

**PATIENT IDENTITY VALIDATION**

2012 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill authorizes the Department of Health to establish methods for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

**Highlighted Provisions:**

This bill:

- ▶ authorizes the Department of Health to establish methods or measures for health care providers, public health entities, and health care insurers to coordinate among themselves to verify the identity of the individuals they serve; and
- ▶ includes in the description of governmental function for immunity from suit the establishment of the methods or measures for health care providers, public health entities and health care insurers to coordinate among themselves to verify the identity of the individuals they serve.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-1-30**, as last amended by Laws of Utah 2011, Chapter 177**63G-7-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **26-1-30** is amended to read:**26-1-30. Powers and duties of department.**

(1) The department shall:

(a) enter into cooperative agreements with the Department of Environmental Quality to

33 delineate specific responsibilities to assure that assessment and management of risk to human  
34 health from the environment are properly administered; and

35 (b) consult with the Department of Environmental Quality and enter into cooperative  
36 agreements, as needed, to ensure efficient use of resources and effective response to potential  
37 health and safety threats from the environment, and to prevent gaps in protection from potential  
38 risks from the environment to specific individuals or population groups.

39 (2) In addition to all other powers and duties of the department, it shall have and  
40 exercise the following powers and duties:

41 (a) promote and protect the health and wellness of the people within the state;

42 (b) establish, maintain, and enforce rules necessary or desirable to carry out the  
43 provisions and purposes of this title to promote and protect the public health or to prevent  
44 disease and illness;

45 (c) investigate and control the causes of epidemic, infectious, communicable, and other  
46 diseases affecting the public health;

47 (d) provide for the detection, reporting, prevention, and control of communicable,  
48 infectious, acute, chronic, or any other disease or health hazard which the department considers  
49 to be dangerous, important, or likely to affect the public health;

50 (e) collect and report information on causes of injury, sickness, death, and disability  
51 and the risk factors that contribute to the causes of injury, sickness, death, and disability within  
52 the state;

53 (f) collect, prepare, publish, and disseminate information to inform the public  
54 concerning the health and wellness of the population, specific hazards, and risks that may affect  
55 the health and wellness of the population and specific activities which may promote and protect  
56 the health and wellness of the population;

57 (g) establish and operate programs necessary or desirable for the promotion or  
58 protection of the public health and the control of disease or which may be necessary to  
59 ameliorate the major causes of injury, sickness, death, and disability in the state, except that the  
60 programs may not be established if adequate programs exist in the private sector;

61 (h) establish, maintain, and enforce isolation and quarantine, and for this purpose only,  
62 exercise physical control over property and individuals as the department finds necessary for  
63 the protection of the public health;

- 64 (i) close theaters, schools, and other public places and forbid gatherings of people  
65 when necessary to protect the public health;
- 66 (j) abate nuisances when necessary to eliminate sources of filth and infectious and  
67 communicable diseases affecting the public health;
- 68 (k) make necessary sanitary and health investigations and inspections in cooperation  
69 with local health departments as to any matters affecting the public health;
- 70 (l) establish laboratory services necessary to support public health programs and  
71 medical services in the state;
- 72 (m) establish and enforce standards for laboratory services which are provided by any  
73 laboratory in the state when the purpose of the services is to protect the public health;
- 74 (n) cooperate with the Labor Commission to conduct studies of occupational health  
75 hazards and occupational diseases arising in and out of employment in industry, and make  
76 recommendations for elimination or reduction of the hazards;
- 77 (o) cooperate with the local health departments, the Department of Corrections, the  
78 Administrative Office of the Courts, the Division of Juvenile Justice Services, and the Crime  
79 Victim Reparations Board to conduct testing for HIV infection of alleged sexual offenders,  
80 convicted sexual offenders, and any victims of a sexual offense;
- 81 (p) investigate the cause of maternal and infant mortality;
- 82 (q) establish, maintain, and enforce a procedure requiring the blood of adult pedestrians  
83 and drivers of motor vehicles killed in highway accidents be examined for the presence and  
84 concentration of alcohol;
- 85 (r) provide the commissioner of public safety with monthly statistics reflecting the  
86 results of the examinations provided for in Subsection (2)(q) and provide safeguards so that  
87 information derived from the examinations is not used for a purpose other than the compilation  
88 of statistics authorized in this Subsection (2)(r);
- 89 (s) establish qualifications for individuals permitted to draw blood pursuant to Section  
90 41-6a-523, and to issue permits to individuals it finds qualified, which permits may be  
91 terminated or revoked by the department;
- 92 (t) establish a uniform public health program throughout the state which includes  
93 continuous service, employment of qualified employees, and a basic program of disease  
94 control, vital and health statistics, sanitation, public health nursing, and other preventive health

