

**Senator Mark B. Madsen** proposes the following substitute bill:

**YOUTH SUICIDE PREVENTION REVISIONS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Robles**

House Sponsor: Gage Froerer

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**LONG TITLE**

**General Description:**

This bill amends provisions related to parental notification of certain safety threats to a parent's student.

**Highlighted Provisions:**

This bill:

► requires a school to notify a parent:

- if the parent's student threatens to commit suicide; or
- of an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation involving the parent's student;

► requires a school to have a parent sign a statement acknowledging that the parent was notified of the suicide threat or bullying; and

► provides that a signed parental statement verifying the parent was notified of a suicide threat or bullying incident:

- is a private record for purposes of the Government Records Management Act;

and

- may not be used by the school for the school's own purposes.

**Money Appropriated in this Bill:**

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53A-11-605**, as last amended by Laws of Utah 2012, Chapter 425

31 **53A-13-302**, as last amended by Laws of Utah 1999, Chapter 284

32 **63G-2-202**, as last amended by Laws of Utah 2012, Chapter 377

33 **63G-2-302**, as last amended by Laws of Utah 2012, Chapters 74, 145, and 202

34 ENACTS:

35 **53A-13-303**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **53A-11-605** is amended to read:

39 **53A-11-605. Definitions -- School personnel -- Medical recommendations --**

40 **Exceptions -- Penalties.**

41 (1) As used in this section:

42 (a) "Health care professional" means a physician, physician assistant, nurse, dentist, or  
43 mental health therapist.

44 (b) "School personnel" means ~~any~~ a school district or charter school employee,  
45 including a licensed, part-time, contract, ~~and~~ or nonlicensed ~~employees~~ employee.

46 (2) School personnel may:

47 (a) provide information and observations to a student's parent or guardian about that  
48 student, including observations and concerns in the following areas:

49 (i) progress;

50 (ii) health and wellness;

51 (iii) social interactions;

52 (iv) behavior; or

53 (v) topics consistent with Subsection 53A-13-302(6);

54 (b) communicate information and observations between school personnel regarding a  
55 child;

56 (c) refer students to other appropriate school personnel and agents, consistent with

57 local school board or charter school policy, including referrals and communication with a  
58 school counselor or other mental health professionals working within the school system;

59 (d) consult or use appropriate health care professionals in the event of an emergency  
60 while the student is at school, consistent with the student emergency information provided at  
61 student enrollment;

62 (e) exercise their authority relating to the placement within the school or readmission  
63 of a child who may be or has been suspended or expelled for a violation of Section  
64 53A-11-904; and

65 (f) complete a behavioral health evaluation form if requested by a student's parent or  
66 guardian to provide information to a licensed physician.

67 (3) School personnel shall:

68 (a) report suspected child abuse consistent with Section 62A-4a-403;

69 (b) comply with applicable state and local health department laws, rules, and policies;  
70 and

71 (c) conduct evaluations and assessments consistent with the Individuals with  
72 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

73 (4) Except as provided in Subsection (2) [~~and~~], Subsection (6), and Section  
74 53A-13-303, school personnel may not:

75 (a) recommend to a parent or guardian that a child take or continue to take a  
76 psychotropic medication;

77 (b) require that a student take or continue to take a psychotropic medication as a  
78 condition for attending school;

79 (c) recommend that a parent or guardian seek or use a type of psychiatric or  
80 psychological treatment for a child;

81 (d) conduct a psychiatric or behavioral health evaluation or mental health screening,  
82 test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the  
83 Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent  
84 amendments; or

85 (e) make a child abuse or neglect report to authorities, including the Division of Child  
86 and Family Services, solely or primarily on the basis that a parent or guardian refuses to  
87 consent to:

88 (i) a psychiatric, psychological, or behavioral treatment for a child, including the  
89 administration of a psychotropic medication to a child; or

90 (ii) a psychiatric or behavioral health evaluation of a child.

91 (5) Notwithstanding Subsection (4)(e), school personnel may make a report that would  
92 otherwise be prohibited under Subsection (4)(e) if failure to take the action described under  
93 Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of  
94 others.

