

**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;
- ▶ requires the Insurance Department to conduct a study of the adequacy of health insurer networks;
- ▶ 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:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 [26-21-27](#), as enacted by Laws of Utah 2010, Chapter 68

30 [31A-2-201.2](#), as last amended by Laws of Utah 2019, Chapters 241, 241, and 439

31 [58-1-508](#), as last amended by Laws of Utah 2018, Chapter 203

32 [63G-2-305](#), as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277

33 [63I-2-231](#), as last amended by Laws of Utah 2019, Chapter 55

34 ENACTS:

35 [31A-22-653](#), Utah Code Annotated 1953



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

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

39 **26-21-27. Reporting certain health care facility charges.**

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

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

44 [~~(a)~~] (i) in-patient procedures;

45 [~~(b)~~] (ii) out-patient procedures;

46 [~~(c)~~] (iii) the 50 most commonly prescribed drugs in the facility;

47 [~~(d)~~] (iv) imaging services; and

48 [~~(e)~~] (v) implants; and

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

51 [~~(a)~~] (i) charges for services not covered by insurance; or

52 [~~(b)~~] (ii) prompt payment of billed charges.

53 (2) A health care provider that is subject to the reporting requirement in Section  
54 [31A-22-653](#) shall submit information to the Insurance Department in accordance with Section  
55 [31A-22-653](#).

56 Section 2. Section **31A-2-201.2** is amended to read:

57           **31A-2-201.2. Evaluation of health insurance market.**  
58           (1) Each year the commissioner shall:  
59           (a) conduct an evaluation of the state's health insurance market;  
60           (b) report the findings of the evaluation to the Health and Human Services Interim  
61 Committee before December 1 of each year; and  
62           (c) publish the findings of the evaluation on the department website.  
63           (2) The evaluation required by this section shall:  
64           (a) analyze the effectiveness of the insurance regulations and statutes in promoting a  
65 healthy, competitive health insurance market that meets the needs of the state, and includes an  
66 analysis of:  
67           (i) the availability and marketing of individual and group products;  
68           (ii) rate changes;  
69           (iii) coverage and demographic changes;  
70           (iv) benefit trends;  
71           (v) market share changes; and  
72           (vi) accessibility;  
73           (b) assess complaint ratios and trends within the health insurance market, which  
74 assessment shall include complaint data from the Office of Consumer Health Assistance within  
75 the department;  
76           (c) contain recommendations for action to improve the overall effectiveness of the  
77 health insurance market, administrative rules, and statutes;  
78           (d) include claims loss ratio data for each health insurance company doing business in  
79 the state.  
80           (e) include information about pharmacy benefit managers collected under Section  
81 [31A-46-301](#); and  
82           (f) include information, for each health insurance company doing business in the state,  
83 regarding:  
84           (i) preauthorization determinations; and  
85           (ii) adverse benefit determinations.  
86           (3) When preparing the evaluation and report required by this section, the  
87 commissioner may seek the input of insurers, employers, insured persons, providers, and others

88 with an interest in the health insurance market.

89 (4) The commissioner may adopt administrative rules for the purpose of collecting the  
90 data required by this section, taking into account the business confidentiality of the insurers.

91 (5) Records submitted to the commissioner under this section shall be maintained by  
92 the commissioner as protected records under Title 63G, Chapter 2, Government Records  
93 Access and Management Act.

94 (6) The commissioner shall:

95 (a) conduct an evaluation of the health benefit plan market for the 2020 plan year to  
96 analyze the adequacy of insurer networks; and

97 (b) report the findings of the evaluation described in Subsection (6)(a) to the Health  
98 and Human Services Interim Committee on or before December 1, 2021.

99 Section 3. Section **31A-22-653** is enacted to read:

100 **31A-22-653. Emergency service balance billing report -- Rulemaking -- Immunity**  
101 **-- Reporting requirement.**

102 (1) As used in this section:

103 (a) (i) "Balance billing" means the practice of a qualified provider billing an enrollee of  
104 a health benefit plan who is a Utah resident for the difference between the qualified provider's  
105 charge and the insurer's allowed amount.

