

**MEDICAL BILLING AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to balance billing for certain health care services.

**Highlighted Provisions:**

This bill:

- ▶ requires health care facilities and health care providers who engage in balance billing for certain health care services to submit a report to the Insurance Department;
- ▶ specifies the information that must be reported by a health care provider or a health care facility;
- ▶ authorizes the Insurance Department to create rules regarding the report required by this bill;
- ▶ creates a reporting requirement; and
- ▶ creates a sunset date.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**26-21-27**, as enacted by Laws of Utah 2010, Chapter 68



28 [58-1-508](#), as last amended by Laws of Utah 2018, Chapter 203  
 29 [63G-2-305](#), as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277  
 30 [63I-1-231](#), as last amended by Laws of Utah 2019, Chapter 136

31 ENACTS:

32 [31A-22-653](#), Utah Code Annotated 1953



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

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

36 **26-21-27. Reporting certain health care facility charges.**

37 (1) Beginning January 1, 2011, a health care facility licensed under this chapter shall,  
 38 when requested by a consumer:

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

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

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

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

50 (2) A health care provider that is subject to the reporting requirement in Section  
 51 [31A-22-653](#) shall submit information to the Insurance Department in accordance with Section  
 52 [31A-22-653](#).

53 Section 2. Section **31A-22-653** is enacted to read:

54 **31A-22-653. Emergency service balance billing report -- Rulemaking -- Immunity**  
 55 **-- Reporting requirement.**

56 (1) As used in this section:

57 (a) (i) "Balance billing" means the practice of a qualified provider billing an enrollee  
 58 for the difference between the qualified provider's charge and the insurer's allowed amount.

59 (ii) "Balance billing" does not include a qualified provider billing an enrollee for cost  
60 sharing, including copayments, coinsurance, and deductibles, required under the enrollee's  
61 health insurance plan.

62 (b) "Emergency service" means:

63 (i) emergency services as defined in 29 C.F.R. Sec. 2590.715-2719A(b)(4)(ii); and

64 (ii) services related to emergency services under Subsection (1)(b)(i) that:

65 (A) are provided by a qualified provider after an enrollee's condition is no longer  
66 considered an emergency medical condition as defined in Section [31A-22-627](#);

67 (B) stabilize as defined in 42 U.S.C. Sec. 1395dd(e)(3), improve, or resolve the  
68 enrollee's condition; and

69 (C) are provided within 90 consecutive days after the day on which the enrollee  
70 experiences the emergency medical condition as defined in Section [31A-22-627](#).

71 (c) "Qualified provider" means a person who:

72 (i) provides an emergency service from July 1, 2020, through June 30, 2021; and

73 (ii) (A) is licensed to provide health care services under Title 58, Occupations and  
74 Professions; or

75 (B) is a health care facility as defined in Section [26-21-2](#).

76 (d) "Reporting period" means the period beginning July 1, 2020, and ending on June  
77 30, 2021.

78 (2) On or before January 4, 2022, a qualified provider shall submit a report to the  
79 commissioner:

80 (a) if the qualified provider engaged in balance billing during the reporting period,  
81 containing the information described in Subsection (3); or

82 (b) if the qualified provider did not engage in balance billing during the reporting  
83 period, certifying that the qualified provider did not engage in balance billing for an emergency  
84 service during the reporting period.

85 (3) The report from a qualified provider under Subsection (2)(a) shall:

86 (a) include, for each episode of care for an emergency service for which the qualified  
87 provider engaged in balance billing during the reporting period:

88 (i) the date of service;

89 (ii) the type of service;

90 (iii) the type of provider, including whether the qualified provider billed for specialty  
91 care; and

92 (iv) any other information requested by the commissioner regarding balance billing for  
93 an emergency service; and

94 (b) be aggregated and de-identified in accordance with rules made by the  
95 commissioner.

96 (4) The commissioner may set by rule made in accordance with Title 63G, Chapter 3,  
97 Utah Administrative Rulemaking Act:

98 (a) any specific billing codes that a qualified provider must submit under Subsection  
99 (3); and

100 (b) any specific requirements for the filing, form, and content required under this  
101 section.

