

1 **HEALTH MODIFICATIONS**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Timothy D. Hawkes**

5 Senate Sponsor: Brian E. Shiozawa

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the Medicaid program.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ amends provisions related to the Medicaid Inspector General's access to records  
13 held by the Department of Health.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **63A-13-301**, as last amended by Laws of Utah 2013, Chapter 359 and renumbered and  
21 amended by Laws of Utah 2013, Chapter 12

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

24 Section 1. Section **63A-13-301** is amended to read:

25 **63A-13-301. Access to records -- Retention of designation under Government**  
26 **Records Access and Management Act.**

27 (1) In order to fulfill the duties described in Section **63A-13-202**, and in the manner



28 provided in Subsection (4), the office shall have unrestricted access to all records of state  
29 executive branch entities, all local government entities, and all providers relating, directly or  
30 indirectly, to:

- 31 (a) the state Medicaid program;
- 32 (b) state or federal Medicaid funds;
- 33 (c) the provision of Medicaid related services;
- 34 (d) the regulation or management of any aspect of the state Medicaid program;
- 35 (e) the use or expenditure of state or federal Medicaid funds;
- 36 (f) suspected or proven fraud, waste, or abuse of state or federal Medicaid funds;
- 37 (g) Medicaid program policies, practices, and procedures;
- 38 (h) monitoring of Medicaid services or funds; or
- 39 (i) a fatality review of a person who received Medicaid funded services.

40 (2) The office shall have access to information in any database maintained by the state  
41 or a local government to verify identity, income, employment status, or other factors that affect  
42 eligibility for Medicaid services.

43 (3) The records described in Subsections (1) and (2) include records held or maintained  
44 by the department, the division, the Department of Human Services, the Department of  
45 Workforce Services, a local health department, a local mental health authority, or a school  
46 district. The records described in Subsection (1) include records held or maintained by a  
47 provider. When conducting an audit of a provider, the office shall, to the extent possible, limit  
48 the records accessed to the scope of the audit.

49 (4) A record, described in Subsection (1) or (2), that is accessed or copied by the  
50 office:

- 51 (a) may be reviewed or copied by the office during normal business hours, unless  
52 otherwise requested by the provider or health care professional under Subsection (4)(b);
- 53 (b) unless there is a credible allegation of fraud, shall be accessed, reviewed, and  
54 copied in a manner, on a day, and at a time that is minimally disruptive to the health care  
55 professional's or provider's care of patients, as requested by the health care professional or  
56 provider;
- 57 (c) may be submitted electronically;
- 58 (d) may be submitted together with other records for multiple claims; and

59 (e) if it is a government record, shall retain the classification made by the entity  
60 responsible for the record, under Title 63G, Chapter 2, Government Records Access and  
61 Management Act.

62 (5) ~~[Notwithstanding]~~ Except as provided in Subsection (7), notwithstanding any  
63 provision of state law to the contrary, the office shall have the same access to all records,  
64 information, and databases to which the department or the division [have] has access.

65 (6) The office shall comply with the requirements of federal law, including the Health  
66 Insurance Portability and Accountability Act of 1996 and 42 C.F.R., Part 2, relating to the  
67 office's:

68 (a) access, review, retention, and use of records; and

69 (b) use of information included in, or derived from, records.

70 (7) The office's access to data held by the Health Data Committee:

71 (a) is not subject to this section; and

72 (b) is subject to Title 26, Chapter 33a, Utah Health Data Authority Act.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**