

Senator Karen Mayne proposes the following substitute bill:

MEDICAL BILLING AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Clare Collard

LONG TITLE

General Description:

This bill repeals and amends provisions related to medical and balanced billing.

Highlighted Provisions:

This bill:

- ▶ repeals provisions related to balanced billing reporting;
- ▶ amends the period during which a workers' compensation insurers carrier or self-insured employer that is reimbursing a hospital for covered medical services shall reimburse a hospital in accordance with certain standards; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

26-21-27, as last amended by Laws of Utah 2020, Chapter 382

34A-2-407, as last amended by Laws of Utah 2019, Chapter 136

58-1-508, as last amended by Laws of Utah 2020, Chapter 382



26 **63G-2-305**, as last amended by Laws of Utah 2020, Chapters 112, 198, 339, 349, 382,
27 and 393

28 **63I-2-231**, as last amended by Laws of Utah 2020, Chapters 354 and 382

29 REPEALS:

30 **31A-22-653**, as enacted by Laws of Utah 2020, Chapter 382

31

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

33 Section 1. Section **26-21-27** is amended to read:

34 **26-21-27. Reporting certain health care facility charges.**

35 ~~[(1) Beginning January 1, 2011, a]~~ A health care facility licensed under this chapter
36 shall, when requested by a consumer:

37 ~~[(a)]~~ (1) make a list of prices charged by the facility available for the consumer that
38 includes the facility's:

- 39 ~~[(i)]~~ (a) in-patient procedures;
- 40 ~~[(ii)]~~ (b) out-patient procedures;
- 41 ~~[(iii)]~~ (c) the 50 most commonly prescribed drugs in the facility;
- 42 ~~[(iv)]~~ (d) imaging services; and
- 43 ~~[(v)]~~ (e) implants; and

44 ~~[(b)]~~ (2) provide the consumer with information regarding any discounts the facility
45 provides for:

- 46 ~~[(i)]~~ (a) charges for services not covered by insurance; or
- 47 ~~[(ii)]~~ (b) prompt payment of billed charges.

48 ~~[(2) A health care provider that is subject to the reporting requirement in Section~~
49 ~~**31A-22-653** shall submit information to the Insurance Department in accordance with Section~~
50 ~~**31A-22-653**.]~~

51 Section 2. Section **34A-2-407** is amended to read:

52 **34A-2-407. Reporting of industrial injuries -- Regulation of health care**
53 **providers.**

- 54 (1) As used in this section, "physician" is as defined in Section **34A-2-111**.
- 55 (2) (a) An employee sustaining an injury arising out of and in the course of
- 56 employment shall provide notification to the employee's employer promptly of the injury.

57 (b) If the employee is unable to provide the notification required by Subsection (2)(a),
58 the following may provide notification of the injury to the employee's employer:

- 59 (i) the employee's next of kin; or
- 60 (ii) the employee's attorney.

61 (c) An employee claiming benefits under this chapter or Chapter 3, Utah Occupational
62 Disease Act, shall comply with rules adopted by the commission regarding disclosure of
63 medical records of the employee medically relevant to the industrial accident or occupational
64 disease claim.

65 (3) (a) An employee is barred for any claim of benefits arising from an injury if the
66 employee fails to notify within the time period described in Subsection (3)(b):

- 67 (i) the employee's employer in accordance with Subsection (2); or
- 68 (ii) the division.

69 (b) The notice required by Subsection (3)(a) shall be made within:

- 70 (i) 180 days of the day on which the injury occurs; or
- 71 (ii) in the case of an occupational hearing loss, the time period specified in Section
72 [34A-2-506](#).

73 (4) The following constitute notification of injury required by Subsection (2):

74 (a) an employer's report filed with:

- 75 (i) the division; or
- 76 (ii) the employer's workers' compensation insurance carrier;

77 (b) a physician's injury report filed with:

- 78 (i) the division;
- 79 (ii) the employer; or
- 80 (iii) the employer's workers' compensation insurance carrier;

81 (c) a workers' compensation insurance carrier's report filed with the division; or

82 (d) the payment of any medical or disability benefits by:

- 83 (i) the employer; or
- 84 (ii) the employer's workers' compensation insurance carrier.

