

1 **FINANCIAL EXPLOITATION OF VULNERABLE ADULTS**

2 2018 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: James A. Dunnigan

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to the financial exploitation of vulnerable adults.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ addresses reporting requirements when an agent; an investment adviser
- 14 representative; or an individual who serves in a supervisory, compliance, or legal
- 15 capacity for a broker-dealer or an investment adviser believes a person has engaged
- 16 in or attempted to engage in the financial exploitation of an elderly or vulnerable
- 17 adult;
- 18 ▶ allows a broker-dealer or an investment adviser to delay a disbursement from an
- 19 account when the broker-dealer or investment adviser suspects the disbursement
- 20 will result in the financial exploitation of an elderly or vulnerable adult;
- 21 ▶ requires a broker-dealer or an investment adviser to provide certain agencies access
- 22 to records related to the financial exploitation of an elderly or vulnerable adult;
- 23 ▶ addresses the classification of a record that a broker-dealer or an investment adviser
- 24 provides to an agency under the provisions of this bill; and
- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **63G-2-305**, as last amended by Laws of Utah 2017, Chapters 374, 382, and 415

33 ENACTS:

34 **61-1-201**, Utah Code Annotated 1953

35 **61-1-202**, Utah Code Annotated 1953

36 **61-1-203**, Utah Code Annotated 1953

37 **61-1-204**, Utah Code Annotated 1953

38 **61-1-205**, Utah Code Annotated 1953

39 **61-1-206**, Utah Code Annotated 1953



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

42 Section 1. Section **61-1-201** is enacted to read:

43 **Part 2. Protection of Vulnerable Adults from Financial Exploitation Act**

44 **61-1-201. Definitions.**

45 As used in this part:

46 (1) "Adult Protective Services" means the same as that term is defined in Section

47 [62A-3-301](#).

48 (2) "Eligible adult" means:

49 (a) an individual who is 65 years of age or older; or

50 (b) a vulnerable adult as defined in Section [62A-3-301](#).

51 (3) "Financial exploitation of an eligible adult" means:

52 (a) the wrongful or unauthorized taking, withholding, appropriation, or use of money,

53 assets, or other property of an eligible adult; or

54 (b) an act or omission, including through a power of attorney, guardianship, or

55 conservatorship of an eligible adult, to:

56 (i) obtain control, through deception, intimidation, or undue influence, over an eligible

57 adult's money, assets, or other property to deprive the eligible adult of the ownership, use,

58 benefit, or possession of the eligible adult's money, assets, or other property; or

59 (ii) convert an eligible adult's money, assets, or other property to deprive the eligible
60 adult of the ownership, use, benefit, or possession of the eligible adult's money, assets, or other
61 property.

62 (4) "Law enforcement agency" means the same as that term is defined in Section
63 53-1-102.

64 (5) "Qualified individual" means:

65 (a) an agent;

66 (b) an investment adviser representative; or

67 (c) an individual who serves in a supervisory, compliance, or legal capacity for a
68 broker-dealer or an investment adviser.

69 Section 2. Section **61-1-202** is enacted to read:

70 **61-1-202. Governmental and third party disclosures.**

71 (1) If a qualified individual reasonably believes that a person has engaged in or
72 attempted to engage in the financial exploitation of an eligible adult, the qualified individual:

73 (a) shall promptly notify the division and the Division of Aging Adult Services; and

74 (b) subject to Subsection (2), may notify a third party previously designated by the
75 eligible adult.

76 (2) A qualified individual may not notify a third party under Subsection (1)(b) if the
77 third party is suspected of engaging in the financial exploitation of the eligible adult or other
78 abuse of the eligible adult.

79 Section 3. Section **61-1-203** is enacted to read:

80 **61-1-203. Immunity for governmental and third party disclosures.**

81 A qualified individual who, in good faith and exercising reasonable care, notifies the
82 division, the Division of Aging Adult Services, or a third party, in accordance with Section
83 61-1-202, is immune from administrative or civil liability that might otherwise arise from the
84 notification.

