

Representative Ronda Rudd Menlove proposes the following substitute bill:

**STANDARDS FOR ELECTRONIC EXCHANGE OF
CLINICAL HEALTH INFORMATION**

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ronda Rudd Menlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill adds to the duties of the Department of Health.

Highlighted Provisions:

This bill:

▶ authorizes the Department of Health to adopt standards for the electronic exchange of clinical health information;

▶ defines terms;

▶ gives health care providers the option to participate in the electronic exchange of clinical health information

▶ requires the department to report to the Legislature's Health and Human Services Interim Committee concerning the adoption of the standards for the electronic exchange of clinical health information; and

▶ coordinates rulemaking authority between the Department of Health and the Insurance Department.

Monies Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **31A-22-614.5**, as enacted by Laws of Utah 1993, Chapter 255

30 ENACTS:

31 **26-1-37**, Utah Code Annotated 1953



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

34 Section 1. Section **26-1-37** is enacted to read:

35 **26-1-37. Duty to establish uniform standards for use in the electronic exchange of**
36 **clinical health information.**

37 (1) For purposes of this section:

38 (a) "Clinical health information" shall be defined by the department by administrative
39 rule adopted in accordance with Subsection (2).

40 (b) "Health care provider" means a licensing classification that is either:

41 (i) licensed under Title 58, Occupations and Professions, to provide health care; or

42 (ii) licensed under Chapter 21, Health Care Facility Licensing and Inspection Act.

43 (c) "Third party payer" means:

44 (i) all insurers offering health insurance who are subject to Section 31A-22-614.5; and

45 (ii) the state Medicaid program.

46 (2) (a) In addition to the duties listed in Section 26-1-30, the department shall, in
47 accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act:

48 (i) define "clinical health information" subject to this section;

49 (ii) adopt standards for the electronic exchange of clinical health information between
50 health care providers, third party payers, and health care recipients that are in compliance with
51 45 CFR Parts 160, 162, and 164, Health Insurance Reform: Security Standards.

52 (b) The department shall coordinate its rule making authority under the provisions of
53 this section with the rule making authority of the Department of Insurance under Section
54 31A-22-614.5. The department shall establish procedures for developing the rules adopted
55 under this section, which ensure that the Department of Insurance is given the opportunity to
56 comment on proposed rules.

57 (3) Any health care provider, third party payer, or individual may use the standards
58 adopted by the department under the provisions of Subsection (2) for the uniform electronic
59 exchange of clinical health information between health care providers, third party payers, and
60 health care recipients.

61 (4) The department shall report on the use of the standards for the electronic exchange
62 of clinical health information to the legislative Health and Human Services Interim Committee
63 no later than October 15, 2008 and no later than every October 15th thereafter. The report shall
64 include publicly available information concerning the costs and savings for the department,
65 third party payers, and health care providers associated with the standards for the electronic
66 exchange of clinical health information.

67 Section 2. Section 31A-22-614.5 is amended to read:

68 **31A-22-614.5. Uniform claims processing.**

69 (1) Beginning July 1, 1993, all insurers offering health insurance shall use a uniform
70 claim form and uniform billing and claim codes.

71 (2) The uniform claim forms and billing codes shall be adopted and approved by the
72 commissioner in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.
73 The commissioner shall consult with the director of the Division of Health Care Financing, the
74 National Uniform Claim Form Task Force, and the National Uniform Billing Committee when
75 adopting the uniform claims and billing codes.

76 (3) (a) (i) Beginning July 1, 1995, all insurers shall offer compatible systems of
77 electronic billing approved by the commissioner in accordance with Title 63, Chapter 46a,
78 Utah Administrative Rulemaking Act.

79 (ii) The systems approved by the commissioner may include monitoring and
80 disseminating information concerning eligibility and coverage of individuals.

81 (iii) The commissioner shall coordinate the administrative rules adopted under the
82 provisions of this section with the administrative rules adopted by the Department of Health for
83 the implementation of the standards for the electronic exchange of clinical health information
84 under Section 26-1-37. The department shall establish procedures for developing the rules
85 adopted under this section, which ensure that the Department of Health is given the opportunity
86 to comment on proposed rules.

87 (b) The commissioner shall regulate any fees charged by insurers to the providers for:

- 88 (i) uniform claim forms [or];
- 89 (ii) electronic billing[-]; or
- 90 (iii) the electronic exchange of clinical health information permitted by Section
- 91 26-1-37.

Fiscal Note

**H.B. 47 1st Sub. (Buff) - Standards for Electronic Exchange of Clinical
Health Information**

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.