85 (5) (a) An employer and the employer's workers' compensation insurance carrier, if
86 any, shall file a report in accordance with the rules made under Subsection (5)(b) of a:

- 87 (i) work-related fatality; or

88 (ii) work-related injury resulting in:

89 (A) medical treatment;

90 (B) loss of consciousness;

91 (C) loss of work;

92 (D) restriction of work; or

93 (E) transfer to another job.

94 (b) (i) An employer or the employer's workers' compensation insurance carrier, if any,
95 shall file a report required by Subsection (5)(a), and any subsequent reports of a previously
96 reported injury as may be required by the commission, within the time limits and in the manner
97 established by rule by the commission made after consultation with the workers' compensation
98 advisory council and in accordance with Title 63G, Chapter 3, Utah Administrative
99 Rulemaking Act.

100 (ii) A rule made under this Subsection (5)(b) shall:

101 [~~(i)~~] (A) be reasonable; and

102 [~~(i)~~] (B) take into consideration the practicality and cost of complying with the rule.

103 (c) A report is not required to be filed under this Subsection (5) for a minor injury, such
104 as a cut or scratch that requires first aid treatment only, unless:

105 (i) a treating physician files a report with the division in accordance with Subsection
106 (9); or

107 (ii) a treating physician is required to file a report with the division in accordance with
108 Subsection (9).

109 (6) An employer and [~~its~~] the employer's workers' compensation insurance carrier, if
110 any, required to file a report under Subsection (5) shall provide the employee with:

111 (a) a copy of the report submitted to the division; and

112 (b) a statement, as prepared by the division, of the employee's rights and
113 responsibilities related to the industrial injury.

114 (7) An employer shall maintain a record in a manner prescribed by the commission by
115 rule of all:

116 (a) work-related fatalities; or

117 (b) work-related injuries resulting in:

118 (i) medical treatment;

119 (ii) loss of consciousness;

120 (iii) loss of work;

121 (iv) restriction of work; or

122 (v) transfer to another job.

123 (8) (a) Except as provided in Subsection (8)(b), an employer or a workers'

124 compensation insurance carrier who refuses or neglects to make a report, maintain a record, or

125 file a report as required by this section is subject to a civil assessment:

126 (i) imposed by the division, subject to the requirements of Title 63G, Chapter 4,

127 Administrative Procedures Act; and

128 (ii) that may not exceed \$500.

129 (b) An employer or workers' compensation insurance carrier is not subject to the civil

130 assessment under this Subsection (8) if:

131 (i) the employer or workers' compensation insurance carrier submits a report later than
132 required by this section; and

133 (ii) the division finds that the employer or workers' compensation insurance carrier has
134 shown good cause for submitting a report later than required by this section.

135 (c) (i) A civil assessment collected under this Subsection (8) shall be deposited into the
136 Uninsured Employers' Fund created in Section 34A-2-704 to be used for a purpose specified in
137 Section 34A-2-704.

138 (ii) The administrator of the Uninsured Employers' Fund shall collect money required
139 to be deposited into the Uninsured Employers' Fund under this Subsection (8)(c) in accordance
140 with Section 34A-2-704.

141 (9) (a) A physician attending an injured employee shall comply with rules established
142 by the commission regarding:

143 (i) fees for physician's services;

144 (ii) disclosure of medical records of the employee medically relevant to the employee's
145 industrial accident or occupational disease claim;

146 (iii) reports to the division regarding:

147 (A) the condition and treatment of an injured employee; or

148 (B) any other matter concerning industrial cases that the physician is treating; and

149 (iv) rules made under Section 34A-2-407.5.

150 (b) A physician who is associated with, employed by, or bills through a hospital is
151 subject to Subsection (9)(a).

152 (c) A hospital providing services for an injured employee is not subject to the
153 requirements of Subsection (9)(a) except for rules made by the commission that are described
154 in Subsection (9)(a)(ii) or (iii) or Section 34A-2-407.5.

