

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 2646
OFFERED BY MS. CASTOR OF FLORIDA**

Add at the end of title VIII the following new section:

1 SEC. 802. REPORTING HOSPITAL INCIDENTS RESULTING IN
2 INJURY OR DEATH TO STATE AGENCIES.

3 (a) PURPOSE.—The purpose of this section is to re-
4 quire psychiatric hospitals (as defined in section 1861(f)
5 of the Social Security Act (42 U.S.C. 1395x(f))) to report
6 to State agencies on incidents within such hospitals that
7 result in injury or death in order to encourage and facili-
8 tate State efforts to inform the Federal Government and
9 the public about the frequency, nature, and severity of
10 such incidents.

11 (b) REPORTING REQUIREMENT.—

12 (1) IN GENERAL.—A psychiatric hospital (as
13 defined in section 1861(f) of the Social Security Act
14 (42 U.S.C. 1395x(f))) located in a State shall, as a
15 condition of receiving any Federal funds or other
16 Federal support, submit to the appropriate agency
17 of such State a daily report that details any inci-
18 dents that resulted, on the date that is one day prior

1 to the date on which the report is so submitted, in
2 the injury or death of a patient or staff member of
3 such hospital.

4 (2) CONSTRUCTION.—Paragraph (1) shall be
5 construed as requiring such a psychiatric hospital to
6 so submit such daily report regardless of whether
7 such an incident occurred on the date that is one
8 day prior to the date on which the report is so sub-
9 mitted.



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Add at the end of title IV the following new section:

**1 SEC. 406. ENHANCED COMMUNICATION BY COVERED ENTI-
2 TIES THAT ARE PSYCHIATRIC HOSPITALS IN
3 CASES OF DECEASED INDIVIDUALS.**

4 (a) IN GENERAL.—In implementing section
5 164.510(b) of title 45, Code of Federal Regulations, with
6 respect to psychiatric hospitals (as defined in section
7 1861(f) of the Social Security Act (42 U.S.C. 1395x(f))),
8 the Secretary of Health and Human Services shall apply
9 paragraph (5) of such section in a manner that requires,
10 in the case that an applicable individual requests that a
11 disclosure described in such paragraph be made with re-
12 spect to an individual described in such paragraph, that
13 such disclosure be made.

14 (b) APPLICABLE INDIVIDUAL DEFINED.—For pur-
15 poses of subsection (a), the term “applicable individual”
16 means, with respect to an individual described in such
17 paragraph (5), a family member or other person identified
18 in paragraph (1) of such section 164.510(b) who was in-

1 volved in the individual's care or payment for health care

2 prior to the individual's death.

