
22 with respect to an item or service before such
23 item or service is furnished to such individual;
24 and

1 “(D) the right to request the presence of
2 a chaperone during a sensitive procedure.

3 “(3) CHAPERONE TRAINING AND EDUCATION
4 REQUIREMENT.—For purposes of paragraph (1), the
5 requirement described in this paragraph is, with re-
6 spect to a provider of services, that the provider pro-
7 vides for the education and training of appropriate
8 staff (as determined by the provider) with respect to
9 the rights of individuals receiving medical care by or
10 through such provider described in paragraph (2).
11 Such training and education shall include—

12 “(A) training in how to perform the func-
13 tions of a chaperone during a sensitive proce-
14 dure;

15 “(B) education with respect to what con-
16 stitutes a sensitive procedure; and

17 “(C) education with respect to an individ-
18 ual’s right to provide informed consent to items
19 and services being furnished to such individual,
20 as described in paragraph (2)(C).

21 “(4) DEFINITIONS.—In this subsection, the fol-
22 lowing definitions apply:

23 “(A) CHAPERONE.—The term ‘chaperone’
24 means, with respect to medical care furnished
25 to an individual by or through a provider of

1 services, an appropriate staff member (as deter-
2 mined by the provider)—

3 “(i) who is trained and educated in
4 accordance with paragraph (3); and

5 “(ii) who is present during a sensitive
6 procedure furnished in connection with
7 such care in order to—

8 “(I) act as a witness to the pro-
9 cedure;

10 “(II) provide a comfortable, safe
11 environment consistent with the gen-
12 erally accepted standard of care for
13 such procedure; and

14 “(III) report sexual abuse (as de-
15 fined in section 2242 of title 18,
16 United States Code) to an appropriate
17 supervisor (as designated by the pro-
18 vider).

19 “(B) INFORMED CONSENT.—The term ‘in-
20 formed consent’ means, with respect to an item
21 or service furnished to an individual by or
22 through a provider of services, that the indi-
23 vidual understands the risks, benefits, and al-
24 ternatives of such item or service.

1 “(C) SENSITIVE PROCEDURE.—The term
2 ‘sensitive procedure’ means, with respect to
3 medical care furnished to an individual by or
4 through a provider of services, any of the fol-
5 lowing procedures furnished in connection with
6 such care:

7 “(i) Any physical examination, sur-
8 gery, or other procedure involving the indi-
9 vidual’s genitalia, breasts, perianal region,
10 or rectum.

11 “(ii) Any other physical examination,
12 surgery, or other procedure that the indi-
13 vidual considers to be sensitive.”.