

**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

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**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 under certain circumstances; 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

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

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



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

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

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

29 (b) the disclosure is to the department or a public health authority in accordance with

30 Subsection (2); or

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

32 (i) [~~this section~~] Subsection (3);

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

34 26-33a-106.1(1)(d); or

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

36 (2) (a) The committee may ~~→~~ ~~only~~ ~~←~~ disclose identifiable health data to the  
36a department or a

37 public health authority under Subsection (1)(b) if:

38 (i) the department ~~→~~ ~~of~~ ~~or~~ ~~←~~ the public health authority has clear statutory authority to  
38a possess

39 the identifiable health data; and

40 (ii) the disclosure is solely for use in:

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

42 or

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

45 [~~(2)~~] (3) (a) The committee shall consider the following when responding to a request  
46 for disclosure of information that may include identifiable health data:

47 [~~(a)~~] (i) whether the request comes from a person after that person has received  
48 approval to do the specific research ~~→~~ ~~and~~ ~~or~~ ~~←~~ statistical work from an institutional review  
48a board; and

49 [~~(b)~~] (ii) whether the requesting entity complies with the provisions of Subsection [~~(3)~~]

50 (4).

51 ~~→~~ [~~(b)~~] **Identifiable health data may not be disclosed if the identifiable health data is**  
52 **confidential under 42 C.F.R. Part 2, Confidentiality of Substance Use Disorder Patient**  
53 **Records.** ~~←~~

54 [~~(3)~~] (4) A request for disclosure of information that may include identifiable health  
55 data shall:

56 (a) be for a specified period; or

57 (b) be solely for bona fide research ~~§~~→ ~~and~~ or ←~~§~~ statistical purposes as determined in  
58 accordance with administrative rules adopted by the department in accordance with Title 63G,  
59 Chapter 3, Utah Administrative Rulemaking Act, which shall require:

60 (i) the requesting entity to demonstrate to the department that the data is required for  
61 the research ~~§~~→ ~~and~~ or ←~~§~~ statistical purposes proposed by the requesting entity; and

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

64 [~~4~~] (5) A person accessing identifiable health data pursuant to Subsection [~~3~~] (4)  
65 may not further disclose the identifiable health data:

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

6710 (b) unless the identifiable health data is disclosed or identified by control number only.

67a ~~§~~→ **(6) Identifiable health data that has been designated by a data supplier as being subject to**  
67b **regulation under 42 C.F.R. Part 2, Confidentiality of Substance Use Disorder Patient Records,**  
67c **may only be used or disclosed in accordance with applicable federal regulations.** ←~~§~~