

LICENSING INFORMATION SYSTEM AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carl R. Albrecht

Senate Sponsor: Ralph Okerlund

LONG TITLE

General Description:

This bill provides provisions under which the Department of Human Services databases may be accessed.

Highlighted Provisions:

This bill:

- ▶ authorizes the Department of Health to access the Department of Human Services' Licensing Information System and the Division of Aging and Adult Services database when conducting a background investigation for an individual seeking an emergency medical services license.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

62A-3-311.1, as last amended by Laws of Utah 2008, Chapters 91 and 382

62A-4a-1006, as last amended by Laws of Utah 2009, Chapter 32

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

Section 1. Section **62A-3-311.1** is amended to read:

62A-3-311.1. Statewide database -- Restricted use and access.

(1) The division shall maintain a database for reports of vulnerable adult abuse,

30 neglect, or exploitation made pursuant to this part.

31 (2) The database shall include:

32 (a) the names and identifying data of the alleged abused, neglected, or exploited
33 vulnerable adult and the alleged perpetrator;

34 (b) information regarding whether or not the allegation of abuse, neglect, or
35 exploitation was found to be:

36 (i) supported;

37 (ii) inconclusive;

38 (iii) without merit; or

39 (iv) for reports for which the finding is made before May 5, 2008:

40 (A) substantiated; or

41 (B) unsubstantiated; and

42 (c) any other information that may be helpful in furthering the purposes of this part, as
43 determined by the division.

44 (3) Information obtained from the database may be used only:

45 (a) for statistical summaries compiled by the department that do not include names or
46 other identifying data;

47 (b) where identification of ~~[a person]~~ an individual as a perpetrator may be relevant in
48 a determination regarding whether to grant or deny a license, privilege, or approval made by:

49 (i) the department;

50 (ii) the Division of Occupational and Professional Licensing;

51 (iii) the Bureau of Licensing, within the Department of Health;

52 (iv) the Bureau of Emergency Medical Services and Preparedness, within the
53 Department of Health, or a designee of the Bureau of Emergency Medical Services and
54 Preparedness;

55 ~~[(iv)]~~ (v) any government agency specifically authorized by statute to access or use the
56 information in the database; or

57 ~~[(v)]~~ (vi) an agency of another state that performs a similar function to an agency

58 described in Subsections (3)(b)(i) through (iv); or

59 (c) as otherwise specifically provided by law.

60 Section 2. Section 62A-4a-1006 is amended to read:

61 **62A-4a-1006. Licensing Information System -- Contents -- Juvenile court finding**
62 **-- Protected record -- Access -- Criminal penalty.**

63 (1) (a) The division shall maintain a sub-part of the Management Information System
64 established pursuant to Section 62A-4a-1003, to be known as the Licensing Information
65 System, to be used:

66 (i) for licensing purposes; or

67 (ii) as otherwise specifically provided for by law.

68 (b) The Licensing Information System shall include only the following information:

69 (i) the information described in Subsections 62A-4a-1005(1)(b) and (3)(b);

70 (ii) consented-to supported findings by alleged perpetrators under Subsection

71 62A-4a-1005(3)(a)(iii); and

72 (iii) the information in the licensing part of the division's Management Information
73 System as of May 6, 2002.

74 (2) Notwithstanding Subsection (1), the department's access to information in the
75 Management Information System for the licensure and monitoring of foster parents is governed
76 by Sections 62A-4a-1003 and 62A-2-121.

77 (3) Subject to Subsection 62A-4a-1005(3)(e), upon receipt of a finding from the
78 juvenile court under Section 78A-6-323, the division shall:

79 (a) promptly amend the Licensing Information System; and

80 (b) enter the information in the Management Information System.

81 (4) (a) Information contained in the Licensing Information System is classified as a
82 protected record under Title 63G, Chapter 2, Government Records Access and Management
83 Act.

84 (b) Notwithstanding the disclosure provisions of Title 63G, Chapter 2, Government
85 Records Access and Management Act, the information contained in the Licensing Information

86 System may only be used or disclosed as specifically provided in this chapter and Section
87 62A-2-121.

88 (c) The information described in Subsection (4)(b) is accessible only to:

89 (i) the Office of Licensing within the department:

90 (A) for licensing purposes; or

91 (B) as otherwise specifically provided for by law;

92 (ii) the division to:

93 (A) screen a person at the request of the Office of Guardian Ad Litem:

94 (I) at the time that person seeks a paid or voluntary position with the Office of

95 Guardian Ad Litem; and

96 (II) on an annual basis, throughout the time that the person remains with the Office of

97 Guardian Ad Litem; and

98 (B) respond to a request for information from a person whose name is listed in the

99 Licensing Information System;

100 (iii) persons designated by the Department of Health and approved by the Department
101 of Human Services, only for the following purposes:

102 (A) licensing a child care program or provider; ~~or~~

103 (B) determining whether a person associated with a covered health care facility, as

104 defined by the Department of Health by rule, who provides direct care to a child, has a

105 supported finding of a severe type of child abuse or neglect; or

106 (C) determining whether an individual who is seeking an emergency medical services

107 license has a supported finding of a severe type of child abuse or neglect.

108 (iv) persons designated by the Department of Workforce Services and approved by the

109 Department of Human Services for the purpose of qualifying child care providers under

110 Section 35A-3-310.5; and

111 (v) the department, as specifically provided in this chapter.

112 (5) The persons designated by the Department of Health under Subsection (4)(c)(iii)

113 and the persons designated by the Department of Workforce Services under Subsection

114 (4)(c)(iv) shall adopt measures to:

115 (a) protect the security of the Licensing Information System; and

116 (b) strictly limit access to the Licensing Information System to those persons
117 designated by statute.

118 (6) All persons designated by statute as having access to information contained in the
119 Licensing Information System shall be approved by the Department of Human Services and
120 receive training from the department with respect to:

121 (a) accessing the Licensing Information System;

122 (b) maintaining strict security; and

123 (c) the criminal provisions of Sections 62A-4a-412 and 63G-2-801 pertaining to the
124 improper release of information.

125 (7) (a) A person, except those authorized by this chapter, may not request another
126 person to obtain or release any other information in the Licensing Information System to screen
127 for potential perpetrators of abuse or neglect.

128 (b) A person who requests information knowing that it is a violation of this Subsection

129 (7) to do so is subject to the criminal penalty described in Sections 62A-4a-412 and 63G-2-801.