

**TITLE 42 - THE PUBLIC HEALTH AND WELFARE**  
**CHAPTER 7 - SOCIAL SECURITY**  
**SUBCHAPTER XI - GENERAL PROVISIONS, PEER REVIEW, AND ADMINISTRATIVE SIMPLIFICATION**  
**Part C - Administrative Simplification**

**§ 1320d-8. Processing payment transactions by financial institutions**

To the extent that an entity is engaged in activities of a financial institution (as defined in section 3401 of title 12), or is engaged in authorizing, processing, clearing, settling, billing, transferring, reconciling, or collecting payments, for a financial institution, this part, and any standard adopted under this part, shall not apply to the entity with respect to such activities, including the following:

- (1) The use or disclosure of information by the entity for authorizing, processing, clearing, settling, billing, transferring, reconciling or collecting, a payment for, or related to, health plan premiums or health care, where such payment is made by any means, including a credit, debit, or other payment card, an account, check, or electronic funds transfer.
- (2) The request for, or the use or disclosure of, information by the entity with respect to a payment described in paragraph (1)—
  - (A) for transferring receivables;
  - (B) for auditing;
  - (C) in connection with—
    - (i) a customer dispute; or
    - (ii) an inquiry from, or to, a customer;
  - (D) in a communication to a customer of the entity regarding the customer's transactions, payment card, account, check, or electronic funds transfer;
  - (E) for reporting to consumer reporting agencies; or
  - (F) for complying with—
    - (i) a civil or criminal subpoena; or
    - (ii) a Federal or State law regulating the entity.

(Aug. 14, 1935, ch. 531, title XI, § 1179, as added Pub. L. 104-191, title II, § 262(a), Aug. 21, 1996, 110 Stat. 2030.)