85 Section 4. Section **61-1-204** is enacted to read:

86 **61-1-204. Delaying disbursements.**

87 (1) A broker-dealer or an investment adviser may delay a disbursement from an
88 eligible adult's account or from an account on which the eligible adult is a beneficiary, if the
89 broker-dealer or investment adviser:

- 90 (a) suspects that the disbursement may result in the financial exploitation of a
- 91 vulnerable adult;
- 92 (b) initiates an internal review of the disbursement and the suspected financial
- 93 exploitation of an eligible adult;
- 94 (c) after initiating the internal review, reasonably believes that the disbursement may
- 95 result in the financial exploitation of an eligible adult;
- 96 (d) within two business days after the day on which the disbursement is requested,
- 97 provides written notification of the delay and the reason for the delay to:
- 98 (i) each party authorized to transact business on the account, unless the party is
- 99 reasonably believed to have engaged in suspected or attempted financial exploitation of the
- 100 eligible adult;
- 101 (ii) the division; and
- 102 (iii) the Division of Aging and Adult Services; and
- 103 (e) continues the broker-dealer's or investment adviser's internal review of the
- 104 suspected or attempted financial exploitation of the eligible adult, as necessary, and reports the
- 105 results of the internal review to the division and the Division of Aging and Adult Services
- 106 within seven business days after the day on which the disbursement is requested.
- 107 (2) Except as provided in Subsection (3), a delay of a disbursement under Subsection
- 108 (1) expires the earlier of:
- 109 (a) the day on which the broker-dealer or investment adviser determines that the
- 110 disbursement will not result in the financial exploitation of an eligible adult; or
- 111 (b) 15 business days after the day on which the broker-dealer or investment adviser
- 112 first delayed the disbursement.
- 113 (3) (a) The division or the Division of Aging and Adult Services may request that a
- 114 broker-dealer or investment adviser extend a delay of a disbursement under Subsection (1).
- 115 (b) If the division or the Division of Aging and Adult Services requests an extension
- 116 described in Subsection (3)(a), the delay of the disbursement expires the earlier of:
- 117 (i) 25 business days after the day on which the broker-dealer or investment adviser
- 118 initially delayed the payment under Subsection (1); or
- 119 (ii) (A) if the division requested the extension, the day on which the division terminates
- 120 the request or a court of competent jurisdiction orders the delay to expire; or

121 (B) if the Division of Aging and Adult Services requested the extension, the day on
122 which the Division of Aging and Adult Services terminates the request or a court of competent
123 jurisdiction orders the delay to expire.

124 (4) Upon petition by the division, the Division of Aging and Adult Services, the
125 broker-dealer or investment adviser that initially delayed the disbursement under Subsection
126 (1), or another interested party, a court of competent jurisdiction may enter an order extending
127 a delay under Subsection (1) or granting other protective relief.

128 Section 5. Section **61-1-205** is enacted to read:

129 **61-1-205. Immunity for delaying disbursements.**

130 A broker-dealer or investment adviser who, in good faith and exercising reasonable
131 care, delays a disbursement in accordance with Section [61-1-204](#) is immune from
132 administrative or civil liability that might otherwise arise from the delay.

133 Section 6. Section **61-1-206** is enacted to read:

134 **61-1-206. Records.**

135 (1) Upon request, a broker-dealer or investment adviser shall provide access to or a
136 copy of any record, including a historical record, that is relevant to the suspected or attempted
137 financial exploitation of an eligible adult to Adult Protective Services or a law enforcement
138 agency.

139 (2) For purposes of Title 63G, Chapter 2, Government Records Access and
140 Management Act, a record made available to Adult Protective Services or a law enforcement
141 agency under this section is a protected record as defined in Section [63G-2-103](#).

142 (3) Nothing in this section affects the authority of the division to access or examine the
143 books or records of a broker-dealer or investment adviser as otherwise provided by law.