102 (5) Information submitted to the commissioner under this section is a protected record  
103 under Title 63G, Chapter 2, Government Records Access and Management Act.

104 (6) A qualified provider is immune from any civil liability for the disclosure of  
105 information to the commissioner in accordance with this section.

106 (7) (a) On or before March 1, 2022, the commissioner shall submit to the House  
107 Business and Labor Standing Committee and the Senate Business and Labor Standing  
108 Committee a written report summarizing the information submitted under this section.

109 (b) On or before July 1, 2022, the commissioner shall report to the Business and Labor  
110 Interim Committee and the Health Reform Task Force regarding:

111 (i) the information received under this section;

112 (ii) a comparison, using any data available to the commissioner, of:

113 (A) charges resulting from an episode of balance billing; and

114 (B) in-network rates paid for the same service resulting in balance billing under  
115 Subsection (7)(b)(ii)(A);

116 (iii) in collaboration with the Air Ambulance Committee created in Section [26-1-7](#),  
117 information regarding the amount charged by air medical transport providers that engage in  
118 balance billing; and

119 (iv) recommendations for legislation based on the information described in Subsections  
120 (7)(b)(i) through (iii).

121 Section 3. Section **58-1-508** is amended to read:

122 **58-1-508. Failure to follow certain health care claims practices and reporting**  
123 **requirements -- Penalties.**

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

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

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

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

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

136 (4) A health care provider that is subject to the reporting requirement in Section  
137 [31A-22-653](#) shall submit information to the Insurance Department in accordance with Section  
138 [31A-22-653](#).

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

140 **63G-2-305. Protected records.**

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

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

144 (2) commercial information or nonindividual financial information obtained from a  
145 person if:

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

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

151 (c) the person submitting the information has provided the governmental entity with

152 the information specified in Section [63G-2-309](#);

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

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

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

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

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

169 (i) an invitation for bids;

170 (ii) a request for proposals;

171 (iii) a request for quotes;

172 (iv) a grant; or

173 (v) other similar document; or

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

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

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

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

182 (ii) at least two years have passed after the day on which the request for information is

183 issued;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

245 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
246 quasi-judicial, or administrative proceeding;

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

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

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

253 (A) members of a legislative body;

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

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

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

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

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

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

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

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

271 (a) collective bargaining; or

272 (b) imminent or pending litigation;

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

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

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

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

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

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

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

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

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

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

306 (34) memoranda prepared by staff and used in the decision-making process by an

307 administrative law judge, a member of the Board of Pardons and Parole, or a member of any  
308 other body charged by law with performing a quasi-judicial function;

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

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

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

321 (a) the donor requests anonymity in writing;

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

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

329 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
330 73-18-13;

331 (39) a notification of workers' compensation insurance coverage described in Section  
332 34A-2-205;

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

336 (i) unpublished lecture notes;

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

- 338 (A) relating to research; and
- 339 (B) of:
- 340 (I) the institution within the state system of higher education defined in Section
- 341 [53B-1-102](#); or
- 342 (II) a sponsor of sponsored research;
- 343 (iii) unpublished manuscripts;
- 344 (iv) creative works in process;
- 345 (v) scholarly correspondence; and
- 346 (vi) confidential information contained in research proposals;
- 347 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
- 348 information required pursuant to Subsection [53B-16-302\(2\)\(a\)](#) or (b); and
- 349 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 350 (41) (a) records in the custody or control of the Office of Legislative Auditor General
- 351 that would reveal the name of a particular legislator who requests a legislative audit prior to the
- 352 date that audit is completed and made public; and
- 353 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
- 354 Office of the Legislative Auditor General is a public document unless the legislator asks that
- 355 the records in the custody or control of the Office of Legislative Auditor General that would
- 356 reveal the name of a particular legislator who requests a legislative audit be maintained as
- 357 protected records until the audit is completed and made public;
- 358 (42) records that provide detail as to the location of an explosive, including a map or
- 359 other document that indicates the location of:
- 360 (a) a production facility; or
- 361 (b) a magazine;
- 362 (43) information:
- 363 (a) contained in the statewide database of the Division of Aging and Adult Services
- 364 created by Section [62A-3-311.1](#); or
- 365 (b) received or maintained in relation to the Identity Theft Reporting Information
- 366 System (IRIS) established under Section [67-5-22](#);
- 367 (44) information contained in the Management Information System and Licensing
- 368 Information System described in Title 62A, Chapter 4a, Child and Family Services;

