

**UTAH DIGITAL HEALTH SERVICE COMMISSION
MEMBERSHIP AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Robert M. Spendlove

Senate Sponsor: _____

LONG TITLE

General Description:

This bill changes the composition of the Utah Digital Health Service Commission.

Highlighted Provisions:

This bill:

- ▶ increases the number of members on the Utah Digital Health Service Commission;
- ▶ creates an additional category for representation on the Utah Digital Health Service

Commission;

- ▶ increases the number of members required for a quorum; and

- ▶ adds information security to the duties and responsibilities of the Utah Digital

Health Service Commission.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-9f-103, as last amended by Laws of Utah 2010, Chapter 286

26-9f-104, as last amended by Laws of Utah 2008, Chapter 46



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

29 Section 1. Section **26-9f-103** is amended to read:

30 **26-9f-103. Utah Digital Health Service Commission.**

31 (1) There is created within the department the Utah Digital Health Service
32 Commission.

33 (2) The governor shall appoint [~~12~~] 13 members to the commission with the consent of
34 the Senate, as follows:

35 (a) a physician who is involved in digital health service;

36 (b) a representative of a health care system or a licensed health care facility [~~or system~~]
37 as that term is defined in Section 26-21-2;

38 (c) a representative of rural Utah, which may be a person nominated by an advisory
39 committee on rural health issues created pursuant to Section 26-1-20;

40 (d) a member of the public who is not involved with digital health service;

41 (e) a nurse who is involved in digital health service; and

42 (f) [~~seven~~] eight members who fall into one or more of the following categories:

43 (i) individuals who use digital health service in a public or private institution;

44 (ii) individuals who use digital health service in serving medically underserved
45 populations;

46 (iii) nonphysician health care providers involved in digital health service;

47 (iv) information technology professionals involved in digital health service;

48 (v) representatives of the health insurance industry; [~~and~~]

49 (vi) telehealth digital health service consumer advocates[~~;~~]; and

50 (vii) individuals who use digital health service in serving mental or behavioral health
51 populations.

52 (3) (a) The commission shall annually elect a chairperson from its membership. The
53 chairperson shall report to the executive director of the department.

54 (b) The commission shall hold meetings at least once every three months. Meetings
55 may be held from time to time on the call of the chair or a majority of the board members.

56 (c) [~~Six~~] Seven commission members are necessary to constitute a quorum at any
57 meeting and, if a quorum exists, the action of a majority of members present shall be the action
58 of the commission.

59 (4) (a) Except as provided in Subsection (4)(b), a commission member shall be
60 appointed for a three-year term and eligible for two reappointments.

61 (b) Notwithstanding Subsection (4)(a), the governor shall, at the time of appointment
62 or reappointment, adjust the length of terms to ensure that the terms of commission members
63 are staggered so that approximately 1/3 of the commission is appointed each year.

64 (c) A commission member shall continue in office until the expiration of the member's
65 term and until a successor is appointed, which may not exceed 90 days after the formal
66 expiration of the term.

67 (d) Notwithstanding Subsection (4)(c), a commission member who fails to attend 75%
68 of the scheduled meetings in a calendar year shall be disqualified from serving.

69 (e) When a vacancy occurs in membership for any reason, the replacement shall be
70 appointed for the unexpired term.

71 (5) A member may not receive compensation or benefits for the member's service, but,
72 at the executive director's discretion, may receive per diem and travel expenses in accordance
73 with:

74 (a) Section 63A-3-106;

75 (b) Section 63A-3-107; and

76 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
77 63A-3-107.

78 (6) The department shall provide informatics staff support to the commission.

79 (7) The funding of the commission shall be a separate line item to the department in
80 the annual appropriations act.

81 Section 2. Section 26-9f-104 is amended to read:

82 **26-9f-104. Duties and responsibilities.**

83 The commission shall:

84 (1) advise and make recommendations on digital health service issues to the
85 department and other state entities;

86 (2) advise and make recommendations on digital health service related patient privacy
87 and information security to the department;

88 (3) promote collaborative efforts to establish technical compatibility, uniform policies,
89 [and] privacy features, and information security to meet legal, financial, commercial, and other

90 societal requirements;

91 (4) identify, address, and seek to resolve the legal, ethical, regulatory, financial,
92 medical, and technological issues that may serve as barriers to digital health service;

93 (5) explore and encourage the development of digital health service systems as a means
94 of reducing health care costs and increasing health care quality and access, with emphasis on
95 assisting rural health care providers and special populations with access to or development of
96 electronic medical records;

97 (6) seek public input on digital health service issues; and

98 (7) in consultation with the department, advise the governor and Legislature on:

99 (a) the role of digital health service in the state;

100 (b) the policy issues related to digital health service;

101 (c) the changing digital health service needs and resources in the state; and

102 (d) state budgetary matters related to digital health service.

Legislative Review Note
Office of Legislative Research and General Counsel