95 (6) Notwithstanding Subsection (4), a school counselor or other mental health  
96 professional acting in accordance with Title 58, Chapter 60, Mental Health Professional  
97 Practice Act, or licensed through the State Board of Education, working within the school  
98 system may:

99 (a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

100 (b) recommend, but not require, psychiatric, psychological, or behavioral treatment for  
101 a child;

102 (c) conduct a psychiatric or behavioral health evaluation or mental health screening,  
103 test, evaluation, or assessment of a child in accordance with Section 53A-13-302; and

104 (d) provide to a parent or guardian, upon the specific request of the parent or guardian,  
105 a list of three or more health care professionals or providers, including licensed physicians,  
106 psychologists, or other health specialists.

107 (7) Local school boards or charter schools shall adopt a policy:

108 (a) providing for training of appropriate school personnel on the provisions of this  
109 section; and

110 (b) indicating that an intentional violation of this section is cause for disciplinary action  
111 consistent with local school board or charter school policy and under Section 53A-8a-502.

112 (8) Nothing in this section shall be interpreted as discouraging general communication  
113 not prohibited by this section between school personnel and a student's parent or guardian.

114 Section 2. Section **53A-13-302** is amended to read:

115 **53A-13-302. Activities prohibited without prior written consent -- Validity of**  
116 **consent -- Qualifications -- Training on implementation.**

117 (1) Policies adopted by a school district under Section 53A-13-301 shall include  
118 prohibitions on the administration to a student of any psychological or psychiatric examination,

119 test, or treatment, or any survey, analysis, or evaluation without the prior written consent of the  
120 student's parent or legal guardian, in which the purpose or evident intended effect is to cause  
121 the student to reveal information, whether the information is personally identifiable or not,  
122 concerning the student's or any family member's:

123 (a) political affiliations or, except as provided under Section 53A-13-101.1 or rules of  
124 the State Board of Education, political philosophies;

125 (b) mental or psychological problems;

126 (c) sexual behavior, orientation, or attitudes;

127 (d) illegal, anti-social, self-incriminating, or demeaning behavior;

128 (e) critical appraisals of individuals with whom the student or family member has close  
129 family relationships;

130 (f) religious affiliations or beliefs;

131 (g) legally recognized privileged and analogous relationships, such as those with  
132 lawyers, medical personnel, or ministers; and

133 (h) income, except as required by law.

134 (2) Prior written consent under Subsection (1) is required in all grades, kindergarten  
135 through grade 12.

136 (3) ~~[The]~~ Except as provided in Section 53A-13-303, the prohibitions under Subsection  
137 (1) shall also apply within the curriculum and other school activities unless prior written  
138 consent of the student's parent or legal guardian has been obtained.

139 (4) Written parental consent is valid only if a parent or legal guardian has been first  
140 given written notice, including notice that a copy of the educational or student survey questions  
141 to be asked of the student in obtaining the desired information is made available at the school,  
142 and a reasonable opportunity to obtain written information concerning:

143 (a) records or information, including information about relationships, that may be  
144 examined or requested;

145 (b) the means by which the records or information shall be examined or reviewed;

146 (c) the means by which the information is to be obtained;

147 (d) the purposes for which the records or information are needed;

148 (e) the entities or persons, regardless of affiliation, who will have access to the  
149 personally identifiable information; and

150 (f) a method by which a parent of a student can grant permission to access or examine  
151 the personally identifiable information.

152 (5) (a) Except in response to a situation which a school employee reasonably believes  
153 to be an emergency, or as authorized under Title 62A, Chapter 4a, Part 4, Child Abuse or  
154 Neglect Reporting Requirements, or by order of a court, disclosure to a parent or legal guardian  
155 must be given at least two weeks before information protected under this section is sought.

156 (b) Following disclosure, a parent or guardian may waive the two week minimum  
157 notification period.

158 (c) Unless otherwise agreed to by a student's parent or legal guardian and the person  
159 requesting written consent, the authorization is valid only for the activity for which it was  
160 granted.

161 (d) A written withdrawal of authorization submitted to the school principal by the  
162 authorizing parent or guardian terminates the authorization.

163 (e) A general consent used to approve admission to school or involvement in special  
164 education, remedial education, or a school activity does not constitute written consent under  
165 this section.

