

**62A-4a-1006 Licensing Information System -- Contents -- Juvenile court finding -- Protected record -- Access -- Criminal penalty.**

- (1)
  - (a) The division shall maintain a sub-part of the Management Information System established pursuant to Section 62A-4a-1003, to be known as the Licensing Information System, to be used:
    - (i) for licensing purposes; or
    - (ii) as otherwise specifically provided for by law.
  - (b) The Licensing Information System shall include only the following information:
    - (i) the information described in Subsections 62A-4a-1005(1)(b) and (3)(b);
    - (ii) consented-to supported findings by alleged perpetrators under Subsection 62A-4a-1005(3)(a)(iii); and
    - (iii) the information in the licensing part of the division's Management Information System as of May 6, 2002.
- (2) Notwithstanding Subsection (1), the department's access to information in the Management Information System for the licensure and monitoring of foster parents is governed by Sections 62A-4a-1003 and 62A-2-121.
- (3) Subject to Subsection 62A-4a-1005(3)(e), upon receipt of a finding from the juvenile court under Section 78A-6-323, the division shall:
  - (a) promptly amend the Licensing Information System; and
  - (b) enter the information in the Management Information System.
- (4)
  - (a) Information contained in the Licensing Information System is classified as a protected record under Title 63G, Chapter 2, Government Records Access and Management Act.
  - (b) Notwithstanding the disclosure provisions of Title 63G, Chapter 2, Government Records Access and Management Act, the information contained in the Licensing Information System may only be used or disclosed as specifically provided in this chapter and Section 62A-2-121.
  - (c) The information described in Subsection (4)(b) is accessible only to:
    - (i) the Office of Licensing within the department:
      - (A) for licensing purposes; or
      - (B) as otherwise specifically provided for by law;
    - (ii) the division to:
      - (A) screen a person at the request of the Office of Guardian Ad Litem:
        - (I) at the time that person seeks a paid or voluntary position with the Office of Guardian Ad Litem; and
        - (II) on an annual basis, throughout the time that the person remains with the Office of Guardian Ad Litem; and
      - (B) respond to a request for information from a person whose name is listed in the Licensing Information System;
    - (iii) persons designated by the Department of Health and approved by the Department of Human Services, only for the following purposes:
      - (A) licensing a child care program or provider; or
      - (B) determining whether a person associated with a covered health care facility, as defined by the Department of Health by rule, who provides direct care to a child, has a supported finding of a severe type of child abuse or neglect;
    - (iv) persons designated by the Department of Workforce Services and approved by the Department of Human Services for the purpose of qualifying child care providers under Section 35A-3-310.5; and

- (v) the department, as specifically provided in this chapter.
- (5) The persons designated by the Department of Health under Subsection (4)(c)(iii) and the persons designated by the Department of Workforce Services under Subsection (4)(c)(iv) shall adopt measures to:
  - (a) protect the security of the Licensing Information System; and
  - (b) strictly limit access to the Licensing Information System to those persons designated by statute.
- (6) All persons designated by statute as having access to information contained in the Licensing Information System shall be approved by the Department of Human Services and receive training from the department with respect to:
  - (a) accessing the Licensing Information System;
  - (b) maintaining strict security; and
  - (c) the criminal provisions of Sections 62A-4a-412 and 63G-2-801 pertaining to the improper release of information.
- (7)
  - (a) A person, except those authorized by this chapter, may not request another person to obtain or release any other information in the Licensing Information System to screen for potential perpetrators of abuse or neglect.
  - (b) A person who requests information knowing that it is a violation of this Subsection (7) to do so is subject to the criminal penalty described in Sections 62A-4a-412 and 63G-2-801.

Amended by Chapter 32, 2009 General Session