

NOTICE OF
CHANGE IN PROPOSED 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: 11/23/2011 04:28 PM
State Admin Rule Filing Key: 151834
Utah Admin. Code ref. (R no.): R 590 - 262 -
Changed to Admin. Code ref. (R no.): - -

Title

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

Notice Type

3. Type of notice: Change in Proposed Rule
Changes original proposed rule file no.:35201

Rule Purpose

4. Purpose of the rule or reason for the change:
This change is a result of comments received during the initial comment period.

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:

Changes to the rule include corrections in punctuation, grammar and numbering. More substantive changes include the addition of (c) to R590-262-2(2) that allows health data to be used for the enrollment data elements identified in

Rule R428-15, Health Data Authority Health Insurance Claims Reporting; deletion of Section 4, Reporting Requirements, since this information is already found in the code; the addition of a new Subsection 4(4), Reporting Process, requires an insurer to submit medical claims, enrollment and pharmacy data files for all Utah residents; Section 7, Insurer Registration, adds the latest date possible to register online with the Office of Health Care Statistics; and Section 11, Provider Notification, has been added requiring notification to those receiving shared data.

Aggregate Cost Information

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No

The changes to this rule will have no fiscal impact on the department's costs, revenues, or workload. No filings will need to be made to the department. The only change in procedure is the requirement to provide an electronic notification with those to whom data is being shared.

B) Local government:

Affected: No

This rule will have no fiscal impact on local government. The rule requires certain entities that pay health care claims to submit data to the Utah Department of Health.

C) Small businesses:

Affected: No

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

Small businesses that would be affected by this rule are the Clinical Health Information Exchange (cHIE), and any small business they share their data with. There will be no fiscal impact on these entities as a result of these changes. There is a procedural change that requires those like cHIE that share this data, to, at the same time, provide an electronic notification.

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)

There will be no fiscal impact as a result of this rule. The only procedural change is that of providing an electronic notice to anyone that the data is shared with.

Compliance Cost Information

8. Compliance costs for affected persons:

There will be no fiscal impact as a result of this rule. The only procedural change is that of providing an electronic notice to anyone that the data is shared with.

Department Head Comments

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

The changes to this rule will have no fiscal impact on businesses. The changes are to clean-up grammar, punctuation and outlining, plus it adds online notification requirements to those with whom the data is shared.

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

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) :

01/17/2012

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

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

Proposed Effective Date

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

01/24/2012

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): 11/23/2011