166 (6) (a) This section does not limit the ability of a student under Section 53A-13-101.3  
167 to spontaneously express sentiments or opinions otherwise protected against disclosure under  
168 this section.

169 (b) (i) If a school employee or agent believes that a situation exists which presents a  
170 serious threat to the well-being of a student, that employee or agent shall notify the student's  
171 parent or guardian without delay.

172 (ii) If, however, the matter has been reported to the Division of Child and Family  
173 Services within the Department of Human Services, it is the responsibility of the division to  
174 notify the student's parent or guardian of any possible investigation, prior to the student's return  
175 home from school.

176 (iii) The division may be exempted from the notification requirements described in this  
177 Subsection (6)(b)(ii) only if it determines that the student would be endangered by notification  
178 of his parent or guardian, or if that notification is otherwise prohibited by state or federal law.

179 (7) Local school boards shall provide inservice for teachers and administrators within  
180 their respective school districts on the implementation of this section.

181 (8) The board shall provide procedures for disciplinary action for violations of this  
182 section.

183 Section 3. Section **53A-13-303** is enacted to read:

184 **53A-13-303. Parental notification of certain incidents required.**

185 (1) For purposes of this section:

186 (a) "Bullying" has the same meaning as defined in Section 53A-11a-102.

187 (b) "Cyber-bullying" has the same meaning as defined in Section 53A-11a-102.

188 (c) "Harassment" has the same meaning as defined in Section 53A-11a-102.

189 (d) "Hazing" has the same meaning as defined in Section 53A-11a-102.

190 (e) "Parent" includes a student's legal guardian.

191 (f) "Parental statement" means a statement a parent is required to sign in accordance  
192 with Subsection (3).

193 (g) "Retaliation" has the same meaning as defined in Section 53A-11a-102.

194 (h) "School":

195 (i) means a public school; and

196 (ii) includes a school's local school board or charter school governing board.

197 (2) A school shall notify a parent:

198 (a) if the parent's student threatens to commit suicide; or

199 (b) of an alleged incident of bullying, cyber-bullying, harassment, hazing, or retaliation  
200 involving the parent's student.

201 (3) (a) If a school notifies a parent of an incident or threat required to be reported under  
202 Subsection (2), the school shall require the parent to sign a statement acknowledging that the  
203 parent was notified of the incident or threat.

204 (b) A school may not:

205 (i) disclose a parental statement, including any information obtained to prepare the  
206 parental statement, to a person other than a person authorized to receive the parental statement  
207 described in Subsection (3)(c); or

208 (ii) use the parental statement, including any information obtained to prepare the  
209 parental statement, for the school's own purposes, including the following purposes:

210 (A) for a report or study;

211 (B) for a statistical analysis; or

212 (C) to conduct research.

213 (c) A school may disclose a parental statement, including any information obtained to  
214 prepare the parental statement:

215 (i) to the parent or the parent's student; or

216 (ii) to a person if required to disclose the parental statement or information to a person  
217 pursuant to the terms of a court order as described in Subsection 63G-2-202(7).

218 (4) The school shall maintain a copy of a parental statement for at least four years.

219 (5) At the request of a parent, a school may provide information and make  
220 recommendations related to an incident or threat described in Subsection (2).

221 Section 4. Section **63G-2-202** is amended to read:

222 **63G-2-202. Access to private, controlled, and protected documents.**

223 (1) Upon request, and except as provided in Subsection (11)(a), a governmental entity  
224 shall disclose a private record to:

225 (a) the subject of the record;

226 (b) the parent or legal guardian of an unemancipated minor who is the subject of the  
227 record;

228 (c) the legal guardian of a legally incapacitated individual who is the subject of the  
229 record;

230 (d) any other individual who:

231 (i) has a power of attorney from the subject of the record;

232 (ii) submits a notarized release from the subject of the record or the individual's legal  
233 representative dated no more than 90 days before the date the request is made; or

234 (iii) if the record is a medical record described in Subsection 63G-2-302(1)(b), is a  
235 health care provider, as defined in Section 26-33a-102, if releasing the record or information in  
236 the record is consistent with normal professional practice and medical ethics; or

237 (e) any person to whom the record must be provided pursuant to:

238 (i) court order as provided in Subsection (7); or

239 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

240 Powers.

241 (2) (a) Upon request, a governmental entity shall disclose a controlled record to:

