

28 **26-33a-109. Exceptions to prohibition on disclosure of identifiable health data.**

29 (1) The committee may not disclose any identifiable health data unless:

30 (a) the individual has authorized the disclosure; [~~or~~]

31 (b) the disclosure is to the department or a public health authority to accomplish the

32 department or public health authority's duties and responsibilities under this title;

33 ~~H~~→ [~~(c) the disclosure is to the department for the purpose of filling gaps in health data~~

34 collected by the department under this title;] ←~~H~~ or

35 [~~(b)~~] ~~H~~→ [~~(d)~~] (c) ←~~H~~ the disclosure complies with the provisions of:

36 [~~(i) this section;~~]

37 (i) Subsection (2);

38 (ii) insurance enrollment and coordination of benefits under Subsection

39 26-33a-106.1(1)(d); or

40 (iii) risk adjusting under Subsection 26-33a-106.1(1)(b).

41 (2) The committee shall consider the following when responding to a request for

42 disclosure of information that may include identifiable health data:

43 (a) whether the [~~request comes from a person after that person has received approval to~~

44 ~~do the specific research and statistical work from~~] requested use has been reviewed or

45 approved by an institutional review board; and

46 (b) whether the [~~requesting entity~~] requester complies with the provisions of

47 Subsection (3).

48 (3) A request for disclosure of information that may include identifiable health data

49 shall:

50 (a) be for a specified period; [~~or~~] and

51 (b) be solely for [~~bona fide research and~~] research purposes or statistical purposes as

52 determined in accordance with administrative rules [~~adopted~~] made by the department in

53 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall

54 require that the requester:

55 (i) [~~the requesting entity to~~] demonstrate to the department that the data is required for

56 the research [~~and~~] purposes or statistical purposes proposed by the [~~requesting entity~~] requester;

57 and

58 (ii) [~~the requesting entity to~~] enter into a written agreement satisfactory to the