

HB0209S01 compared with HB0209

~~{deleted text}~~ shows text that was in HB0209 but was deleted in HB0209S01.

inserted text shows text that was not in HB0209 but was inserted into HB0209S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Raymond P. Ward proposes the following substitute bill:

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~~

~~{~~under certain circumstances; and

- ▶ makes technical changes.

Money Appropriated in this Bill:

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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:

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

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

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

(b) the disclosure is to the department or a public health authority ~~to accomplish the department or public health authority's duties and responsibilities under this title;~~

~~_____ (c) the disclosure is to the department for the purpose of filling gaps in health data collected by the department under this title;~~ in accordance with Subsection (2); or

~~[(b)] ~~(d)~~(c)~~ the disclosure complies with the provisions of:

~~{(i) [this section (1)]}~~

~~_____ } ~~(i)~~ Subsection ~~(2)~~(3);~~

(ii) insurance enrollment and coordination of benefits under Subsection 26-33a-106.1(1)(d); or

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

(2) (a) The committee may only disclose identifiable health data to the department or a public health authority under Subsection (1)(b) if:

(i) the department of the public health authority has clear statutory authority to possess the identifiable health data; and

(ii) the disclosure is solely for use in:

(A) the Utah Statewide Immunization Information System operated by the department;

or

(B) the Utah Cancer Registry operated by the University of Utah, in collaboration with the department.

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~~[(2)]~~ [(3)] (a) The committee shall consider the following when responding to a request for disclosure of information that may include identifiable health data:

~~[(a)]~~ [(i)] whether the ~~{}~~ request comes from a person after that person has received approval to do the specific research and statistical work from ~~{}~~ requested use has been reviewed or approved by an institutional review board; and

~~[(b)]~~ [(ii)] whether the ~~{}~~ requesting entity ~~{}~~ requester complies with the provisions of Subsection ~~{}~~ (3):

~~— (3)~~ [(3)] (4).

(b) Identifiable health data may not be disclosed if the identifiable health data is confidential under 42 C.F.R. Part 2, Confidentiality of Substance Use Disorder Patient Records.

~~[(3)]~~ [(4)] A request for disclosure of information that may include identifiable health data shall:

(a) be for a specified period; ~~{}~~ or ~~{}~~ and

(b) be solely for ~~{}~~ bona fide research and ~~{}~~ research purposes or statistical purposes as determined in accordance with administrative rules ~~{}~~ adopted ~~{}~~ made by the department in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall require ~~{}~~ that the requester:

(i) ~~{}~~ the requesting entity to ~~{}~~ demonstrate to the department that the data is required for the research ~~{}~~ and ~~{}~~ purposes or statistical purposes proposed by the ~~{}~~ requesting entity ~~{}~~ requester; and

(ii) ~~{}~~ the requesting entity to ~~{}~~ enter into a written agreement satisfactory to the department to protect the data in accordance with this chapter or other applicable law.

~~[(4)]~~ [(5)] A person accessing identifiable health data ~~{}~~ pursuant to Subsection ~~[(3)]~~ under Subsection ~~{}~~ (2) ~~[(4)]~~ may not further disclose the identifiable health data:

(a) without prior approval of the department; and

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

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