242 (i) a physician, psychologist, certified social worker, insurance provider or producer, or



243 a government public health agency upon submission of:

244 (A) a release from the subject of the record that is dated no more than 90 days prior to  
245 the date the request is made; and

246 (B) a signed acknowledgment of the terms of disclosure of controlled information as  
247 provided by Subsection (2)(b); and

248 (ii) any person to whom the record must be disclosed pursuant to:

249 (A) a court order as provided in Subsection (7); or

250 (B) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

251 Powers.

252 (b) A person who receives a record from a governmental entity in accordance with  
253 Subsection (2)(a)(i) may not disclose controlled information from that record to any person,  
254 including the subject of the record.

255 (3) If there is more than one subject of a private or controlled record, the portion of the  
256 record that pertains to another subject shall be segregated from the portion that the requester is  
257 entitled to inspect.

258 (4) Upon request, and except as provided in Subsection (10) or (11)(b), a governmental  
259 entity shall disclose a protected record to:

260 (a) the person who submitted the record;

261 (b) any other individual who:

262 (i) has a power of attorney from all persons, governmental entities, or political  
263 subdivisions whose interests were sought to be protected by the protected classification; or

264 (ii) submits a notarized release from all persons, governmental entities, or political  
265 subdivisions whose interests were sought to be protected by the protected classification or from  
266 their legal representatives dated no more than 90 days prior to the date the request is made;

267 (c) any person to whom the record must be provided pursuant to:

268 (i) a court order as provided in Subsection (7); or

269 (ii) a legislative subpoena as provided in Title 36, Chapter 14, Legislative Subpoena

270 Powers; or

271 (d) the owner of a mobile home park, subject to the conditions of Subsection  
272 41-1a-116(5).

273 (5) A governmental entity may disclose a private, controlled, or protected record to

274 another governmental entity, political subdivision, another state, the United States, or a foreign  
275 government only as provided by Section 63G-2-206.

276 (6) Before releasing a private, controlled, or protected record, the governmental entity  
277 shall obtain evidence of the requester's identity.

278 (7) A governmental entity shall disclose a record pursuant to the terms of a court order  
279 signed by a judge from a court of competent jurisdiction, provided that:

280 (a) the record deals with a matter in controversy over which the court has jurisdiction;

281 (b) the court has considered the merits of the request for access to the record;

282 (c) the court has considered and, where appropriate, limited the requester's use and  
283 further disclosure of the record in order to protect:

284 (i) privacy interests in the case of private or controlled records;

285 (ii) business confidentiality interests in the case of records protected under Subsection  
286 63G-2-305(1), (2), (39)(a)(ii), or (39)(a)(vi); and

287 (iii) privacy interests or the public interest in the case of other protected records;

288 (d) to the extent the record is properly classified private, controlled, or protected, the  
289 interests favoring access, considering limitations thereon, are greater than or equal to the  
290 interests favoring restriction of access; and

291 (e) where access is restricted by a rule, statute, or regulation referred to in Subsection  
292 63G-2-201(3)(b), the court has authority independent of this chapter to order disclosure.

293 (8) (a) [~~A~~] Except as provided in Subsection (8)(d), a governmental entity may disclose  
294 or authorize disclosure of private or controlled records for research purposes if the  
295 governmental entity:

296 (i) determines that the research purpose cannot reasonably be accomplished without  
297 use or disclosure of the information to the researcher in individually identifiable form;

298 (ii) determines that:

299 (A) the proposed research is bona fide; and

300 (B) the value of the research is greater than or equal to the infringement upon personal  
301 privacy;

302 (iii) (A) requires the researcher to assure the integrity, confidentiality, and security of  
303 the records; and

304 (B) requires the removal or destruction of the individual identifiers associated with the

305 records as soon as the purpose of the research project has been accomplished;

306 (iv) prohibits the researcher from:

307 (A) disclosing the record in individually identifiable form, except as provided in  
308 Subsection (8)(b); or

309 (B) using the record for purposes other than the research approved by the governmental  
310 entity; and

311 (v) secures from the researcher a written statement of the researcher's understanding of  
312 and agreement to the conditions of this Subsection (8) and the researcher's understanding that  
313 violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution  
314 under Section 63G-2-801.

