

**PRIVACY OF STATE DATABASE HEALTH
RECORDS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Chad E. Bennion

This act modifies the Health Code. The act provides that private health data collected by certain entities for the purpose of medical research to reduce morbidity and mortality is confidential and is not subject to public disclosure.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

26-25-1, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

26-25-2, as last amended by Chapter 8, Laws of Utah 2002, Fifth Special Session

26-25-4, as last amended by Chapter 201, Laws of Utah 1996

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

Section 1. Section **26-25-1** is amended to read:

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; ~~and~~

(f) familial information; and

~~(f)~~ (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 78-14-3; and

(b) "health care facility" has the meaning set forth in Section 26-21-2.

Section 2. Section **26-25-2** is amended to read:

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 63, 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.

Section 3. Section **26-25-4** is amended to read:

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

(1) All information[~~-, interviews, reports, statements, memoranda, or other data~~] described in Subsection 26-25-1(1) that is provided to a person or organization [~~under this chapter~~] 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 [~~so as to~~] 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 [~~under this chapter is governed by Chapter 3 of this title~~] is not governed by this chapter.