- 369 (45) information regarding National Guard operations or activities in support of the  
370 National Guard's federal mission;
- 371 (46) records provided by any pawn or secondhand business to a law enforcement  
372 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
373 Secondhand Merchandise Transaction Information Act;
- 374 (47) information regarding food security, risk, and vulnerability assessments performed  
375 by the Department of Agriculture and Food;
- 376 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
377 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
378 prepared or maintained by the Division of Emergency Management, and the disclosure of  
379 which would jeopardize:
- 380 (a) the safety of the general public; or
  - 381 (b) the security of:
    - 382 (i) governmental property;
    - 383 (ii) governmental programs; or
    - 384 (iii) the property of a private person who provides the Division of Emergency  
385 Management information;
- 386 (49) records of the Department of Agriculture and Food that provides for the  
387 identification, tracing, or control of livestock diseases, including any program established under  
388 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
389 of Animal Disease;
- 390 (50) as provided in Section [26-39-501](#):
- 391 (a) information or records held by the Department of Health related to a complaint  
392 regarding a child care program or residential child care which the department is unable to  
393 substantiate; and
  - 394 (b) information or records related to a complaint received by the Department of Health  
395 from an anonymous complainant regarding a child care program or residential child care;
- 396 (51) unless otherwise classified as public under Section [63G-2-301](#) and except as  
397 provided under Section [41-1a-116](#), an individual's home address, home telephone number, or  
398 personal mobile phone number, if:
- 399 (a) the individual is required to provide the information in order to comply with a law,

400 ordinance, rule, or order of a government entity; and

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

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

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

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

408 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
409 described in Section [20A-9-201](#), [20A-9-202](#), [20A-9-203](#), [20A-9-404](#), [20A-9-405](#), [20A-9-408](#),  
410 [20A-9-408.5](#), [20A-9-502](#), or [20A-9-601](#);

411 (b) an affidavit of impecuniosity, described in Section [20A-9-201](#); or

412 (c) a notice of intent to gather signatures for candidacy, described in Section  
413 [20A-9-408](#);

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

416 (a) conducted within the state system of higher education, as defined in Section  
417 [53B-1-102](#); and

418 (b) conducted using animals;

419 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance  
420 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
421 recommend that the voters retain a judge including information disclosed under Subsection  
422 [78A-12-203\(5\)\(e\)](#);

423 (55) information collected and a report prepared by the Judicial Performance  
424 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter  
425 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
426 the information or report;

427 (56) records contained in the Management Information System created in Section  
428 [62A-4a-1003](#);

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

431 (58) information requested by and provided to the 911 Division under Section  
432 [63H-7a-302](#);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

484 (d) contain an officer involved critical incident as defined in Subsection  
485 76-2-408(1)(d); or

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

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

491 (68) an audio recording that is:

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

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

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

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

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

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

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

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

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

510 (72) a record submitted to the Insurance Department in accordance with Section  
511 31A-37-201 or 31A-22-653; [and]

512 (73) a record described in Section 31A-37-503[-];

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

515 (75) a record described in Section 72-16-306 that relates to the reporting of an injury  
516 involving an amusement ride.

517 Section 5. Section 63I-1-231 is amended to read:

518 **63I-1-231. Repeal dates, Title 31A.**

519 (1) Section 31A-2-217, Coordination with other states, is repealed July 1, 2023.

520 (2) Section 31A-22-615.5 is repealed July 1, 2022.

521 (3) Section 31A-22-653 is repealed July 1, 2023.