155 (d) The commission's schedule of fees may reasonably differentiate remuneration to be
156 paid to providers of health services based on:

157 (i) the severity of the employee's condition;

158 (ii) the nature of the treatment necessary; and

159 (iii) the facilities or equipment specially required to deliver that treatment.

160 (e) This Subsection (9) does not prohibit a contract with a provider of health services
161 relating to the pricing of goods and services.

162 (10) A copy of the initial report filed under Subsection (9)(a)(iii) shall be furnished to:

163 (a) the division;

164 (b) the employee; and

165 (c) (i) the employer; or

166 (ii) the employer's workers' compensation insurance carrier.

167 (11) (a) As used in this Subsection (11):

168 (i) "Balance billing" means charging a person, on whose behalf a workers'
169 compensation insurance carrier or self-insured employer is obligated to pay medical benefits
170 under this chapter or Chapter 3, Utah Occupational Disease Act, for the difference between
171 what the workers' compensation insurance carrier or self-insured employer reimburses the
172 hospital for covered medical services and what the hospital charges for those covered medical
173 services.

174 (ii) "Covered medical services" means medical services provided by a hospital that are
175 covered by workers' compensation medical benefits under this chapter or Chapter 3, Utah
176 Occupational Disease Act.

177 (iii) "Health benefit plan" means the same as that term is defined in Section
178 31A-22-619.6.

179 (iv) "Self-insured employer" means the same as that term is defined in Section
180 34A-2-201.5.

181 (b) Subject to Subsection (11)(d), a workers' compensation insurance carrier or
182 self-insured employer may contract, either in writing or by mutual oral agreement, with a
183 hospital to establish reimbursement rates.

184 (c) Subject to Subsection (11)(d), for the time period beginning on May 8, 2018, and
185 ending on July 1, [~~2021~~] 2022, a workers' compensation insurance carrier or self-insured
186 employer that is reimbursing a hospital for covered medical services shall reimburse the
187 hospital:

188 (i) in accordance with a contract described in Subsection (11)(b); or

189 (ii) (A) if the hospital is located in a county of the first, second, or third class, as
190 classified in Section [17-50-501](#), at 75% of the billed hospital fees for the covered medical
191 services; or

192 (B) if the hospital is located in a county of the fourth, fifth, or sixth class, as classified
193 in Section [17-50-501](#), at 85% of the billed hospital fees for the covered medical services.

194 (d) A hospital may not engage in balance billing.

195 (e) Covered services paid under a health benefit plan are subject to coordination of
196 benefits in accordance with Section [31A-22-619.6](#).

197 (12) (a) Subject to appellate review under Section [34A-1-303](#), the commission has
198 exclusive jurisdiction to hear and determine:

199 (i) whether goods provided to or services rendered to an employee are compensable
200 pursuant to this chapter or Chapter 3, Utah Occupational Disease Act, including:

201 (A) medical, nurse, or hospital services;

202 (B) medicines; and

203 (C) artificial means, appliances, or prosthesis;

204 (ii) except for amounts charged or paid under Subsection (11), the reasonableness of
205 the amounts charged or paid for a good or service described in Subsection (12)(a)(i); and

206 (iii) collection issues related to a good or service described in Subsection (12)(a)(i).

207 (b) Except as provided in Subsection (12)(a), Subsection [34A-2-211\(6\)](#), or Section
208 [34A-2-212](#), a person may not maintain a cause of action in any forum within this state other
209 than the commission for collection or payment for goods or services described in Subsection
210 (12)(a) that are compensable under this chapter or Chapter 3, Utah Occupational Disease Act.

211 Section 3. Section [58-1-508](#) is amended to read:

212 **58-1-508. Failure to follow certain health care claims practices and reporting**
213 **requirements -- Penalties.**

214 (1) As used in this section, "health care provider" means an individual who is licensed
215 to provide health care services under this title.

216 (2) The division may assess a fine of up to \$500 per violation against a health care
217 provider that violates Section 31A-26-313.

