

**Effective 7/1/2015**

**58-61-713 Confidentiality -- Exemptions.**

- (1) A behavior analyst or behavior specialist under this chapter may not disclose any confidential communication with a client or patient without the express consent of:
  - (a) the client or patient;
  - (b) the parent or legal guardian of a minor client or patient; or
  - (c) the authorized agent of a client or patient.
- (2) A behavior analyst or behavior specialist is not subject to Subsection (1) if:
  - (a) the behavior analyst or behavior specialist is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
    - (i) reporting under Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
    - (ii) reporting under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements;
    - (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
    - (iv) reporting of a communicable disease as required under Section 26-6-6;
  - (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Utah Rules of Evidence, Rule 506; or
  - (c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Enacted by Chapter 367, 2015 General Session