

Proposed Select Investigative Panel Rules¹

1. Documents:²

- a. Access: All members and Committee staff of the Select Investigative Panel (“Select Panel”) shall have equal and timely access to all requests for documents. Such members and staff shall also have timely and equal access to documents received by the Select Panel.
- b. Copies: Anyone being asked to provide documents to the Select Panel shall be asked to provide the majority and minority an identical set of documents.
- c. Release: The chair shall notify the ranking member at least five business days before any documents or portions of documents received by the Select Panel are released to the press or the public.

2. Protections for Individual Privacy and Safety

- a. The Select Panel will not request, or subpoena documents that reveal, patient information, including the names of individual patients or any other personally identifiable information, medical histories, diagnoses, or treatments.
- b. The Select Panel will not request, or subpoena documents that reveal, the names, contact information, or any other personally identifiable information for healthcare providers, clinical or supervisory personnel/staff, residents or medical students, researchers, or scientists.
- c. To the extent that any document responsive to a Select Panel request includes information that is protected from disclosure by federal or state privacy laws (including HIPAA or FERPA), such protected information may be redacted by the person or entity producing the document prior to its production to the Select Panel. Neither the majority nor minority shall be given information that has been redacted from a document unless both the majority and minority are given that information at the same time.
- d. Where the chair and ranking member agree that there is a compelling need for the Select Panel to obtain information that is otherwise protected by these rules, they may request such information by providing written notice and an explanation of a compelling need for the Select Panel to obtain the information to the person or

¹These rules augment rules and protocols of the House and of the Energy and Commerce Committee. These rules apply only to the Select Investigative Panel. They are not applicable to or binding on the Energy and Commerce Committee or any of its subcommittees and expire when the Select Investigative Panel ceases to exist under Sec. 6 of H.Res. 461.

²For purposes of these rules, the term “document” is as defined in the instructions on “Responding to Committee Document Requests” of the Energy and Commerce Committee.

entity from whom the information is requested. If produced to the Select Panel, such information will not be disclosed publicly without prior notice to and written consent from the person or entity that produced it.

- e. Anyone asked for documents or information by the Select Panel majority or minority will be provided with a copy of these rules.

3. Working Groups

- a. Notice: The date, time, place, and subject matter of any working group shall be provided to all Select Panel members at least one week in advance of the convening of the working group.
- b. Procedures: Specific rules applicable to each working group shall be agreed to by the chair and ranking member. At a minimum, those rules shall explain the amount of time and order in which Select Panel members will be recognized for questioning, the process for selection of majority and minority witnesses, whether the “working group” will be open to the public and transcribed or not, and the basic rights of any witness/panelist appearing before the Select Panel. The applicable rules will be provided to all Select Panel members at least three business days in advance of the convening of any working group.
- c. Equal Participation: No working group may be convened unless notice and an equal opportunity to participate has been afforded to all members of the Select Panel.
- d. “Working Group”: For purposes of these rules, the term “working group” means any meeting convened as part of the investigation and study authorized by H.Res. 461 and shall include, for example, “working groups,” “working sessions,” “forums,” or “roundtables.”

4. Subpoenas

- a. Ranking member concurrence or Select Panel vote: In the event that the ranking member does not concur with a proposed action of the chair under this section, a vote of the Select Panel shall be held at a business meeting in order to resolve the matter.