

Liability: Failure to Report Infectious Disease

Utah Code Ann. 26-23b-103

A health care provider who recognizes an individual could be harboring or is currently infected with an epidemic or pandemic disease must make a report to the Department of Health or the health care provider can be professionally professionally disciplined by the Department of Health.

Mandatory reporting requirements ? Contents of reports ? Penalties

(1)

(a) A health care provider shall report to the department any case of any person who the provider knows has a confirmed case of, or who the provider believes in his professional judgment is sufficiently likely to harbor any illness or health condition that may be caused by:

(i) bioterrorism;

(ii) epidemic or pandemic disease; or

(iii) novel and highly fatal infectious agents or biological toxins which might pose a substantial risk of a significant number of human fatalities or incidences of permanent or long-term disability.

(b) A health care provider shall immediately submit the report required by Subsection (1)(a) within 24 hours of concluding that a report is required under Subsection (1)(a).

(2)

(a) A report required by this section shall be submitted electronically, verbally, or in writing to the department or appropriate local health department.

(b) A report submitted pursuant to Subsection (1) shall include, if known:

(i) diagnostic information on the specific illness or health condition that is the subject of the report, and, if

transmitted electronically, diagnostic codes assigned to the visit;

(ii) the patient's name, date of birth, sex, race, occupation, and current home and work address and phone number;

(iii) the name, address, and phone number of the health care provider; and

(iv) the name, address, and phone number of the reporting individual.

(3) The department may impose a sanction against a health care provider for failure to make a report required by this section only if the department can show by clear and convincing evidence that a health care provider willfully failed to file a report.