

1 **OPIOID PRESCRIPTION REGULATION AMENDMENTS**

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Raymond P. Ward**

5 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Controlled Substance Database Act.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ permits the Division of Occupational and Professional Licensing to consult with
13 prescribers and health care systems on best practices with respect to prescribing

14 controlled substances; and

15 ▶ requires the division to take certain steps after it receives a report from a medical
16 examiner relating to a death by poisoning or overdose.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **58-37f-304**, as last amended by Laws of Utah 2018, Chapters 281 and 327

24 **58-37f-702**, as last amended by Laws of Utah 2016, Chapters 99 and 104

25 **63G-2-305**, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316,
26 319, 352, 409, and 425



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

29 Section 1. Section **58-37f-304** is amended to read:

30 **58-37f-304. Database utilization.**

31 (1) As used in this section:

32 (a) "Dispenser" means a licensed pharmacist, as described in Section [58-17b-303](#), or
33 the pharmacist's licensed intern, as described in Section [58-17b-304](#), who is also licensed to
34 dispense a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

35 (b) "Outpatient" means a setting in which an individual visits a licensed healthcare
36 facility or a healthcare provider's office for a diagnosis or treatment but is not admitted to a
37 licensed healthcare facility for an overnight stay.

38 (c) "Prescriber" means an individual authorized to prescribe a controlled substance
39 under Title 58, Chapter 37, Utah Controlled Substances Act.

40 (d) "Schedule II opioid" means those substances listed in Subsection [58-37-4\(2\)\(b\)\(i\)](#)
41 or [\(2\)\(b\)\(ii\)](#).

42 (e) "Schedule III opioid" means those substances listed in Subsection [58-37-4\(2\)\(c\)](#)
43 that are opioids.

44 (2) (a) A prescriber shall check the database for information about a patient before the
45 first time the prescriber gives a prescription to a patient for a Schedule II opioid or a Schedule
46 III opioid.

47 (b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid
48 to a patient, the prescriber shall periodically review information about the patient in:

49 (i) the database; or

50 (ii) other similar records of controlled substances the patient has filled.

51 (c) A prescriber may assign the access and review required under Subsection (2)(a) to
52 one or more employees in accordance with Subsections [58-37f-301\(2\)\(i\)](#) and (j).

53 (d) (i) A prescriber may comply with the requirements in Subsections (2)(a) and (b) by
54 checking an electronic health record system if the electronic health record system:

55 (A) is connected to the database through a connection that has been approved by the
56 division; and

57 (B) displays the information from the database in a prominent manner for the
58 prescriber.

59 (ii) The division may not approve a connection to the database if the connection does
60 not satisfy the requirements established by the division under Section 58-37f-301.

61 (e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the
62 failure to comply with Subsection (2)(a) or (b):

63 (i) is necessary due to an emergency situation;

64 (ii) is caused by a suspension or disruption in the operation of the database; or

65 (iii) is caused by a failure in the operation or availability of the Internet.

66 (f) The division may not take action against the license of a prescriber for failure to
67 comply with this Subsection (2) unless the failure occurs after the earlier of:

68 (i) December 31, 2018; or

69 (ii) the date that the division has the capability to establish a connection that meets the
70 requirements established by the division under Section 58-37f-301 between the database and an
71 electronic health record system.

72 (3) The division shall, in collaboration with the licensing boards for prescribers and
73 dispensers:

74 (a) develop a system that gathers and reports to prescribers and dispensers the progress
75 and results of the prescriber's and dispenser's individual access and review of the database, as
76 provided in this section; and

77 (b) reduce or waive the division's continuing education requirements regarding opioid
78 prescriptions, described in Section 58-37-6.5, including the online tutorial and test relating to
79 the database, for prescribers and dispensers whose individual utilization of the database, as
80 determined by the division, demonstrates substantial compliance with this section.

81 (4) If the dispenser's access and review of the database suggest that the individual
82 seeking an opioid may be obtaining opioids in quantities or frequencies inconsistent with
83 generally recognized standards as provided in this section and Section 58-37f-201, the
84 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed,
85 current, and professional decision regarding whether the prescribed opioid is medically
86 justified, notwithstanding the results of the database search.