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

109 (b) "Emergency service" means:

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

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

112 (A) are provided by a qualified provider after the condition of the enrollee of a health  
113 benefit plan is no longer considered an emergency medical condition as defined in Section  
114 [31A-22-627](#); and

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

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

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

119 (ii) (A) is licensed to provide health care services under Title 58, Occupations and  
120 Professions; or  
121 (B) is a health care facility as defined in Section 26-21-2.  
122 (d) "Reporting period" means the period beginning July 1, 2020, and ending on June  
123 30, 2021.  
124 (2) On or before January 4, 2022, a qualified provider that engages in balance billing  
125 during the reporting period shall submit a report with the information described in Subsection  
126 (3) to the commissioner.  
127 (3) The report from a qualified provider under Subsection (2) shall:  
128 (a) include, for each episode of care for an emergency service for which the qualified  
129 provider engaged in balance billing during the reporting period:  
130 (i) the payer;  
131 (ii) the billed charge or charges;  
132 (iii) when available, the allowed amount under the enrollee's health benefit plan;  
133 (iv) the amount paid by an insurer; and  
134 (v) the type of provider, including whether the qualified provider billed for specialty  
135 care; and  
136 (b) be aggregated and de-identified in accordance with rules made by the  
137 commissioner.  
138 (4) (a) If an insurer provides a reimbursement for a non-network emergency service  
139 directly to the enrollee of a health benefit plan, the insurer shall submit a report to the  
140 commissioner on or before January 4, 2022, that describes:  
141 (i) the name of the plan;  
142 (ii) the percentage of emergency department claims received by the plan that are made  
143 by a non-network health care provider;  
144 (iii) whether the reimbursement sent directly to the enrollee is made payable to the  
145 enrollee or the provider; and  
146 (iv) for each episode of care for an emergency service for which the plan provided a  
147 reimbursement directly to the enrollee:  
148 (A) the date of service;  
149 (B) the type of service; and

150 (C) the health care provider's license type, including whether the health care provider  
151 billed for specialty care.

152 (b) The report from an insurer under Subsection (4)(a) shall be aggregated and  
153 de-identified in accordance with rules made by the commissioner.

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

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

158 (7) On or before July 1, 2022, the commissioner shall report to the Health and Human  
159 Services Interim Committee regarding:

160 (a) the information received under this section;

161 (b) a comparison, using any data available to the commissioner, of out-of-network rates  
162 and in-network rates paid for the same services that result in balance billing; and

163 (c) in collaboration with the Air Ambulance Committee created in Section [26-1-7](#),  
164 information regarding the amount charged by air medical transport providers that engage in  
165 balance billing.

166 Section 4. Section **58-1-508** is amended to read:

167 **58-1-508. Failure to follow certain health care claims practices and reporting**  
168 **requirements -- Penalties.**

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

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

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

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

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

181           (4) A health care provider that is subject to the reporting requirement in Section  
182 31A-22-653 shall submit information to the Insurance Department in accordance with Section  
183 31A-22-653.

184           Section 5. Section **63G-2-305** is amended to read:

185           **63G-2-305. Protected records.**

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

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

189           (2) commercial information or nonindividual financial information obtained from a  
190 person if:

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

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

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

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

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

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

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

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

- 214 (i) an invitation for bids;
- 215 (ii) a request for proposals;
- 216 (iii) a request for quotes;
- 217 (iv) a grant; or
- 218 (v) other similar document; or

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

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

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

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

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

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

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

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

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

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

241 (e) the property under consideration for public acquisition is a single family residence  
242 and the governmental entity seeking to acquire the property has initiated negotiations to acquire

243 the property as required under Section 78B-6-505;

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

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

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

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

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

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

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

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

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

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

272 (12) records the disclosure of which would jeopardize the security of governmental  
273 property, governmental programs, or governmental recordkeeping systems from damage, theft,

274 or other appropriation or use contrary to law or public policy;

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

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

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

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

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

289 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,  
290 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,  
291 quasi-judicial, or administrative proceeding;

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

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

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

298 (A) members of a legislative body;

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

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

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

303 (20) (a) records in the custody or control of the Office of Legislative Research and  
304 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated

305 legislation or contemplated course of action before the legislator has elected to support the  
306 legislation or course of action, or made the legislation or course of action public; and

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

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

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

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

316 (a) collective bargaining; or

317 (b) imminent or pending litigation;

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

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

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

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

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

335 (29) records of the governor's office, including budget recommendations, legislative

336 proposals, and policy statements, that if disclosed would reveal the governor's contemplated  
337 policies or contemplated courses of action before the governor has implemented or rejected  
338 those policies or courses of action or made them public;

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

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

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

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

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

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

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

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

366 (a) the donor requests anonymity in writing;

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

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

374 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
375 73-18-13;

376 (39) a notification of workers' compensation insurance coverage described in Section  
377 34A-2-205;

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

381 (i) unpublished lecture notes;

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

383 (A) relating to research; and

384 (B) of:

385 (I) the institution within the state system of higher education defined in Section  
386 53B-1-102; or

