

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 under certain circumstances; and
15 ▶ makes technical changes.

16 **Money Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **26-33a-109**, as last amended by Laws of Utah 2016, Chapter 74

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

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

38 (a) the department or the public health authority has clear statutory authority to possess
39 the identifiable health data; and

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

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

42 or

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

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

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

49 (b) whether the requesting entity complies with the provisions of Subsection ~~[(3)]~~ (4).

50 ~~[(3)]~~ (4) A request for disclosure of information that may include identifiable health
51 data shall:

52 (a) be for a specified period; or

53 (b) be solely for bona fide research ~~[and]~~ or statistical purposes as determined in
54 accordance with administrative rules adopted by the department in accordance with Title 63G,
55 Chapter 3, Utah Administrative Rulemaking Act, which shall require:

56 (i) the requesting entity to demonstrate to the department that the data is required for
57 the research ~~[and]~~ or statistical purposes proposed by the requesting entity; and

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

60 [~~(4)~~] (5) A person accessing identifiable health data pursuant to Subsection [~~(3)~~] (4)
61 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.

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