

**UTAH TELEHEALTH COMMISSION**

**AMENDMENTS**

2004 GENERAL SESSION

STATE OF UTAH

**Sponsor: Brad L. Dee**

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**LONG TITLE**

**General Description:**

This bill changes the name of the Utah Telehealth Commission to the Utah Digital  
h [Healthcare] HEALTH SERVICE h Commission to better reflect the role of the commission in the  
digitization  
of medicine.

**Highlighted Provisions:**

This bill:

- ▶ amends the name of the Utah Telehealth Commission to the Utah Digital h [Healthcare]

**HEALTH SERVICE h**

Commission.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-9f-101**, as enacted by Chapter 263, Laws of Utah 2000

**26-9f-102**, as enacted by Chapter 263, Laws of Utah 2000

**26-9f-103**, as enacted by Chapter 263, Laws of Utah 2000

**63-55-226**, as last amended by Chapters 152 and 155, Laws of Utah 2002

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



28 Section 1. Section 26-9f-101 is amended to read:

29 CHAPTER 9f. UTAH DIGITAL ~~HEALTHCARE~~ HEALTH SERVICE ~~HEALTHCARE~~ COMMISSION  
29a ACT

30 26-9f-101. Title.

31 This chapter is known as the "Utah ~~Telehealth~~ Digital ~~HEALTHCARE~~ HEALTH SERVICE ~~HEALTHCARE~~  
31a Commission Act."

32 Section 2. Section 26-9f-102 is amended to read:

33 26-9f-102. Definitions.

34 As used in this chapter:

35 (1) "Commission" means the Utah ~~Telehealth~~ Digital ~~HEALTHCARE~~ HEALTH SERVICE ~~HEALTHCARE~~  
35a Commission created  
36 in Section 26-9f-103.

37 (2) "Telehealth" means the electronic transfer or exchange of medically related data for  
38 diagnosis, treatment, consultation, educational, or other related purposes.

39 Section 3. Section 26-9f-103 is amended to read:

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

41 (1) There is created within the department the Utah ~~Telehealth~~ Digital ~~HEALTHCARE~~  
41a HEALTH SERVICE ~~HEALTHCARE~~  
42 Commission.

43 (2) The governor shall appoint 11 members to the commission with the consent of the  
44 Senate, as follows:

- 45 (a) a physician who is involved in telehealth;
- 46 (b) a representative of a licensed health care facility as defined in Section 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; and
- 50 (e) seven members:
  - 51 (i) selected from a list of three nominees for each open position submitted by the  
52 division over health systems improvement; and
  - 53 (ii) who fall into one or more of the following categories:
    - 54 (A) individuals who use telehealth in a public or private institution;
    - 55 (B) individuals who use telehealth in serving medically underserved populations;
    - 56 (C) nonphysician health care providers involved in telehealth;
    - 57 (D) information technology professionals involved in telehealth;

58 (E) representatives of the health insurance industry; and



59 (F) telehealth consumer advocates.

60 (3) (a) The commission shall annually elect a chairperson from its membership.

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

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

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

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

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

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

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

78 (5) (a) Board members who are not government employees may not receive  
79 compensation or benefits for the services, but may receive per diem and expenses incurred in  
80 the performance of their official duties at rates established by the Division of Finance under  
81 Sections 63A-3-106 and 63A-3-107.

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

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

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

87 Section 4. Section **63-55-226** is amended to read:

88 **63-55-226. Repeal dates, Title 26.**

89 (1) Title 26, Chapter 1, Department of Health Organization, is repealed July 1, 2006.

- 90 (2) Title 26, Chapter 4, Utah Medical Examiner Act, is repealed July 1, 2010.
- 91 (3) Title 26, Chapter 9f, Utah [~~Telehealth~~] Digital <sup>h</sup> [~~Healthcare~~] **HEALTH SERVICE** <sup>h</sup>
- 91a Commission, is repealed
- 92 July 1, 2005.
- 93 (4) Title 26, Chapter 10, Family Health Services, is repealed July 1, 2010.
- 94 (5) Title 26, Chapter 18, Medical Assistance Act, is repealed July 1, 2004.
- 95 (6) Title 26, Chapter 23b, Detection of Public Health Emergencies Act, is repealed July
- 96 1, 2004.
- 97 (7) Title 26, Chapter 33a, Utah Health Data Authority Act, is repealed July 1, 2004.

**Legislative Review Note**  
**as of 11-25-03 12:44 PM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**Mixed Membership Committee Note**  
**as of 12-10-03 1:25 PM**

The Utah Technology Commission recommended this bill.

Membership:	8 legislators	5 non-legislators	
Legislative Vote:	7 voting for	0 voting against	1 absent