

**Senator Karen Mayne** proposes the following substitute bill:

**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:**



26 AMENDS:

27 [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 [~~(a)~~] (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 of  
58 a health benefit plan for the difference between the qualified provider's charge and the insurer's  
59 allowed amount.

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

63 (b) "Emergency service" means:

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

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

66 (A) are provided by a qualified provider after the condition of the enrollee of a health  
67 benefit plan is no longer considered an emergency medical condition as defined in Section  
68 [31A-22-627](#); and

69 (B) stabilize as defined in 42 U.S.C. Sec. 1395dd(e)(3), improve, or resolve the  
70 condition of the enrollee of a health benefit plan.

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 payer;
- 90 (iii) the billed charge or charges;
- 91 (iv) when available, the allowed amount under the enrollee's health benefit plan;
- 92 (v) the amount paid by an insurer;
- 93 (vi) the type of provider, including whether the qualified provider billed for specialty
- 94 care; and
- 95 (vii) any other information requested by the commissioner regarding balance billing for
- 96 an emergency service; and
- 97 (b) be aggregated and de-identified in accordance with rules made by the
- 98 commissioner.
- 99 (4) The commissioner may set by rule made in accordance with Title 63G, Chapter 3,
- 100 Utah Administrative Rulemaking Act:
- 101 (a) any specific billing codes that a qualified provider must submit under Subsection
- 102 (3); and
- 103 (b) any specific requirements for the filing, form, and content required under this
- 104 section.
- 105 (5) Information submitted to the commissioner under this section is a protected record
- 106 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 107 (6) A qualified provider is immune from any civil liability for the disclosure of
- 108 information to the commissioner in accordance with this section.
- 109 (7) (a) On or before March 1, 2022, the commissioner shall submit to the House
- 110 Business and Labor Standing Committee and the Senate Business and Labor Standing
- 111 Committee a written report summarizing the information submitted under this section.
- 112 (b) On or before July 1, 2022, the commissioner shall report to the Business and Labor
- 113 Interim Committee and the Health Reform Task Force regarding:
- 114 (i) the information received under this section;
- 115 (ii) a comparison, using any data available to the commissioner, of:
- 116 (A) charges resulting from an episode of balance billing; and
- 117 (B) in-network rates paid for the same service resulting in balance billing under
- 118 Subsection (7)(b)(ii)(A);

119 (iii) in collaboration with the Air Ambulance Committee created in Section 26-1-7,  
120 information regarding the amount charged by air medical transport providers that engage in  
121 balance billing; and

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

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

125 **58-1-508. Failure to follow certain health care claims practices and reporting**  
126 **requirements -- Penalties.**

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

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

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

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

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

139 (4) A health care provider that is subject to the reporting requirement in Section  
140 [31A-22-653](#) shall submit information to the Insurance Department in accordance with Section  
141 [31A-22-653](#).

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

143 **63G-2-305. Protected records.**

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

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

147 (2) commercial information or nonindividual financial information obtained from a  
148 person if:

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

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

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

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

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

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

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

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

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

172 (i) an invitation for bids;

173 (ii) a request for proposals;

174 (iii) a request for quotes;

175 (iv) a grant; or

176 (v) other similar document; or

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

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, recordings, or reports of the closed portion of a meeting of a

305 public body 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 portion of the following documents that contains a candidate's residential or  
409 mailing address, if the candidate provides to the filing officer another address or phone number  
410 where the candidate may be contacted:

411 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
412 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
413 20A-9-408.5, 20A-9-502, or 20A-9-601;

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

415 (c) a notice of intent to gather signatures for candidacy, described in Section  
416 20A-9-408;

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

419 (a) conducted within the state system of higher education, as defined in Section  
420 53B-1-102; and

421 (b) conducted using animals;

422 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance  
423 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
424 recommend that the voters retain a judge including information disclosed under Subsection  
425 78A-12-203(5)(e);

426 (55) information collected and a report prepared by the Judicial Performance  
427 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
428 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

429 the information or report;

430 (56) records contained in the Management Information System created in Section

431 [62A-4a-1003](#);

432 (57) records provided or received by the Public Lands Policy Coordinating Office in

433 furtherance of any contract or other agreement made in accordance with Section [63J-4-603](#);

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

435 [63H-7a-302](#);

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

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

438 of Water Resources or the Board of Water Resources; or

439 (b) an outline of an emergency response plan in possession of the state or a county or

440 municipality;

441 (60) the following records in the custody or control of the Office of Inspector General

442 of Medicaid Services, created in Section [63A-13-201](#):

443 (a) records that would disclose information relating to allegations of personal

444 misconduct, gross mismanagement, or illegal activity of a person if the information or

445 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services

446 through other documents or evidence, and the records relating to the allegation are not relied

447 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation

448 report or final audit report;

449 (b) records and audit workpapers to the extent they would disclose the identity of a

450 person who, during the course of an investigation or audit, communicated the existence of any

451 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or

452 regulation adopted under the laws of this state, a political subdivision of the state, or any

453 recognized entity of the United States, if the information was disclosed on the condition that

454 the identity of the person be protected;

455 (c) before the time that an investigation or audit is completed and the final

456 investigation or final audit report is released, records or drafts circulated to a person who is not

457 an employee or head of a governmental entity for the person's response or information;

458 (d) records that would disclose an outline or part of any investigation, audit survey

459 plan, or audit program; or

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

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

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

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

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

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

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

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

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

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

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

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

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

487 (d) contain an officer involved critical incident as defined in Subsection

488 76-2-408(1)(d); or

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



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

494 (68) an audio recording that is:

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

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

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

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

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

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

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

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

513 (72) a record submitted to the Insurance Department in accordance with Section  
514 31A-37-201 or 31A-22-653; [and]

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

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

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

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

521 **63I-1-231. Repeal dates, Title 31A.**

- 522 (1) Section [31A-2-217](#), Coordination with other states, is repealed July 1, 2023.
- 523 (2) Section [31A-22-615.5](#) is repealed July 1, 2022.
- 524 (3) Section [31A-22-653](#) is repealed July 1, 2023.