

## SB0227S01 compared with SB0227

{deleted text} shows text that was in SB0227 but was deleted in SB0227S01.

inserted text shows text that was not in SB0227 but was inserted into SB0227S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Stephen H. Urquhart proposes the following substitute bill:

### PATIENT INFORMATION PROTECTION AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** Stephen H. Urquhart

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This bill amends the Health Code related to the Medicaid program.

##### Highlighted Provisions:

This bill:

- ▶ requires {a}certain health care {provider}providers that {enters}enter into a provider agreement with the state Medicaid program to purchase insurance that would cover a health data breach; and
- ▶ specifies certain coverage requirements that must be maintained by the provider.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

None

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### Utah Code Sections Affected:

ENACTS:

26-18-17, Utah Code Annotated 1953

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

Section 1. Section 26-18-17 is enacted to read:

**26-18-17. Medicaid provider -- Data breach insurance.**

(1) (a) Beginning July 1, 2013, a health care provider that has or enters into a provider agreement with the state Medicaid program, and has received at least \$50,000 in payment from Medicaid in the preceding 12 months, shall purchase an insurance policy that insures the health care provider for losses incurred as a result of a data breach of electronic medical records stored or accessed by the provider.

(b) The data breach insurance required by Subsection (1)(a) shall include coverage for:

(i) compliance with data breach notification laws;

(ii) securing legal counsel to advise on incident response;

(iii) providing credit file monitoring to victims;

(iv) hiring forensic experts to investigate the breach, if appropriate;

(v) paying regulatory defense ~~and penalties from~~ for privacy law violations; and

(vi) legal liabilities ~~including those~~ arising from failure to comply with data breach notification laws or privacy policies or to administer a government-mandated identity theft prevention program.

(2) The requirements of Subsection (1) may be satisfied by a medical malpractice policy purchased by a health care provider that includes coverage for the consequences of a data breach.

~~(2)~~(3) The health care provider shall keep the insurance policy required by Subsection (1) in effect during the period of time in which the provider has a provider agreement with the state Medicaid program.

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**Legislative Review Note**

~~as of 2-12-13 5:39 PM~~

~~Office of Legislative Research and General Counsel~~