

FILED FEB 15 1995

SENATE FILE 154
BY NEUHAUSER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the release of patient-identifiable data by
2 health database organizations to researchers under certain
3 conditions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 154

1 Section 1. Section 144C.6, Code 1995, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. The board shall establish policies
4 and procedures which provide access to researchers, with the
5 approval of the institutional review board of the institution
6 with which the researcher is affiliated, to patient-
7 identifiable data provided to the system if the institutional
8 review board certifies that all of the following conditions
9 are met:

- 10 a. Use of the data in personally identifiable form is
11 necessary to the research.
- 12 b. The risk of harm to the subject of the data is minimal.
- 13 c. Adequate safeguards are implemented to protect the
14 record or information from unauthorized disclosure.
- 15 d. Removal and destruction of identifiers will be carried
16 out when the research is complete.

17 The board shall also adopt procedures which do not require
18 patient authorization under this subsection, but which do
19 include notification of patients of the uses that may be made
20 of patient records by researchers under this subsection.

21 Sec. 2. Section 145.4, Code 1995, is amended by adding the
22 following new subsection:

23 NEW SUBSECTION. 5. From the health data commission and
24 any persons from whom the commission collects data to
25 researchers, with the approval of the institutional review
26 board of the institution with which the researcher is
27 affiliated. Notwithstanding any other provision to the
28 contrary, the data provided to a researcher under this
29 subsection may be provided in a patient-identifiable manner,
30 if the institutional review board certifies that all of the
31 following conditions are met:

- 32 a. Use of the data in personally identifiable form is
33 necessary to the research.
- 34 b. The risk of harm to the subject of the data is minimal.
- 35 c. Adequate safeguards are implemented to protect the

1 record or information from unauthorized disclosure.

2 d. Removal and destruction of identifiers will be carried
3 out when the research is complete.

4 The commission shall adopt procedures which do not require
5 patient authorization under this subsection but which do
6 require the notification of patients of the uses that may be
7 made of patient records and information under this subsection.

8 EXPLANATION

9 This bill provides for the accessing of data collected by
10 the community health management information system under
11 chapter 144C or by the health data commission under chapter
12 145 by researchers in patient-identifiable form, if the
13 patient is notified of the uses that may be made of patient
14 records and information, and if the institutional review board
15 of the institution with which a researcher is affiliated
16 certifies that the data in personally identifiable form is
17 necessary to the research, the risk of harm to the subject of
18 the data is minimal, adequate safeguards are implemented to
19 protect the record or information from unauthorized
20 disclosure, and removal and destruction of identifiers will be
21 carried out when the research is complete.

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SENATE FILE 155

AN ACT

RELATING TO EMPLOYMENT SERVICES BY ELIMINATING WAGE CREDIT LIABILITY TRANSFERS AND ALLOWING ALL EMPLOYERS RELIEF FROM CHARGES WHEN AN UNEMPLOYMENT COMPENSATION OVERPAYMENT IS MADE AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 96.3, subsection 7, unnumbered paragraph 2, Code 1995, is amended to read as follows:

If the division determines that an overpayment has been made, the charge for the overpayment against the employer's account shall be removed and the account shall be credited with an amount equal to the overpayment from the unemployment compensation trust fund and this credit shall include both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 2. Section 96.5, subsection 1, paragraph a, Code 1995, is amended to read as follows:

a. The individual left employment in good faith for the sole purpose of accepting other or better employment, which the individual did accept, ~~and that the individual remained continuously in said new employment for not less than six weeks and the individual performed services in the new employment.~~ Wages earned with the employer that the individual has left shall, for the purpose of computing and charging benefits, be deemed wages earned from the employer with whom the individual accepted other employment and benefits shall be charged to the employer with whom the individual accepted other employment. ~~The division shall advise the chargeable employer of the name and address of the former employer, the period covered, and the extent of benefits which may be charged to the account of the chargeable employer.~~ in those cases where the new employment is in another state, no employer's account shall be charged with

~~benefits so paid except that employers who are required by law or by their election to reimburse the fund for benefits paid shall be charged with benefits under this paragraph.~~ ~~In those cases where the individual left employment in good faith for the sole purpose of accepting better employment, which the individual did accept and such employment is terminated by the employer, or the individual is laid off after one week but prior to the expiration of six weeks, the individual, provided the individual is otherwise eligible under this chapter, shall be eligible for benefits and such benefits shall not be charged to any employer's account.~~ Benefits relating to wage credits earned with the employer that the individual has left shall be charged to the unemployment compensation fund. This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 3. Section 96.6, subsection 2, Code 1995, is amended to read as follows:

2. INITIAL DETERMINATION. A representative designated by the commissioner shall promptly notify all interested parties to the claim of its filing, and the parties have ten days from the date of mailing the notice of the filing of the claim by ordinary mail to the last known address to protest payment of benefits to the claimant. The representative shall promptly examine the claim and any protest, take the initiative to ascertain relevant information concerning the claim, and, on the basis of the facts found by the representative, shall determine whether or not the claim is valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and its maximum duration, and whether any disqualification shall be imposed. The claimant has the burden of proving that the claimant meets the basic eligibility conditions of section 96.4. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to section 96.5. However, the claimant has the initial burden to produce evidence showing that the claimant is not disqualified for benefits in cases involving section 96.5, subsection 1, paragraphs "a" through "h", and

subsection 10. Unless the claimant or other interested party, after notification or within ten calendar days after notification was mailed to the claimant's last known address, files an appeal from the decision, the decision is final and benefits shall be paid or denied in accordance with the decision. If an administrative law judge affirms a decision of the representative, or the appeal board affirms a decision of the administrative law judge allowing benefits, the benefits shall be paid regardless of any appeal which is thereafter taken, but if the decision is finally reversed, no employer's account shall be charged with benefits so paid and this relief from charges shall apply to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.

Sec. 4. Section 96.7, subsection 2, paragraph a, subparagraph (2), unnumbered paragraph 3, Code 1995, is amended to read as follows:

An employer's account shall not be charged with benefits paid to an individual who left the work of the employer voluntarily without good cause attributable to the employer or to an individual who was discharged for misconduct in connection with the individual's employment, or to an individual who failed without good cause, either to apply for available, suitable work or to accept suitable work with that employer, but shall be charged to the account of the next succeeding employer with whom the individual requalified for benefits as determined respectively under section 96.5, subsection 1, paragraph "g" and section 96.5, subsection 2, paragraph "a" unemployment compensation fund. However, the succeeding employer's account shall first be charged with benefits paid to the individual due to wage credits earned by the individual while employed by the succeeding employer. After exhausting those wage credits, the succeeding employer's account shall not be charged with ten weeks of benefits paid to the individual due to wage credits earned by the individual from a previous employer, but rather the unemployment compensation fund shall be charged. After exhausting the ten

~~weeks of noncharging the succeeding employer's account shall again be charged with the benefits paid: This paragraph applies to both contributory and reimbursable employers, notwithstanding section 96.8, subsection 5.~~

Sec. 5. Section 96.7, subsection 2, paragraph a, subparagraph (2), unnumbered paragraph 4, Code 1995, is amended by striking the unnumbered paragraph.

Sec. 6. APPLICABILITY DATE. This Act applies to all decisions concerning claims for benefits issued on or after July 2, 1995.

LEONARD L. BOSWELL
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 155, Seventy-sixth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved April 27, 1995

TERRY E. BRANSIAD
Governor