87 (5) (a) The division shall review the database to identify any prescriber who has a
88 pattern of prescribing opioids not in accordance with the recommendations of:

89 (i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the

90 Centers for Disease Control and Prevention;

91 (ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain,
92 published by the Department of Health; or

93 (iii) other publications describing best practices related to prescribing opioids as
94 identified by division rule in accordance with Title 63G, Chapter 3, Utah Administrative
95 Rulemaking Act, and in consultation with the Physicians Licensing Board.

96 (b) The division shall offer education to a prescriber identified under this Subsection
97 (5) regarding best practices in the prescribing of opioids.

98 (c) A decision by a prescriber to accept or not accept the education offered by the
99 division under this Subsection (5) is voluntary.

100 (d) The division may not use an identification the division has made under this
101 Subsection (5) or the decision by a prescriber to accept or not accept education offered by the
102 division under this Subsection (5) in a licensing investigation or action by the division.

103 (e) Any record created by the division as a result of this Subsection (5) is a protected
104 record under Section [63G-2-305](#).

105 (6) The division may consult with a prescriber or health care system to assist the
106 prescriber or health care system in following evidence-based guidelines regarding the
107 prescribing of controlled substances, including the recommendations listed in Subsection
108 (5)(a).

109 Section 2. Section **58-37f-702** is amended to read:

110 **58-37f-702. Reporting prescribed controlled substance poisoning or overdose to a**
111 **practitioner.**

112 (1) The division shall take the actions described in Subsection (2) if the division
113 receives a report from:

114 (a) a medical examiner under Section [26-4-10.5](#) regarding a death caused by poisoning
115 or overdose involving a prescribed controlled substance; or

116 (b) a general acute hospital under Section [26-21-26](#) regarding admission to a general
117 acute hospital for poisoning or overdose involving a prescribed controlled substance.

118 (2) The division shall, within three business days after the day on which a report in
119 Subsection (1) is received:

120 (a) attempt to identify, through the database, each practitioner who may have

121 prescribed the controlled substance to the patient; and

122 (b) provide each practitioner identified under Subsection (2)(a) with:

123 (i) a copy of the report provided by the medical examiner under Section 26-4-10.5 or
124 the general acute hospital under Section 26-21-26; and

125 (ii) the information obtained from the database that led the division to determine that
126 the practitioner receiving the information may have prescribed the controlled substance to the
127 person named in the report.

128 (3) In addition to the actions described in Subsection (2), the division shall, within five
129 business days after the day on which a report in Subsection (1)(a) is received:

130 (a) review the database to:

131 (i) determine whether one or more controlled substances prescribed to the deceased
132 patient in the three-month period immediately preceding the patient's death contributed to the
133 death; and

134 (ii) identify each prescriber who wrote a prescription for a controlled substance
135 identified under Subsection (3)(a)(i); and

136 (b) for each prescriber identified under Subsection (3)(a)(ii), schedule a live
137 consultation with the prescriber to review:

138 (i) the findings of the report described in Subsection (1)(a) and the prescriber's
139 involvement in the health care of the deceased patient leading up to the patient's death;

140 (ii) whether the prescriber tried to get additional treatment resources for the deceased
141 patient, and if so, any barriers that prevented the deceased patient from utilizing those
142 treatment resources;

143 (iii) whether each prescription for a controlled substance identified under Subsection
144 (3)(a)(i) that the prescriber wrote for the deceased patient was done in accordance with best
145 practice guidelines regarding the prescribing of controlled substances; and

146 (iv) whether the prescriber believes that the prescriber or the prescriber's office could
147 or should have done anything differently in the time leading up to the patient's death.

148 (4) Any record created by the division as a result of Subsection (3) is a protected record
149 for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

150 [~~3~~] (5) It is the intent of the Legislature that the information provided under
151 Subsection (2)(b) is provided for the purpose of assisting the practitioner in:

152 (a) discussing with the patient or others issues relating to the poisoning or overdose;

153 (b) advising the patient or others of measures that may be taken to avoid a future

154 poisoning or overdose; and

155 (c) making decisions regarding future prescriptions written for the patient or others.

156 [~~4~~] (6) Beginning on July 1, 2010, the division shall, in accordance with Section

157 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup

158 and ongoing costs of the division for complying with the requirements of this section.