218 (3) The division shall waive the fine described in Subsection (2) if:

219 (a) the health care provider demonstrates to the division that the health care provider
220 mitigated and reversed any damage to the insured caused by the health care provider or third
221 party's violation; or

222 (b) the insured does not pay the full amount due on the bill that is the subject of the
223 violation, including any interest, fees, costs, and expenses, within 120 days after the day on
224 which the health care provider or third party makes a report to a credit bureau or takes an action
225 in violation of Section 31A-26-313.

226 ~~[(4) A health care provider that is subject to the reporting requirement in Section~~
227 ~~31A-22-653 shall submit information to the Insurance Department in accordance with Section~~
228 ~~31A-22-653.]~~

229 Section 4. Section 63G-2-305 is amended to read:

230 **63G-2-305. Protected records.**

231 The following records are protected if properly classified by a governmental entity:

232 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
233 has provided the governmental entity with the information specified in Section 63G-2-309;

234 (2) commercial information or nonindividual financial information obtained from a
235 person if:

236 (a) disclosure of the information could reasonably be expected to result in unfair
237 competitive injury to the person submitting the information or would impair the ability of the
238 governmental entity to obtain necessary information in the future;

239 (b) the person submitting the information has a greater interest in prohibiting access
240 than the public in obtaining access; and

241 (c) the person submitting the information has provided the governmental entity with
242 the information specified in Section 63G-2-309;

243 (3) commercial or financial information acquired or prepared by a governmental entity
244 to the extent that disclosure would lead to financial speculations in currencies, securities, or
245 commodities that will interfere with a planned transaction by the governmental entity or cause
246 substantial financial injury to the governmental entity or state economy;

247 (4) records, the disclosure of which could cause commercial injury to, or confer a
248 competitive advantage upon a potential or actual competitor of, a commercial project entity as
249 defined in Subsection 11-13-103(4);

250 (5) test questions and answers to be used in future license, certification, registration,
251 employment, or academic examinations;

252 (6) records, the disclosure of which would impair governmental procurement
253 proceedings or give an unfair advantage to any person proposing to enter into a contract or
254 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
255 Subsection (6) does not restrict the right of a person to have access to, after the contract or
256 grant has been awarded and signed by all parties:

257 (a) a bid, proposal, application, or other information submitted to or by a governmental
258 entity in response to:

259 (i) an invitation for bids;

260 (ii) a request for proposals;

261 (iii) a request for quotes;

262 (iv) a grant; or

263 (v) other similar document; or

264 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

265 (7) information submitted to or by a governmental entity in response to a request for
266 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
267 the right of a person to have access to the information, after:

268 (a) a contract directly relating to the subject of the request for information has been
269 awarded and signed by all parties; or

270 (b) (i) a final determination is made not to enter into a contract that relates to the
271 subject of the request for information; and

272 (ii) at least two years have passed after the day on which the request for information is
273 issued;

274 (8) records that would identify real property or the appraisal or estimated value of real
275 or personal property, including intellectual property, under consideration for public acquisition
276 before any rights to the property are acquired unless:

277 (a) public interest in obtaining access to the information is greater than or equal to the
278 governmental entity's need to acquire the property on the best terms possible;

279 (b) the information has already been disclosed to persons not employed by or under a
280 duty of confidentiality to the entity;

281 (c) in the case of records that would identify property, potential sellers of the described
282 property have already learned of the governmental entity's plans to acquire the property;

283 (d) in the case of records that would identify the appraisal or estimated value of
284 property, the potential sellers have already learned of the governmental entity's estimated value
285 of the property; or

286 (e) the property under consideration for public acquisition is a single family residence
287 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
288 the property as required under Section [78B-6-505](#);

289 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
290 compensated transaction of real or personal property including intellectual property, which, if
291 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
292 of the subject property, unless:

293 (a) the public interest in access is greater than or equal to the interests in restricting
294 access, including the governmental entity's interest in maximizing the financial benefit of the
295 transaction; or

296 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
297 the value of the subject property have already been disclosed to persons not employed by or
298 under a duty of confidentiality to the entity;

