

**NOTICE OF  
PROPOSED NEW RULE**

- The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301 and Subsection 53C-1-201(3)(c).
- Please address questions regarding information on this notice to the agency.
- The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- The full text of all rule filings may also be inspected at the Division of Administrative Rules.

**Agency Information**

1. Agency: Insurance - Administration  
 Room no.: 3110  
 Building: STATE OFFICE BLDG  
 Street address 1: 450 N MAIN ST  
 Street address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-1201  
 Mailing address 1: PO BOX 146901  
 Mailing address 2:  
 City, state, zip: SALT LAKE CITY UT 84114-6901

**Contact person(s):**

Name:	Phone:	Fax:	E-mail:
Jilene Whitby	801-538-3803	801-538-3829	jwhitby@utah.gov

(Interested persons may inspect this filing at the above address or at DAR during business hours)

**Rule Information**

DAR file no: 35201                      Date filed: 08/31/2011 02:27 PM  
 State Admin Rule Filing Key: 151478  
 Utah Admin. Code ref. (R no.): R 590 - 262 -

**Title**

2. Title of rule or section (catchline):  
 Health Data Authority Health Insurance Claims Reporting.

**Notice Type**

3. Type of notice:            New Rule

**Rule Purpose**

4. Purpose of the rule or reason for the change:  
 This rule coordinates requirements for health insurers that pay for health care to submit claim and medical data electronically to the Utah Department of Health and allows the data then to be shared with the state's designated secure health information master index person, "master index person index," Clinical Health Information Exchange (cHIE), to be used in compliance with data security standards. It should be noted that insurers already file much of this information with the Department of Health but as a result of this law and rule will increase the amount of information they already share.

**Response Information**

5. This change is a response to comments by the Administrative Rules Review Committee.  
 No

**Rule Summary**

6. Summary of the rule or change:

This rule coordinates requirements for health insurers that pay for health care to submit claim and medical data electronically to the Utah Department of Health and allows the data then to be shared with the state's designated secure health information master index person, "master index person index," Clinical Health Information Exchange (cHIE), to be used in compliance with data security standards. It should be noted that insurers already file much of this information with the Department of Health but as a result of this law and rule will increase the amount of information they already share.

#### Aggregate Cost Information

##### 7. Aggregate anticipated cost or savings to:

###### A) State budget:

Affected: No

The rule coordinates requirements for health insurers that pay for health care to submit data to the Department of Health and allow the data to be shared with state designated entities. This rule will require no additional work or filings for the department to handle and will have no impact on revenues and expenses.

###### B) Local government:

Affected: No

The rule should have no impact on local governments since it deals with the relationship between the department and its insurers and the state Health Department.

###### C) Small businesses:

Affected: No

("small business" means a business employing fewer than 50 persons)

There should be no impact on small businesses since the rule regulates large insurance companies doing business in Utah only.

###### D) Persons other than small businesses, businesses, or local government entities:

Affected: No

("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency)

The rule allows information from health care entities and those paying for health care benefits to form a protected master index file for the state of Utah connecting medical records to people.

#### Compliance Cost Information

##### 8. Compliance costs for affected persons:

The rule allows information from health care entities and those paying for health care benefits, in the case of this rule, health insurance companies, to form a protected master index file for the state of Utah connecting medical records to people.

#### Department Head Comments

##### 9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

There will be no fiscal impact on businesses. Money to create this data base has been provided by the through federal grants. Insurers are already sending this information to the Health Department.

##### B) Name and title of department head commenting on the fiscal impacts:

Neal T. Gooch, insurance commissioner

#### Citation Information

##### 10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :  
31A-22-614.5(3)(a)

#### Incorporated Materials

##### 11. This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to DAR; if none, leave blank) :

Official Title of Materials Incorporated (from title page):

Publisher:

Date Issued:

Issue, or version:

ISBN Number:

ISSN Number:

Cost of Incorporated Reference:

Adds, updates, removes:

#### Comments

12. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy) : 10/17/2011

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): At (hh:mm AM/PM): At (place):

10/11/2011 03:00 PM 450 N State Street, State Office Building Room 3112, Salt Lake City, UT 84114

#### Proposed Effective Date

13. This rule change may become effective on (mm/dd/yyyy): 10/24/2011

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After a minimum of seven days following the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

#### Indexing Information

14. Indexing information - keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")):  
health insurance claims reporting

#### File Information

15. Attach an RTF document containing the text of this rule change (filename):  
There is a document associated with this rule filing.

#### To the Agency

Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the Utah State Bulletin, and delaying the first possible effective date.

#### Agency Authorization

Agency head or designee, and title:

Jilene Whitby Information  
Specialist

Date (mm/dd/yyyy): 08/31/2011