- 95 programs necessary or desirable for the protection of public health;
- 96 (u) adopt rules and enforce minimum sanitary standards for the operation and  
97 maintenance of:
- 98 (i) orphanages;
- 99 (ii) boarding homes;
- 100 (iii) summer camps for children;
- 101 (iv) lodging houses;
- 102 (v) hotels;
- 103 (vi) restaurants and all other places where food is handled for commercial purposes,  
104 sold, or served to the public;
- 105 (vii) tourist and trailer camps;
- 106 (viii) service stations;
- 107 (ix) public conveyances and stations;
- 108 (x) public and private schools;
- 109 (xi) factories;
- 110 (xii) private sanatoria;
- 111 (xiii) barber shops;
- 112 (xiv) beauty shops;
- 113 (xv) physicians' offices;
- 114 (xvi) dentists' offices;
- 115 (xvii) workshops;
- 116 (xviii) industrial, labor, or construction camps;
- 117 (xix) recreational resorts and camps;
- 118 (xx) swimming pools, public baths, and bathing beaches;
- 119 (xxi) state, county, or municipal institutions, including hospitals and other buildings,  
120 centers, and places used for public gatherings; and
- 121 (xxii) of any other facilities in public buildings and on public grounds;
- 122 (v) conduct health planning for the state;
- 123 (w) monitor the costs of health care in the state and foster price competition in the  
124 health care delivery system;
- 125 (x) adopt rules for the licensure of health facilities within the state pursuant to Title 26,

126 Chapter 21, Health Care Facility Licensing and Inspection Act;

127 (y) license the provision of child care;

128 (z) accept contributions to and administer the funds contained in the Organ Donation  
129 Contribution Fund created in Section 26-18b-101; ~~and~~

130 (aa) serve as the collecting agent, on behalf of the state, for the nursing care facility  
131 assessment fee imposed under Title 26, Chapter 35a, Nursing Care Facility Assessment Act,  
132 and adopt rules for the enforcement and administration of the nursing facility assessment  
133 consistent with the provisions of Title 26, Chapter 35a~~[-]; and~~

134 (bb) establish methods or measures for health care providers, public health entities, and  
135 health care insurers to coordinate among themselves to verify the identity of the individuals  
136 they serve.

137 Section 2. Section **63G-7-201** is amended to read:

138 **63G-7-201. Immunity of governmental entities from suit.**

139 (1) Except as may be otherwise provided in this chapter, each governmental entity and  
140 each employee of a governmental entity are immune from suit for any injury that results from  
141 the exercise of a governmental function.

142 (2) Notwithstanding the waiver of immunity provisions of Section 63G-7-301, a  
143 governmental entity, its officers, and its employees are immune from suit for any injury or  
144 damage resulting from the implementation of or the failure to implement measures to:

145 (a) control the causes of epidemic and communicable diseases and other conditions  
146 significantly affecting the public health or necessary to protect the public health as set out in  
147 Title 26A, Chapter 1, Local Health Departments;

148 (b) investigate and control suspected bioterrorism and disease as set out in Title 26,  
149 Chapter 23b, Detection of Public Health Emergencies Act; ~~and~~

150 (c) respond to a national, state, or local emergency, a public health emergency as  
151 defined in Section 26-23b-102, or a declaration by the President of the United States or other  
152 federal official requesting public health related activities~~[-]; and~~

153 (d) adopt methods or measures, in accordance with Section 26-1-30, for health care  
154 providers, public health entities, and health care insurers to coordinate among themselves to  
155 verify the identity of the individuals they serve.