159 Section 3. Section 63G-2-305 is amended to read:

160 **63G-2-305. Protected records.**

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

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

164 (2) commercial information or nonindividual financial information obtained from a
165 person if:

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

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

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

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

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

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

182 (6) records, the disclosure of which would impair governmental procurement

183 proceedings or give an unfair advantage to any person proposing to enter into a contract or
184 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
185 Subsection (6) does not restrict the right of a person to have access to, after the contract or
186 grant has been awarded and signed by all parties:

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

189 (i) an invitation for bids;

190 (ii) a request for proposals;

191 (iii) a request for quotes;

192 (iv) a grant; or

193 (v) other similar document; or

194 (b) an unsolicited proposal, as defined in Section [63G-6a-712](#);

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

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

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

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

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

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

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

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

213 (d) in the case of records that would identify the appraisal or estimated value of

214 property, the potential sellers have already learned of the governmental entity's estimated value
215 of the property; or

216 (e) the property under consideration for public acquisition is a single family residence
217 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
218 the property as required under Section 78B-6-505;

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

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

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

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

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

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

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

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

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

- 245 (11) records the disclosure of which would jeopardize the life or safety of an
246 individual;
- 247 (12) records the disclosure of which would jeopardize the security of governmental
248 property, governmental programs, or governmental recordkeeping systems from damage, theft,
249 or other appropriation or use contrary to law or public policy;
- 250 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
251 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
252 with the control and supervision of an offender's incarceration, treatment, probation, or parole;
- 253 (14) records that, if disclosed, would reveal recommendations made to the Board of
254 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
255 Board of Pardons and Parole, or the Department of Human Services that are based on the
256 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
257 jurisdiction;
- 258 (15) records and audit workpapers that identify audit, collection, and operational
259 procedures and methods used by the State Tax Commission, if disclosure would interfere with
260 audits or collections;
- 261 (16) records of a governmental audit agency relating to an ongoing or planned audit
262 until the final audit is released;
- 263 (17) records that are subject to the attorney client privilege;
- 264 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
265 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
266 quasi-judicial, or administrative proceeding;
- 267 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
268 from a member of the Legislature; and
- 269 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
270 legislative action or policy may not be classified as protected under this section; and
- 271 (b) (i) an internal communication that is part of the deliberative process in connection
272 with the preparation of legislation between:
- 273 (A) members of a legislative body;
- 274 (B) a member of a legislative body and a member of the legislative body's staff; or
- 275 (C) members of a legislative body's staff; and

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

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

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

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

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

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

291 (a) collective bargaining; or

292 (b) imminent or pending litigation;

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

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

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

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

304 (28) records of an institution within the state system of higher education defined in
305 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
306 retention decisions, and promotions, which could be properly discussed in a meeting closed in

307 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
308 the final decisions about tenure, appointments, retention, promotions, or those students
309 admitted, may not be classified as protected under this section;

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

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

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

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

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

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

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

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

337 (37) the name of a donor or a prospective donor to a governmental entity, including an

338 institution within the state system of higher education defined in Section 53B-1-102, and other
339 information concerning the donation that could reasonably be expected to reveal the identity of
340 the donor, provided that:

341 (a) the donor requests anonymity in writing;
342 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
343 classified protected by the governmental entity under this Subsection (37); and

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

349 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
350 73-18-13;

351 (39) a notification of workers' compensation insurance coverage described in Section
352 34A-2-205;

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

356 (i) unpublished lecture notes;
357 (ii) unpublished notes, data, and information:

358 (A) relating to research; and
359 (B) of:

360 (I) the institution within the state system of higher education defined in Section
361 53B-1-102; or

362 (II) a sponsor of sponsored research;
363 (iii) unpublished manuscripts;

364 (iv) creative works in process;
365 (v) scholarly correspondence; and

366 (vi) confidential information contained in research proposals;
367 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

368 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

369 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
370 (41) (a) records in the custody or control of the Office of Legislative Auditor General
371 that would reveal the name of a particular legislator who requests a legislative audit prior to the
372 date that audit is completed and made public; and
373 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
374 Office of the Legislative Auditor General is a public document unless the legislator asks that
375 the records in the custody or control of the Office of Legislative Auditor General that would
376 reveal the name of a particular legislator who requests a legislative audit be maintained as
377 protected records until the audit is completed and made public;
378 (42) records that provide detail as to the location of an explosive, including a map or
379 other document that indicates the location of:
380 (a) a production facility; or
381 (b) a magazine;
382 (43) information:
383 (a) contained in the statewide database of the Division of Aging and Adult Services
384 created by Section [62A-3-311.1](#); or
385 (b) received or maintained in relation to the Identity Theft Reporting Information
386 System (IRIS) established under Section [67-5-22](#);
387 (44) information contained in the Management Information System and Licensing
388 Information System described in Title 62A, Chapter 4a, Child and Family Services;
389 (45) information regarding National Guard operations or activities in support of the
390 National Guard's federal mission;
391 (46) records provided by any pawn or secondhand business to a law enforcement
392 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
393 Secondhand Merchandise Transaction Information Act;
394 (47) information regarding food security, risk, and vulnerability assessments performed
395 by the Department of Agriculture and Food;
396 (48) except to the extent that the record is exempt from this chapter pursuant to Section
397 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
398 prepared or maintained by the Division of Emergency Management, and the disclosure of
399 which would jeopardize:

- 400 (a) the safety of the general public; or
- 401 (b) the security of:
 - 402 (i) governmental property;
 - 403 (ii) governmental programs; or
 - 404 (iii) the property of a private person who provides the Division of Emergency
 - 405 Management information;
- 406 (49) records of the Department of Agriculture and Food that provides for the
- 407 identification, tracing, or control of livestock diseases, including any program established under
- 408 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
- 409 of Animal Disease;
- 410 (50) as provided in Section [26-39-501](#):
- 411 (a) information or records held by the Department of Health related to a complaint
- 412 regarding a child care program or residential child care which the department is unable to
- 413 substantiate; and
- 414 (b) information or records related to a complaint received by the Department of Health
- 415 from an anonymous complainant regarding a child care program or residential child care;
- 416 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as
- 417 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or
- 418 personal mobile phone number, if:
 - 419 (a) the individual is required to provide the information in order to comply with a law,
 - 420 ordinance, rule, or order of a government entity; and
 - 421 (b) the subject of the record has a reasonable expectation that this information will be
 - 422 kept confidential due to:
 - 423 (i) the nature of the law, ordinance, rule, or order; and
 - 424 (ii) the individual complying with the law, ordinance, rule, or order;
- 425 (52) the name, home address, work addresses, and telephone numbers of an individual
- 426 that is engaged in, or that provides goods or services for, medical or scientific research that is:
 - 427 (a) conducted within the state system of higher education, as defined in Section
 - 428 [53B-1-102](#); and
 - 429 (b) conducted using animals;
- 430 (53) in accordance with Section [78A-12-203](#), any record of the Judicial Performance

431 Evaluation Commission concerning an individual commissioner's vote on whether or not to
432 recommend that the voters retain a judge including information disclosed under Subsection
433 [78A-12-203\(5\)\(e\)](#);

434 (54) information collected and a report prepared by the Judicial Performance
435 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
436 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
437 the information or report;

438 (55) records contained in the Management Information System created in Section
439 [62A-4a-1003](#);

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

442 (57) information requested by and provided to the 911 Division under Section
443 [63H-7a-302](#);

444 (58) in accordance with Section [73-10-33](#):

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

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

449 (59) the following records in the custody or control of the Office of Inspector General
450 of Medicaid Services, created in Section [63A-13-201](#):

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

457 (b) records and audit workpapers to the extent they would disclose the identity of a
458 person who, during the course of an investigation or audit, communicated the existence of any
459 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
460 regulation adopted under the laws of this state, a political subdivision of the state, or any
461 recognized entity of the United States, if the information was disclosed on the condition that

462 the identity of the person be protected;

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

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

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

470 (60) records that reveal methods used by the Office of Inspector General of Medicaid
471 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
472 abuse;

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

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

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

478 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
479 victim, including:

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

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

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

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

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

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

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

495 (d) contain an officer involved critical incident as defined in Subsection
496 [76-2-408\(1\)\(d\)](#); or

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

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

502 (67) an audio recording that is:

503 (a) produced by an audio recording device that is used in conjunction with a device or
504 piece of equipment designed or intended for resuscitating an individual or for treating an
505 individual with a life-threatening condition;

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

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

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

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

514 (68) records submitted by or prepared in relation to an applicant seeking a
515 recommendation by the Research and General Counsel Subcommittee, the Budget
516 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an
517 employment position with the Legislature;

518 (69) work papers as defined in Section [31A-2-204](#); [~~and~~]

519 (70) a record made available to Adult Protective Services or a law enforcement agency
520 under Section [61-1-206](#)[~~-~~]; and

521 (71) any record created by the Division of Occupational and Professional Licensing as
522 a result of Subsection [58-37f-304\(5\)](#) or [58-37f-702\(3\)](#).