

PUBLIC HEALTH AND ECONOMIC EMERGENCY COMMISSION

Senator Daniel Hemmert
Rich Saunders
Co-Chairs

September 29, 2020

The Honorable Gary R. Herbert
Utah State Capitol
350 North State Street, Suite 200
Salt Lake City, Utah 84114-2220

Dear Governor Herbert:

The Public Health and Economic Emergency Commission met on September 29, 2020, and discussed Executive Order 2020-67, which reauthorizes the suspension of enforcement of statutes relating to telehealth services through September 25, 2020.

The Commission unanimously recommended that you reauthorize:

- for as long a period as the U.S. Department of Health and Human Services continues to exercise enforcement discretion to empower covered health care providers to use widely available communications applications without the risk of penalties for violations of Health Insurance Portability and Accountability Act of 1996 rules for the good faith provision of telehealth services;
- the suspension of the enforcement of Utah Code § 26-60-102(9)(b)(ii) and Utah Code § 26-60-103(4)(a) to the extent that they interfere with a medical provider's ability to offer telehealth services; and
- the requirement for a medical provider that offers telehealth services that do not comply with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat. 1936, as amended, or the federal Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5, 123 Stat. 226, 467, as amended, to:
 - inform the patient the telehealth service does not comply with those federal acts;
 - give the patient an opportunity to decline use of the telehealth service; and
 - take reasonable care to ensure security and privacy of the telehealth service.

Sincerely,



Senator Daniel Hemmert
Co-Chair
Public Health and Economic
Emergency Commission



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