387 (II) a sponsor of sponsored research;

388 (iii) unpublished manuscripts;

389 (iv) creative works in process;

390 (v) scholarly correspondence; and

391 (vi) confidential information contained in research proposals;

392 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public  
393 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

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

395 (41) (a) records in the custody or control of the Office of Legislative Auditor General  
396 that would reveal the name of a particular legislator who requests a legislative audit prior to the  
397 date that audit is completed and made public; and

398 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
399 Office of the Legislative Auditor General is a public document unless the legislator asks that  
400 the records in the custody or control of the Office of Legislative Auditor General that would  
401 reveal the name of a particular legislator who requests a legislative audit be maintained as  
402 protected records until the audit is completed and made public;

403 (42) records that provide detail as to the location of an explosive, including a map or  
404 other document that indicates the location of:

405 (a) a production facility; or

406 (b) a magazine;

407 (43) information:

408 (a) contained in the statewide database of the Division of Aging and Adult Services  
409 created by Section [62A-3-311.1](#); or

410 (b) received or maintained in relation to the Identity Theft Reporting Information  
411 System (IRIS) established under Section [67-5-22](#);

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

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

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

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

421 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
422 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or  
423 prepared or maintained by the Division of Emergency Management, and the disclosure of  
424 which would jeopardize:

425 (a) the safety of the general public; or

426 (b) the security of:

427 (i) governmental property;

428 (ii) governmental programs; or

429 (iii) the property of a private person who provides the Division of Emergency  
430 Management information;

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

435 (50) as provided in Section 26-39-501:

436 (a) information or records held by the Department of Health related to a complaint  
437 regarding a child care program or residential child care which the department is unable to  
438 substantiate; and

439 (b) information or records related to a complaint received by the Department of Health  
440 from an anonymous complainant regarding a child care program or residential child care;

441 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
442 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
443 personal mobile phone number, if:

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

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

448 (i) the nature of the law, ordinance, rule, or order; and  
449 (ii) the individual complying with the law, ordinance, rule, or order;

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

453 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
454 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
455 20A-9-408.5, 20A-9-502, or 20A-9-601;

456 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or  
457 (c) a notice of intent to gather signatures for candidacy, described in Section  
458 20A-9-408;

459 (53) the name, home address, work addresses, and telephone numbers of an individual

460 that is engaged in, or that provides goods or services for, medical or scientific research that is:

461 (a) conducted within the state system of higher education, as defined in Section

462 [53B-1-102](#); and

463 (b) conducted using animals;

464 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance

465 Evaluation Commission concerning an individual commissioner's vote on whether or not to

466 recommend that the voters retain a judge including information disclosed under Subsection

467 [78A-12-203](#)(5)(e);

468 (55) information collected and a report prepared by the Judicial Performance

469 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter

470 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,

471 the information or report;

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

473 [62A-4a-1003](#);

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

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

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

477 [63H-7a-302](#);

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

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

480 of Water Resources or the Board of Water Resources; or

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

482 municipality;

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

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

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

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

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

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

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

490 report or final audit report;

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

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

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

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

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

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

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

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

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

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

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

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

519 (66) an audio or video recording created by a body-worn camera, as that term is  
520 defined in Section 77-7a-103, that records sound or images inside a hospital or health care  
521 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care

522 provider, as that term is defined in Section 78B-3-403, or inside a human service program as  
523 that term is defined in Section 62A-2-101, except for recordings that:

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

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

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

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

530 76-2-408(1)(d); or

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

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

536 (68) an audio recording that is:

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

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

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

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

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

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

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

553 (71) a record made available to Adult Protective Services or a law enforcement agency  
554 under Section [61-1-206](#);

555 (72) a record submitted to the Insurance Department in accordance with Section  
556 [31A-37-201](#) or [31A-22-653](#); [and]

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

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

560 (75) a record described in Section [72-16-306](#) that relates to the reporting of an injury  
561 involving an amusement ride.

562 Section 6. Section **63I-2-231** is amended to read:

563 **63I-2-231. Repeal dates -- Title 31A.**

564 [~~(1) Title 31A, Chapter 30, Part 2, Defined Contribution Arrangements is repealed July~~  
565 ~~1, 2019.~~]

566 [~~(2) Title 31A, Chapter 30, Part 3, Individual and Small Employer Risk Adjustment~~  
567 ~~Act is repealed July 1, 2019.~~]

568 (1) Subsection [31A-2-201.2](#)(6), regarding a study and report on network adequacy, is  
569 repealed July 1, 2022.

570 (2) Section [31A-22-653](#) is repealed July 1, 2023.