144 Section 7. Section **63G-2-305** is amended to read:

145 **63G-2-305. Protected records.**

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

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

149 (2) commercial information or nonindividual financial information obtained from a
150 person if:

151 (a) disclosure of the information could reasonably be expected to result in unfair

152 competitive injury to the person submitting the information or would impair the ability of the
153 governmental entity to obtain necessary information in the future;

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

156 (c) the person submitting the information has provided the governmental entity with
157 the information specified in Section [63G-2-309](#);

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

162 (4) records, the disclosure of which could cause commercial injury to, or confer a
163 competitive advantage upon a potential or actual competitor of, a commercial project entity as
164 defined in Subsection [11-13-103\(4\)](#);

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

167 (6) records, the disclosure of which would impair governmental procurement
168 proceedings or give an unfair advantage to any person proposing to enter into a contract or
169 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
170 Subsection (6) does not restrict the right of a person to have access to, after the contract or
171 grant has been awarded and signed by all parties, a bid, proposal, application, or other
172 information submitted to or by a governmental entity in response to:

173 (a) an invitation for bids;

174 (b) a request for proposals;

175 (c) a request for quotes;

176 (d) a grant; or

177 (e) other similar document;

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

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

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

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

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

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

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

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

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

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

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

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

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

212 (10) records created or maintained for civil, criminal, or administrative enforcement
213 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if

214 release of the records:

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

217 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
218 proceedings;

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

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

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

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

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

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

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

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

244 (16) records of a governmental audit agency relating to an ongoing or planned audit

245 until the final audit is released;

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

247 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,

248 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,

249 quasi-judicial, or administrative proceeding;

250 (19) (a) (i) personal files of a state legislator, including personal correspondence to or

251 from a member of the Legislature; and

252 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of

253 legislative action or policy may not be classified as protected under this section; and

254 (b) (i) an internal communication that is part of the deliberative process in connection

255 with the preparation of legislation between:

256 (A) members of a legislative body;

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

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

259 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of

260 legislative action or policy may not be classified as protected under this section;

261 (20) (a) records in the custody or control of the Office of Legislative Research and

262 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

263 legislation or contemplated course of action before the legislator has elected to support the

264 legislation or course of action, or made the legislation or course of action public; and

265 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the

266 Office of Legislative Research and General Counsel is a public document unless a legislator

267 asks that the records requesting the legislation be maintained as protected records until such

268 time as the legislator elects to make the legislation or course of action public;

269 (21) research requests from legislators to the Office of Legislative Research and

270 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared

271 in response to these requests;

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

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

274 (a) collective bargaining; or

275 (b) imminent or pending litigation;

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

279 (25) records, other than personnel evaluations, that contain a personal recommendation
280 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
281 personal privacy, or disclosure is not in the public interest;

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

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

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

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

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

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

304 (32) transcripts, minutes, or reports of the closed portion of a meeting of a public body
305 except as provided in Section 52-4-206;

306 (33) records that would reveal the contents of settlement negotiations but not including

307 final settlements or empirical data to the extent that they are not otherwise exempt from
308 disclosure;

309 (34) memoranda prepared by staff and used in the decision-making process by an
310 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
311 other body charged by law with performing a quasi-judicial function;

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

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

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

324 (a) the donor requests anonymity in writing;

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

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

332 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
333 73-18-13;

334 (39) a notification of workers' compensation insurance coverage described in Section
335 34A-2-205;

336 (40) (a) the following records of an institution within the state system of higher
337 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,

338 or received by or on behalf of faculty, staff, employees, or students of the institution:

339 (i) unpublished lecture notes;

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

341 (A) relating to research; and

342 (B) of:

343 (I) the institution within the state system of higher education defined in Section

344 [53B-1-102](#); or

345 (II) a sponsor of sponsored research;

346 (iii) unpublished manuscripts;

347 (iv) creative works in process;

348 (v) scholarly correspondence; and

349 (vi) confidential information contained in research proposals;

350 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

351 information required pursuant to Subsection [53B-16-302\(2\)\(a\)](#) or (b); and

352 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

353 (41) (a) records in the custody or control of the Office of Legislative Auditor General

354 that would reveal the name of a particular legislator who requests a legislative audit prior to the

