

Chapter 25 Confidential Information Release

26-25-1 Authority to provide data on treatment and condition of persons to designated agencies -- Immunity from liability.

- (1) Any person, health facility, or other organization may, without incurring liability, provide the following information to the persons and entities described in Subsection (2):
 - (a) information as determined by the state registrar of vital records appointed under Title 26, Chapter 2, Utah Vital Statistics Act;
 - (b) interviews;
 - (c) reports;
 - (d) statements;
 - (e) memoranda;
 - (f) familial information; and
 - (g) other data relating to the condition and treatment of any person.
- (2) The information described in Subsection (1) may be provided to:
 - (a) the department and local health departments;
 - (b) the Division of Substance Abuse and Mental Health within the Department of Human Services;
 - (c) scientific and health care research organizations affiliated with institutions of higher education;
 - (d) the Utah Medical Association or any of its allied medical societies;
 - (e) peer review committees;
 - (f) professional review organizations;
 - (g) professional societies and associations; and
 - (h) any health facility's in-house staff committee for the uses described in Subsection (3).
- (3) The information described in Subsection (1) may be provided for the following purposes:
 - (a) study and advancing medical research, with the purpose of reducing the incidence of disease, morbidity, or mortality; or
 - (b) the evaluation and improvement of hospital and health care rendered by hospitals, health facilities, or health care providers.
- (4) Any person may, without incurring liability, provide information, interviews, reports, statements, memoranda, or other information relating to the ethical conduct of any health care provider to peer review committees, professional societies and associations, or any in-hospital staff committee to be used for purposes of intraprofessional society or association discipline.
- (5) No liability may arise against any person or organization as a result of:
 - (a) providing information or material authorized in this section;
 - (b) releasing or publishing findings and conclusions of groups referred to in this section to advance health research and health education; or
 - (c) releasing or publishing a summary of these studies in accordance with this chapter.
- (6) As used in this chapter:
 - (a) "health care provider" has the meaning set forth in Section 78B-3-403; and
 - (b) "health care facility" has the meaning set forth in Section 26-21-2.

Amended by Chapter 3, 2008 General Session

26-25-2 Restrictions on use of data.

- (1) The information described in Subsection 26-25-1(1) that is provided to the entities described in Subsection 26-25-1(2) shall:
 - (a) be used and disclosed by the entities described in Subsection 26-25-1(2) in accordance with this chapter; and
 - (b) is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.
- (2) The Division of Substance Abuse and Mental Health within the Department of Human Services, scientific and health care research organizations affiliated with institutions of higher education, the Utah Medical Association or any of its allied medical societies, peer review committees, professional review organizations, professional societies and associations, or any health facility's in-house staff committee may only use or publish the information or material received or gathered under Section 26-25-1 for the purpose of study and advancing medical research or medical education in the interest of reducing the incidence of disease, morbidity, or mortality, except that a summary of studies conducted in accordance with Section 26-25-1 may be released by those groups for general publication.

Amended by Chapter 382, 2008 General Session

26-25-3 Information considered privileged communications.

All information, interviews, reports, statements, memoranda, or other data furnished by reason of this chapter, and any findings or conclusions resulting from those studies are privileged communications and are not subject to discovery, use, or receipt in evidence in any legal proceeding of any kind or character.

Amended by Chapter 201, 1996 General Session

26-25-4 Information held in confidence -- Protection of identities.

- (1) All information described in Subsection 26-25-1(1) that is provided to a person or organization described in Subsection 26-25-1(2) shall be held in strict confidence by that person or organization, and any use, release, or publication resulting therefrom shall be made only for the purposes described in Subsection 26-25-1(3) and Section 26-25-2 and shall preclude identification of any individual or individuals studied.
- (2) Notwithstanding Subsection (1), the department's use and disclosure of information is not governed by this chapter.

Amended by Chapter 242, 2003 General Session

26-25-5 Violation of chapter a misdemeanor -- Civil liability.

- (1) Any use, release or publication, negligent or otherwise, contrary to the provisions of this chapter is a class B misdemeanor.
- (2) Subsection (1) does not relieve the person or organization responsible for such use, release, or publication from civil liability.

Amended by Chapter 297, 2011 General Session