315 (b) A researcher may disclose a record in individually identifiable form if the record is  
316 disclosed for the purpose of auditing or evaluating the research program and no subsequent use  
317 or disclosure of the record in individually identifiable form will be made by the auditor or  
318 evaluator except as provided by this section.

319 (c) A governmental entity may require indemnification as a condition of permitting  
320 research under this Subsection (8).

321 (d) A governmental entity may not disclose or authorize disclosure of a private record  
322 for research purposes as described in this Subsection (8) if the private record is a parental  
323 statement described in Subsection 63G-2-302(1)(s).

324 (9) (a) Under Subsections 63G-2-201(5)(b) and 63G-2-401(6), a governmental entity  
325 may disclose to persons other than those specified in this section records that are:

326 (i) private under Section 63G-2-302; or

327 (ii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for  
328 business confidentiality has been made under Section 63G-2-309.

329 (b) Under Subsection 63G-2-403(11)(b), the records committee may require the  
330 disclosure to persons other than those specified in this section of records that are:

331 (i) private under Section 63G-2-302;

332 (ii) controlled under Section 63G-2-304; or

333 (iii) protected under Section 63G-2-305 subject to Section 63G-2-309 if a claim for  
334 business confidentiality has been made under Section 63G-2-309.

335 (c) Under Subsection 63G-2-404(8), the court may require the disclosure of records

336 that are private under Section 63G-2-302, controlled under Section 63G-2-304, or protected  
337 under Section 63G-2-305 to persons other than those specified in this section.

338 (10) A record contained in the Management Information System, created in Section  
339 62A-4a-1003, that is found to be unsubstantiated, unsupported, or without merit may not be  
340 disclosed to any person except the person who is alleged in the report to be a perpetrator of  
341 abuse, neglect, or dependency.

342 (11) (a) A private record described in Subsection 63G-2-302(2)(f) may only be  
343 disclosed as provided in Subsection (1)(e).

344 (b) A protected record described in Subsection 63G-2-305(42) may only be disclosed  
345 as provided in Subsection (4)(c) or Section 62A-3-312.

346 (12) (a) A private, protected, or controlled record described in Section 62A-16-301  
347 shall be disclosed as required under:

- 348 (i) Subsections 62A-16-301(1)(b), (2), and (4)(c); and
- 349 (ii) Subsections 62A-16-302(1) and (6).

350 (b) A record disclosed under Subsection (12)(a) shall retain its character as private,  
351 protected, or controlled.

352 Section 5. Section **63G-2-302** is amended to read:

353 **63G-2-302. Private records.**

354 (1) The following records are private:

355 (a) records concerning an individual's eligibility for unemployment insurance benefits,  
356 social services, welfare benefits, or the determination of benefit levels;

357 (b) records containing data on individuals describing medical history, diagnosis,  
358 condition, treatment, evaluation, or similar medical data;

359 (c) records of publicly funded libraries that when examined alone or with other records  
360 identify a patron;

361 (d) records received by or generated by or for:

362 (i) the Independent Legislative Ethics Commission, except for:

363 (A) the commission's summary data report that is required under legislative rule; and

364 (B) any other document that is classified as public under legislative rule; or

365 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,  
366 unless the record is classified as public under legislative rule;

- 367 (e) records received or generated for a Senate confirmation committee concerning  
368 character, professional competence, or physical or mental health of an individual:
- 369 (i) if prior to the meeting, the chair of the committee determines release of the records:  
370 (A) reasonably could be expected to interfere with the investigation undertaken by the  
371 committee; or  
372 (B) would create a danger of depriving a person of a right to a fair proceeding or  
373 impartial hearing; and  
374 (ii) after the meeting, if the meeting was closed to the public;
- 375 (f) employment records concerning a current or former employee of, or applicant for  
376 employment with, a governmental entity that would disclose that individual's home address,  
377 home telephone number, Social Security number, insurance coverage, marital status, or payroll  
378 deductions;
- 379 (g) records or parts of records under Section 63G-2-303 that a current or former  
380 employee identifies as private according to the requirements of that section;
- 381 (h) that part of a record indicating a person's Social Security number or federal  
382 employer identification number if provided under Section 31A-23a-104, 31A-25-202,  
383 31A-26-202, 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 384 (i) that part of a voter registration record identifying a voter's:  
385 (i) driver license or identification card number;  
386 (ii) Social Security number, or last four digits of the Social Security number; or  
387 (iii) email address;
- 388 (j) a record that:  
389 (i) contains information about an individual;  
390 (ii) is voluntarily provided by the individual; and  
391 (iii) goes into an electronic database that:  
392 (A) is designated by and administered under the authority of the Chief Information  
393 Officer; and  
394 (B) acts as a repository of information about the individual that can be electronically  
395 retrieved and used to facilitate the individual's online interaction with a state agency;
- 396 (k) information provided to the Commissioner of Insurance under:  
397 (i) Subsection 31A-23a-115(2)(a);