299 (10) records created or maintained for civil, criminal, or administrative enforcement
300 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
301 release of the records:

302 (a) reasonably could be expected to interfere with investigations undertaken for
303 enforcement, discipline, licensing, certification, or registration purposes;

304 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement

305 proceedings;

306 (c) would create a danger of depriving a person of a right to a fair trial or impartial
307 hearing;

308 (d) reasonably could be expected to disclose the identity of a source who is not
309 generally known outside of government and, in the case of a record compiled in the course of
310 an investigation, disclose information furnished by a source not generally known outside of
311 government if disclosure would compromise the source; or

312 (e) reasonably could be expected to disclose investigative or audit techniques,
313 procedures, policies, or orders not generally known outside of government if disclosure would
314 interfere with enforcement or audit efforts;

315 (11) records the disclosure of which would jeopardize the life or safety of an
316 individual;

317 (12) records the disclosure of which would jeopardize the security of governmental
318 property, governmental programs, or governmental recordkeeping systems from damage, theft,
319 or other appropriation or use contrary to law or public policy;

320 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
321 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
322 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

323 (14) records that, if disclosed, would reveal recommendations made to the Board of
324 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
325 Board of Pardons and Parole, or the Department of Human Services that are based on the
326 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
327 jurisdiction;

328 (15) records and audit workpapers that identify audit, collection, and operational
329 procedures and methods used by the State Tax Commission, if disclosure would interfere with
330 audits or collections;

331 (16) records of a governmental audit agency relating to an ongoing or planned audit
332 until the final audit is released;

333 (17) records that are subject to the attorney client privilege;

334 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
335 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,

336 quasi-judicial, or administrative proceeding;

337 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
338 from a member of the Legislature; and

339 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
340 legislative action or policy may not be classified as protected under this section; and

341 (b) (i) an internal communication that is part of the deliberative process in connection
342 with the preparation of legislation between:

343 (A) members of a legislative body;

344 (B) a member of a legislative body and a member of the legislative body's staff; or

345 (C) members of a legislative body's staff; and

346 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
347 legislative action or policy may not be classified as protected under this section;

348 (20) (a) records in the custody or control of the Office of Legislative Research and
349 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
350 legislation or contemplated course of action before the legislator has elected to support the
351 legislation or course of action, or made the legislation or course of action public; and

352 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
353 Office of Legislative Research and General Counsel is a public document unless a legislator
354 asks that the records requesting the legislation be maintained as protected records until such
355 time as the legislator elects to make the legislation or course of action public;

356 (21) research requests from legislators to the Office of Legislative Research and
357 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
358 in response to these requests;

359 (22) drafts, unless otherwise classified as public;

360 (23) records concerning a governmental entity's strategy about:

361 (a) collective bargaining; or

362 (b) imminent or pending litigation;

363 (24) records of investigations of loss occurrences and analyses of loss occurrences that
364 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
365 Uninsured Employers' Fund, or similar divisions in other governmental entities;

366 (25) records, other than personnel evaluations, that contain a personal recommendation

367 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
368 personal privacy, or disclosure is not in the public interest;

369 (26) records that reveal the location of historic, prehistoric, paleontological, or
370 biological resources that if known would jeopardize the security of those resources or of
371 valuable historic, scientific, educational, or cultural information;

372 (27) records of independent state agencies if the disclosure of the records would
373 conflict with the fiduciary obligations of the agency;

374 (28) records of an institution within the state system of higher education defined in
375 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
376 retention decisions, and promotions, which could be properly discussed in a meeting closed in
377 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
378 the final decisions about tenure, appointments, retention, promotions, or those students
379 admitted, may not be classified as protected under this section;

380 (29) records of the governor's office, including budget recommendations, legislative
381 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
382 policies or contemplated courses of action before the governor has implemented or rejected
383 those policies or courses of action or made them public;

384 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
385 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
386 recommendations in these areas;

387 (31) records provided by the United States or by a government entity outside the state
388 that are given to the governmental entity with a requirement that they be managed as protected
389 records if the providing entity certifies that the record would not be subject to public disclosure
390 if retained by it;

