

1                    **AMENDMENTS TO UTAH DIGITAL HEALTH**  
2                    **SERVICE COMMISSION ACT**

3                    2008 GENERAL SESSION

4                    STATE OF UTAH

5                    **Chief Sponsor: Ronda Rudd Menlove**

6                    Senate Sponsor: Peter C. Knudson

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8 **LONG TITLE**

9 **General Description:**

10                  This bill amends the Utah Digital Health Service Commission Act.

11 **Highlighted Provisions:**

12                  This bill:

- 13                  ▶ amends the appointment of the members;
- 14                  ▶ requires the chairperson of the commission to report to the executive director of the  
15 Department of Health; and
- 16                  ▶ amends the duties of the commission, including requires the commission to:
  - 17                          • advise and make recommendations to the department concerning patient privacy  
18 related policies; and
  - 19                          • place an emphasis on helping rural health care providers and special populations.

20 **Monies Appropriated in this Bill:**

21                  None

22 **Other Special Clauses:**

23                  None

24 **Utah Code Sections Affected:**

25 **AMENDS:**

26                  **26-9f-102**, as last amended by Laws of Utah 2004, Chapter 33

27                  **26-9f-103**, as last amended by Laws of Utah 2004, Chapter 33

28                  **26-9f-104**, as last amended by Laws of Utah 2006, Chapter 121

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30 *Be it enacted by the Legislature of the state of Utah:*

31 Section 1. Section **26-9f-102** is amended to read:

32 **26-9f-102. Definitions.**

33 As used in this chapter:

34 (1) "Commission" means the Utah Digital Health Service Commission created in  
35 Section 26-9f-103.

36 (2) [~~"Telehealth"~~] "Digital health service" means the electronic transfer [~~or~~], exchange  
37 [~~of medically~~], or management of related data for diagnosis, treatment, consultation,  
38 educational, public health, or other related purposes.

39 Section 2. Section **26-9f-103** is amended to read:

40 **26-9f-103. Utah Digital Health Service Commission.**

41 (1) There is created within the department the Utah Digital Health Service Commission.

42 (2) The governor shall appoint [~~++~~] 12 members to the commission with the consent of  
43 the Senate, as follows:

44 (a) a physician who is involved in [~~telehealth~~] digital health service;

45 (b) a representative of a licensed health care facility or system as defined in Section  
46 26-21-2;

47 (c) a representative of rural Utah, which may be a person nominated by an advisory  
48 committee on rural health issues created pursuant to Section 26-1-20;

49 (d) a member of the public who is not involved with [~~telehealth~~] digital health service;  
50 [~~and~~]

51 (e) a nurse who is involved in digital health service; and

52 [~~(e)~~] (f) seven members who fall into one or more of the following categories:

53 [~~(i) selected from a list of three nominees for each open position submitted by the~~  
54 ~~division over health systems improvement; and]~~

55 [~~(ii) who fall into one or more of the following categories:]~~

56 [~~(A)~~] (i) individuals who use [~~telehealth~~] digital health service in a public or private  
57 institution;

58           ~~[(B)]~~ (ii) individuals who use ~~[telehealth]~~ digital health service in serving medically  
59 underserved populations;

60           ~~[(C)]~~ (iii) nonphysician health care providers involved in ~~[telehealth]~~ digital health  
61 service;

62           ~~[(D)]~~ (iv) information technology professionals involved in ~~[telehealth]~~ digital health  
63 service;

64           ~~[(E)]~~ (v) representatives of the health insurance industry; and

65           ~~[(F)]~~ (vi) telehealth digital health service consumer advocates.

66           (3) (a) The commission shall annually elect a chairperson from its membership. The  
67 chairperson shall report to the executive director of the department.

68           (b) The commission shall hold meetings at least once every three months. Meetings  
69 may be held from time to time on the call of the chair or a majority of the board members.

70           (c) Six commission members are necessary to constitute a quorum at any meeting and,  
71 if a quorum exists, the action of a majority of members present shall be the action of the  
72 commission.

73           (4) (a) Except as provided in Subsection (4)(b), a commission member shall be  
74 appointed for a three-year term and eligible for two reappointments.

75           (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment or  
76 reappointment, adjust the length of terms to ensure that the terms of commission members are  
77 staggered so that approximately 1/3 of the commission is appointed each year.

78           (c) A commission member shall continue in office until the expiration of the member's  
79 term and until a successor is appointed, which may not exceed 90 days after the formal  
80 expiration of the term.

81           (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%  
82 of the scheduled meetings in a calendar year shall be disqualified from serving.

83           (e) When a vacancy occurs in membership for any reason, the replacement shall be  
84 appointed for the unexpired term.

85           (5) (a) Board members who are not government employees may not receive

86 compensation or benefits for the services, but may receive per diem and expenses incurred in the  
87 performance of their official duties at rates established by the Division of Finance under  
88 Sections 63A-3-106 and 63A-3-107.

89 (b) A commission member may decline to receive per diem and expenses for service to  
90 the commission.

91 (6) The department shall provide informatics staff support to the commission.

92 (7) The funding of the commission shall be a separate line item to the department in the  
93 annual appropriations act.

94 Section 3. Section **26-9f-104** is amended to read:

95 **26-9f-104. Duties and responsibilities.**

96 The commission shall:

97 (1) advise and make recommendations on [~~telehealth~~] digital health service issues to the  
98 department[~~, the Utah Technology Commission,~~] and other state entities;

99 (2) advise and make recommendations on digital health service related patient privacy  
100 to the department;

101 [~~(2)~~] (3) promote collaborative efforts to establish technical compatibility, uniform  
102 policies, and privacy features to meet legal, financial, commercial, and other societal  
103 requirements;

104 [~~(3) serve as a clearinghouse on emerging telehealth technologies;~~]

105 (4) identify, address, and seek to resolve the legal, ethical, regulatory, financial,  
106 medical, and technological issues that may serve as barriers to [~~telehealth~~] digital health service;

107 (5) explore and encourage the development of [~~telehealth~~] digital health service systems  
108 as a means of reducing health care costs and increasing health care quality and access,  
109 [~~including~~] with emphasis on assisting rural health care providers and special populations with  
110 access to or development of electronic medical records;

111 (6) seek public input on [~~telehealth~~] digital health service issues; and

112 [~~(7) educate the public, state officials, and the health care community on telehealth~~  
113 ~~issues; and~~]

- 114            [~~(8)~~] (7) in consultation with the department, advise the governor and Legislature on:
- 115            (a) the role of [~~telehealth~~] digital health service in the state;
- 116            (b) the policy issues related to [~~telehealth~~] digital health service;
- 117            (c) the changing [~~telehealth~~] digital health service needs and resources in the state; and
- 118            (d) state budgetary matters related to [~~telehealth~~] digital health service.