

1 **HEALTH DATA AUTHORITY AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Raymond P. Ward**

5 Senate Sponsor: Evan J. Vickers

7 **LONG TITLE**

8 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

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

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **26-33a-109**, as last amended by Laws of Utah 2016, Chapter 74

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

27 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 (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) 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.