391 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
392 public body except as provided in Section [52-4-206](#);

393 (33) records that would reveal the contents of settlement negotiations but not including
394 final settlements or empirical data to the extent that they are not otherwise exempt from
395 disclosure;

396 (34) memoranda prepared by staff and used in the decision-making process by an
397 administrative law judge, a member of the Board of Pardons and Parole, or a member of any

398 other body charged by law with performing a quasi-judicial function;

399 (35) records that would reveal negotiations regarding assistance or incentives offered
400 by or requested from a governmental entity for the purpose of encouraging a person to expand
401 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
402 person or place the governmental entity at a competitive disadvantage, but this section may not
403 be used to restrict access to a record evidencing a final contract;

404 (36) materials to which access must be limited for purposes of securing or maintaining
405 the governmental entity's proprietary protection of intellectual property rights including patents,
406 copyrights, and trade secrets;

407 (37) the name of a donor or a prospective donor to a governmental entity, including an
408 institution within the state system of higher education defined in Section 53B-1-102, and other
409 information concerning the donation that could reasonably be expected to reveal the identity of
410 the donor, provided that:

411 (a) the donor requests anonymity in writing;

412 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
413 classified protected by the governmental entity under this Subsection (37); and

414 (c) except for an institution within the state system of higher education defined in
415 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
416 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
417 over the donor, a member of the donor's immediate family, or any entity owned or controlled
418 by the donor or the donor's immediate family;

419 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
420 73-18-13;

421 (39) a notification of workers' compensation insurance coverage described in Section
422 34A-2-205;

423 (40) (a) the following records of an institution within the state system of higher
424 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
425 or received by or on behalf of faculty, staff, employees, or students of the institution:

426 (i) unpublished lecture notes;

427 (ii) unpublished notes, data, and information:

428 (A) relating to research; and

- 429 (B) of:
- 430 (I) the institution within the state system of higher education defined in Section
- 431 53B-1-102; or
- 432 (II) a sponsor of sponsored research;
- 433 (iii) unpublished manuscripts;
- 434 (iv) creative works in process;
- 435 (v) scholarly correspondence; and
- 436 (vi) confidential information contained in research proposals;
- 437 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
- 438 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 439 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 440 (41) (a) records in the custody or control of the Office of Legislative Auditor General
- 441 that would reveal the name of a particular legislator who requests a legislative audit prior to the
- 442 date that audit is completed and made public; and
- 443 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 444 Office of the Legislative Auditor General is a public document unless the legislator asks that
- 445 the records in the custody or control of the Office of Legislative Auditor General that would
- 446 reveal the name of a particular legislator who requests a legislative audit be maintained as
- 447 protected records until the audit is completed and made public;
- 448 (42) records that provide detail as to the location of an explosive, including a map or
- 449 other document that indicates the location of:
- 450 (a) a production facility; or
- 451 (b) a magazine;
- 452 (43) information:
- 453 (a) contained in the statewide database of the Division of Aging and Adult Services
- 454 created by Section 62A-3-311.1; or
- 455 (b) received or maintained in relation to the Identity Theft Reporting Information
- 456 System (IRIS) established under Section 67-5-22;
- 457 (44) information contained in the Management Information System and Licensing
- 458 Information System described in Title 62A, Chapter 4a, Child and Family Services;
- 459 (45) information regarding National Guard operations or activities in support of the

460 National Guard's federal mission;

461 (46) records provided by any pawn or secondhand business to a law enforcement
462 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
463 Secondhand Merchandise Transaction Information Act;

464 (47) information regarding food security, risk, and vulnerability assessments performed
465 by the Department of Agriculture and Food;

466 (48) except to the extent that the record is exempt from this chapter pursuant to Section
467 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or
468 prepared or maintained by the Division of Emergency Management, and the disclosure of
469 which would jeopardize:

470 (a) the safety of the general public; or

471 (b) the security of:

472 (i) governmental property;