- 398 (ii) Subsection 31A-23a-302(3); or  
399 (iii) Subsection 31A-26-210(3);  
400 (l) information obtained through a criminal background check under Title 11, Chapter  
401 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;  
402 (m) information provided by an offender that is:  
403 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap  
404 Offender Registry; and  
405 (ii) not required to be made available to the public under Subsection 77-41-110(4);  
406 (n) a statement and any supporting documentation filed with the attorney general in  
407 accordance with Section 34-45-107, if the federal law or action supporting the filing involves  
408 homeland security;  
409 (o) electronic toll collection customer account information received or collected under  
410 Section 72-6-118, including contact and payment information and customer travel data;  
411 (p) an email address provided by a military or overseas voter under Section  
412 20A-16-501;  
413 (q) a completed military-overseas ballot that is electronically transmitted under Title  
414 20A, Chapter 16, Uniform Military and Overseas Voters Act; ~~and~~  
415 (r) records received by or generated by or for the Political Subdivisions Ethics Review  
416 Commission established in Section 11-49-201, except for:  
417 (i) the commission's summary data report that is required in Section 11-49-202; and  
418 (ii) any other document that is classified as public in accordance with Title 11, Chapter  
419 49, Political Subdivisions Ethics Review Commission[-]; and  
420 (s) a parental statement described in Subsection 53A-13-303(3).  
421 (2) The following records are private if properly classified by a governmental entity:  
422 (a) records concerning a current or former employee of, or applicant for employment  
423 with a governmental entity, including performance evaluations and personal status information  
424 such as race, religion, or disabilities, but not including records that are public under Subsection  
425 63G-2-301(2)(b) or 63G-2-301(3)(o), or private under Subsection (1)(b);  
426 (b) records describing an individual's finances, except that the following are public:  
427 (i) records described in Subsection 63G-2-301(2);  
428 (ii) information provided to the governmental entity for the purpose of complying with

429 a financial assurance requirement; or  
430 (iii) records that must be disclosed in accordance with another statute;  
431 (c) records of independent state agencies if the disclosure of those records would  
432 conflict with the fiduciary obligations of the agency;  
433 (d) other records containing data on individuals the disclosure of which constitutes a  
434 clearly unwarranted invasion of personal privacy;  
435 (e) records provided by the United States or by a government entity outside the state  
436 that are given with the requirement that the records be managed as private records, if the  
437 providing entity states in writing that the record would not be subject to public disclosure if  
438 retained by it; and  
439 (f) any portion of a record in the custody of the Division of Aging and Adult Services,  
440 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a  
441 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult.  
442 (3) (a) As used in this Subsection (3), "medical records" means medical reports,  
443 records, statements, history, diagnosis, condition, treatment, and evaluation.  
444 (b) Medical records in the possession of the University of Utah Hospital, its clinics,  
445 doctors, or affiliated entities are not private records or controlled records under Section  
446 63G-2-304 when the records are sought:  
447 (i) in connection with any legal or administrative proceeding in which the patient's  
448 physical, mental, or emotional condition is an element of any claim or defense; or  
449 (ii) after a patient's death, in any legal or administrative proceeding in which any party  
450 relies upon the condition as an element of the claim or defense.  
451 (c) Medical records are subject to production in a legal or administrative proceeding  
452 according to state or federal statutes or rules of procedure and evidence as if the medical  
453 records were in the possession of a nongovernmental medical care provider.