355 date that audit is completed and made public; and

356 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the

357 Office of the Legislative Auditor General is a public document unless the legislator asks that

358 the records in the custody or control of the Office of Legislative Auditor General that would

359 reveal the name of a particular legislator who requests a legislative audit be maintained as

360 protected records until the audit is completed and made public;

361 (42) records that provide detail as to the location of an explosive, including a map or

362 other document that indicates the location of:

363 (a) a production facility; or

364 (b) a magazine;

365 (43) information:

366 (a) contained in the statewide database of the Division of Aging and Adult Services

367 created by Section [62A-3-311.1](#); or

368 (b) received or maintained in relation to the Identity Theft Reporting Information

369 System (IRIS) established under Section [67-5-22](#);

370 (44) information contained in the Management Information System and Licensing
371 Information System described in Title 62A, Chapter 4a, Child and Family Services;

372 (45) information regarding National Guard operations or activities in support of the
373 National Guard's federal mission;

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

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

379 (48) except to the extent that the record is exempt from this chapter pursuant to Section
380 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
381 prepared or maintained by the Division of Emergency Management, and the disclosure of
382 which would jeopardize:

383 (a) the safety of the general public; or
384 (b) the security of:

385 (i) governmental property;
386 (ii) governmental programs; or
387 (iii) the property of a private person who provides the Division of Emergency
388 Management information;

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

393 (50) as provided in Section [26-39-501](#):

394 (a) information or records held by the Department of Health related to a complaint
395 regarding a child care program or residential child care which the department is unable to
396 substantiate; and
397 (b) information or records related to a complaint received by the Department of Health
398 from an anonymous complainant regarding a child care program or residential child care;

399 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as

400 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
401 personal mobile phone number, if:

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

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

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

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

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

410 (a) conducted within the state system of higher education, as defined in Section
411 [53B-1-102](#); and

412 (b) conducted using animals;

413 (53) an initial proposal under Title 63N, Chapter 13, Part 2, Government Procurement
414 Private Proposal Program, to the extent not made public by rules made under that chapter;

415 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
416 Evaluation Commission concerning an individual commissioner's vote on whether or not to
417 recommend that the voters retain a judge including information disclosed under Subsection
418 [78A-12-203\(5\)\(e\)](#);

419 (55) information collected and a report prepared by the Judicial Performance
420 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
421 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
422 the information or report;

423 (56) records contained in the Management Information System created in Section
424 [62A-4a-1003](#);

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

427 (58) information requested by and provided to the 911 Division under Section
428 [63H-7a-302](#);

429 (59) in accordance with Section [73-10-33](#):

430 (a) a management plan for a water conveyance facility in the possession of the Division

431 of Water Resources or the Board of Water Resources; or

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

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

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

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

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

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

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

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

458 (62) information provided to the Department of Health or the Division of Occupational
459 and Professional Licensing under Subsection 58-68-304(3) or (4);

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

461 (64) captured plate data that is obtained through an automatic license plate reader

462 system used by a governmental entity as authorized in Section [41-6a-2003](#);

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

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

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

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

470 (66) an audio or video recording created by a body-worn camera, as that term is
471 defined in Section [77-7a-103](#), that records sound or images inside a hospital or health care
472 facility as those terms are defined in Section [78B-3-403](#), inside a clinic of a health care
473 provider, as that term is defined in Section [78B-3-403](#), or inside a human service program as
474 that term is defined in Subsection [62A-2-101\(19\)\(a\)\(vi\)](#), except for recordings that:

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

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

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

480 (d) contain an officer involved critical incident as defined in Subsection
481 [76-2-408\(1\)\(d\)](#); or

482 (e) have been requested for reclassification as a public record by a subject or
483 authorized agent of a subject featured in the recording; ~~and~~

484 (67) a record pertaining to the search process for a president of an institution of higher
485 education described in Section [53B-2-102](#), except for application materials for a publicly
486 announced finalist[-]; and

487 (68) a record made available to Adult Protective Services or a law enforcement agency
488 under Section [61-1-206](#).