

Executive Document

This executive document was published in the 08/15/2003, issue, Vol. 2003, No.64, of the Utah State Bulletin.

Governor, Administration: Governor's Executive Order: Creating the Health Insurance Portability and Accountability Act (HIPAA) Task Force

Issued: July 31, 2003

EXECUTIVE ORDER

For the Creation of a Health Insurance Portability and Accountability Act Task Force

WHEREAS, the Health Insurance Portability and Accountability Act (HIPAA) is generally recognized as the single most significant Federal legislation affecting the health care industry since the creation of the Medicare and Medicaid programs in 1965;

WHEREAS, the Federal Department of Health and Human Services has adopted rules under HIPAA to establish standards for the electronic exchange of health care information and to protect and maintain the privacy and security of personal health information; and

WHEREAS, it is necessary for state agencies and private organizations to effectively implement the requirements of the HIPAA privacy rule and to determine how provisions of HIPAA interact, and possibly, supercede existing Utah laws;

NOW THEREFORE, I, Michael O. Leavitt, Governor of the State of Utah, do hereby order the formation of a HIPAA Preemption Task Force.

I. The task force shall:

- a. identify existing state statutes and rules which may be impacted by HIPAA;
- b. identify the agency most responsible for interpreting or enforcing an impacted statute or rule;
- c. analyze how HIPAA applies to each impacted statute and rule and determine whether one supercedes the other;
- d. draft a brief position statement on the application of HIPAA to each impacted statute and rule with a recommendation, if appropriate, for amending the statute or rule;
- e. create sub-committees to focus on areas of HIPAA preemption; and
- f. take such other actions necessary to determine how HIPAA impacts existing state statutes and rules.

II. The task force procedures, staffing, and duration shall be as follows:

- a. The task force shall be composed of persons from public agencies with the responsibility of interpreting and enforcing state laws impacted by HIPAA and persons with knowledge of HIPAA from private organizations.
- b. The task force shall consist of persons appointed by the Governor in consultation with the Office of the Attorney General.
- c. The task force shall designate its own chair.
- d. A majority of task force members constitute a quorum for voting purposes.
- e. All action shall be by a simple majority vote of meeting attendees.
- f. The task force shall meet as often as necessary to achieve its objectives.
- g. The task force shall remain in existence for 24 months from the date of this order, at which time a review shall be conducted to determine possible continuation.

III. The terms and conditions of task force members shall be as follows:

- a. When a vacancy occurs in the appointed membership for any reason, the replacement shall be appointed for the unexpired term of the person being replaced.
- b. Members shall serve without per diem or expenses.

IN TESTIMONY, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah this 31st day of July, 2003.

(State Seal)

Michael O. Leavitt
Governor

ATTEST:

Olene S. Walker
Lieutenant Governor

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