

HEALTH DATA AUTHORITY AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill amends provisions relating to the disclosure of identifiable health data collected by the Department of Health.

Highlighted Provisions:

This bill:

- ▶ allows the Health Data Committee to disclose identifiable health data to the Department of Health or a public health authority for an official purpose;
- ▶ amends exceptions to the prohibition on disclosure of identifiable health data collected by the Department of Health; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-33a-109, as last amended by Laws of Utah 2016, Chapter 74

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

Section 1. Section **26-33a-109** is amended to read:



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 ~~or~~ **↳ (c) the disclosure is to the department for the purpose of filling gaps in health data**

34 **collected by the department under this title;** ~~↳~~ **or**

35 ~~(b)~~ ~~↳~~ ~~(d)~~ **(c)** ~~↳~~ 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

59 department to protect the data in accordance with this chapter or other applicable law.

60 (4) A person accessing identifiable health data [~~pursuant to Subsection (3)~~] under

61 Subsection (2) may not further disclose the identifiable health data:

62 (a) without prior approval of the department; and

63 (b) unless the identifiable health data is disclosed or identified by control number only.