473 (ii) governmental programs; or

474 (iii) the property of a private person who provides the Division of Emergency
475 Management information;

476 (49) records of the Department of Agriculture and Food that provides for the
477 identification, tracing, or control of livestock diseases, including any program established under
478 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
479 of Animal Disease;

480 (50) as provided in Section 26-39-501:

481 (a) information or records held by the Department of Health related to a complaint
482 regarding a child care program or residential child care which the department is unable to
483 substantiate; and

484 (b) information or records related to a complaint received by the Department of Health
485 from an anonymous complainant regarding a child care program or residential child care;

486 (51) unless otherwise classified as public under Section 63G-2-301 and except as
487 provided under Section 41-1a-116, an individual's home address, home telephone number, or
488 personal mobile phone number, if:

489 (a) the individual is required to provide the information in order to comply with a law,
490 ordinance, rule, or order of a government entity; and

491 (b) the subject of the record has a reasonable expectation that this information will be
492 kept confidential due to:

493 (i) the nature of the law, ordinance, rule, or order; and

494 (ii) the individual complying with the law, ordinance, rule, or order;

495 (52) the portion of the following documents that contains a candidate's residential or
496 mailing address, if the candidate provides to the filing officer another address or phone number
497 where the candidate may be contacted:

498 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
499 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
500 20A-9-408.5, 20A-9-502, or 20A-9-601;

501 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

502 (c) a notice of intent to gather signatures for candidacy, described in Section
503 20A-9-408;

504 (53) the name, home address, work addresses, and telephone numbers of an individual
505 that is engaged in, or that provides goods or services for, medical or scientific research that is:

506 (a) conducted within the state system of higher education, as defined in Section
507 53B-1-102; and

508 (b) conducted using animals;

509 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
510 Evaluation Commission concerning an individual commissioner's vote on whether or not to
511 recommend that the voters retain a judge including information disclosed under Subsection
512 78A-12-203(5)(e);

513 (55) information collected and a report prepared by the Judicial Performance
514 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
515 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
516 the information or report;

517 (56) records contained in the Management Information System created in Section
518 62A-4a-1003;

519 (57) records provided or received by the Public Lands Policy Coordinating Office in
520 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

521 (58) information requested by and provided to the 911 Division under Section

522 63H-7a-302;

523 (59) in accordance with Section 73-10-33:

524 (a) a management plan for a water conveyance facility in the possession of the Division
525 of Water Resources or the Board of Water Resources; or

526 (b) an outline of an emergency response plan in possession of the state or a county or
527 municipality;

528 (60) the following records in the custody or control of the Office of Inspector General
529 of Medicaid Services, created in Section 63A-13-201:

530 (a) records that would disclose information relating to allegations of personal
531 misconduct, gross mismanagement, or illegal activity of a person if the information or
532 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
533 through other documents or evidence, and the records relating to the allegation are not relied
534 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
535 report or final audit report;

536 (b) records and audit workpapers to the extent they would disclose the identity of a
537 person who, during the course of an investigation or audit, communicated the existence of any
538 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
539 regulation adopted under the laws of this state, a political subdivision of the state, or any
540 recognized entity of the United States, if the information was disclosed on the condition that
541 the identity of the person be protected;

542 (c) before the time that an investigation or audit is completed and the final
543 investigation or final audit report is released, records or drafts circulated to a person who is not
544 an employee or head of a governmental entity for the person's response or information;

545 (d) records that would disclose an outline or part of any investigation, audit survey
546 plan, or audit program; or

547 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
548 investigation or audit;

549 (61) records that reveal methods used by the Office of Inspector General of Medicaid
550 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
551 abuse;

552 (62) information provided to the Department of Health or the Division of Occupational

553 and Professional Licensing under Subsections 58-67-304(3) and (4) and Subsections
554 58-68-304(3) and (4);

555 (63) a record described in Section 63G-12-210;

556 (64) captured plate data that is obtained through an automatic license plate reader
557 system used by a governmental entity as authorized in Section 41-6a-2003;

558 (65) any record in the custody of the Utah Office for Victims of Crime relating to a
559 victim, including:

560 (a) a victim's application or request for benefits;

561 (b) a victim's receipt or denial of benefits; and

562 (c) any administrative notes or records made or created for the purpose of, or used to,
563 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
564 Reparations Fund;

565 (66) an audio or video recording created by a body-worn camera, as that term is
566 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
567 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
568 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
569 that term is defined in Section 62A-2-101, except for recordings that:

570 (a) depict the commission of an alleged crime;

571 (b) record any encounter between a law enforcement officer and a person that results in
572 death or bodily injury, or includes an instance when an officer fires a weapon;

573 (c) record any encounter that is the subject of a complaint or a legal proceeding against
574 a law enforcement officer or law enforcement agency;

575 (d) contain an officer involved critical incident as defined in Subsection
576 76-2-408(1)(f); or

577 (e) have been requested for reclassification as a public record by a subject or
578 authorized agent of a subject featured in the recording;

579 (67) a record pertaining to the search process for a president of an institution of higher
580 education described in Section 53B-2-102, except for application materials for a publicly
581 announced finalist;

582 (68) an audio recording that is:

583 (a) produced by an audio recording device that is used in conjunction with a device or

584 piece of equipment designed or intended for resuscitating an individual or for treating an
585 individual with a life-threatening condition;

586 (b) produced during an emergency event when an individual employed to provide law
587 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

588 (i) is responding to an individual needing resuscitation or with a life-threatening
589 condition; and

590 (ii) uses a device or piece of equipment designed or intended for resuscitating an
591 individual or for treating an individual with a life-threatening condition; and

592 (c) intended and used for purposes of training emergency responders how to improve
593 their response to an emergency situation;

594 (69) records submitted by or prepared in relation to an applicant seeking a
595 recommendation by the Research and General Counsel Subcommittee, the Budget
596 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
597 employment position with the Legislature;

598 (70) work papers as defined in Section 31A-2-204;

599 (71) a record made available to Adult Protective Services or a law enforcement agency
600 under Section 61-1-206;

601 (72) a record submitted to the Insurance Department in accordance with Section
602 31A-37-201 [~~or 31A-22-653~~];

603 (73) a record described in Section 31A-37-503.

604 (74) any record created by the Division of Occupational and Professional Licensing as
605 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii);

606 (75) a record described in Section 72-16-306 that relates to the reporting of an injury
607 involving an amusement ride;

608 (76) except as provided in Subsection 63G-2-305.5(1), the signature of an individual
609 on a political petition, or on a request to withdraw a signature from a political petition,
610 including a petition or request described in the following titles:

611 (a) Title 10, Utah Municipal Code;

612 (b) Title 17, Counties;

613 (c) Title 17B, Limited Purpose Local Government Entities - Local Districts;

614 (d) Title 17D, Limited Purpose Local Government Entities - Other Entities; and

615 (e) Title 20A, Election Code;

616 (77) except as provided in Subsection 63G-2-305.5(2), the signature of an individual in

617 a voter registration record;

618 (78) except as provided in Subsection 63G-2-305.5(3), any signature, other than a

619 signature described in Subsection (76) or (77), in the custody of the lieutenant governor or a

620 local political subdivision collected or held under, or in relation to, Title 20A, Election Code;

621 (79) a Form I-918 Supplement B certification as described in Title 77, Chapter 38, Part

622 5, Victims Guidelines for Prosecutors Act;

623 (80) a record submitted to the Insurance Department under Subsection

624 31A-47-103(1)(b); and

625 (81) personal information, as defined in Section 63G-26-102, to the extent disclosure is

626 prohibited under Section 63G-26-103.

627 Section 5. Section 63I-2-231 is amended to read:

628 **63I-2-231. Repeal dates -- Title 31A.**

629 [~~Section 31A-22-653 is repealed January 1, 2023.~~]

630 Section 6. **Repealer.**

631 This bill repeals:

632 Section 31A-22-653, **Emergency service balance billing report -- Rulemaking --**

633 **Immunity -- Reporting requirement.**