

Representative Ronda Rudd Menlove proposes the following substitute bill:

AMENDMENTS TO UTAH DIGITAL HEALTH

SERVICE COMMISSION ACT

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill amends the Utah Digital Health Service Commission Act.

Highlighted Provisions:

This bill:

- ▶ amends the appointment of the members;
- ▶ requires the chairperson of the commission to report to the executive director of the

Department of Health; and

- ▶ amends the duties of the commission, including requires the commission to:

- advise and make recommendations to the department concerning patient privacy related policies; and

- place an emphasis on helping rural health care providers and special populations.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



26 AMENDS:

27 **26-9f-102**, as last amended by Laws of Utah 2004, Chapter 33

28 **26-9f-103**, as last amended by Laws of Utah 2004, Chapter 33

29 **26-9f-104**, as last amended by Laws of Utah 2006, Chapter 121

30

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

32 Section 1. 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 Digital Health Service Commission created in
36 Section 26-9f-103.

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

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

41 **26-9f-103. Utah Digital Health Service Commission.**

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

44 (2) The governor shall appoint ~~Œ→ [H] 12 ←Œ~~ members to the commission ~~Œ→ [f] with~~
44a **the consent of the**

45 **Senate, as follows:** [~~from a list of three nominees recommended by the department and the~~
46 ~~commission as follows~~] ~~←Œ~~ :

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

48 (b) a representative of a licensed health care facility or system as defined in Section
49 26-21-2;

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

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

53 ~~Œ→ [and] ←Œ~~

54 (e) ~~Œ→~~ **a nurse who is involved in digital health service; and**

54a (f) ~~←Œ~~ seven members who fall into one or more of the following categories:

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

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

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

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

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

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

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

67 ~~[(F)]~~ (vi) ~~H→~~ ~~[telehealth]~~ ~~←H~~ digital health service consumer advocates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

97 **26-9f-104. Duties and responsibilities.**

98 The commission shall:

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

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

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

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

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

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

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

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

117 [~~(8)~~] (7) in consultation with the department, advise the governor and Legislature on:

118 (a) the role of [~~telehealth~~] digital health service in the state;

- 119 (b) the policy issues related to [~~telehealth~~] digital health service;
- 120 (c) the changing [~~telehealth~~] digital health service needs and resources in the state; and
- 121 (d) state budgetary matters related to [~~telehealth~~] digital health service.

Fiscal Note

**H.B. 24 1st Sub. (Buff) - Amendments to Utah Digital Health Service
Commission Act**
2008 General Session
State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
