

Senator Karen Mayne proposes the following substitute bill:

MEDICAL BILLING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen Mayne

House Sponsor: Timothy D. Hawkes

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;
- ▶ requires an insurer to provide certain information regarding reimbursement for emergency services to the Insurance Department;
- ▶ specifies the information that must be reported by a health care provider, a health care facility, or a health insurer;
- ▶ 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-2-231](#), as last amended by Laws of Utah 2019, Chapter 55

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 who is a Utah resident for the difference between the qualified provider's
59 charge and the insurer's 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 that engages in balance billing
79 during the reporting period shall submit a report to the commissioner that describes:

80 (a) during the reporting period and aggregated by payer, the percentage of episodes of
81 care for an emergency service provided to a Utah resident who is an enrollee of a health benefit
82 plan offered by an insurer for which the qualified provider was out-of-network for which the
83 qualified provider engaged in balance billing; and

84 (b) the specialty or subspecialty of the qualified provider, as identified by the qualified
85 provider.

86 (3) On or before January 1, 2022, an insurer shall submit a report to the commissioner
87 that describes, for enrollees of a health benefit plan who are Utah residents:

88 (a) whether the insurer provided a reimbursement directly to the enrollee of a health
89 benefit plan during the reporting period for emergency services not performed by a network
90 qualified provider; and

91 (b) during the reporting period, the percentage of emergency department claims
92 received from all qualified providers for enrollees of a health benefit plan who are Utah
93 residents that were provided by an out-of-network qualified provider.

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

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

98 (6) On or before July 1, 2022, the commissioner shall provide a written report to the
99 Business and Labor Interim Committee and the Health and Human Services Interim Committee
100 regarding:

101 (a) the information received under this section; and

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

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

106 **58-1-508. Failure to follow certain health care claims practices and reporting**
107 **requirements -- Penalties.**

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

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

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

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

116 (b) the insured does not pay the full amount due on the bill that is the subject of the
117 violation, including any interest, fees, costs, and expenses, within 120 days after the day on
118 which the health care provider or third party makes a report to a credit bureau or takes an action

119 in violation of Section [31A-26-313](#).

120 (4) A health care provider that is subject to the reporting requirement in Section
121 [31A-22-653](#) shall submit information to the Insurance Department in accordance with Section
122 [31A-22-653](#).

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

124 **63G-2-305. Protected records.**

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

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

128 (2) commercial information or nonindividual financial information obtained from a
129 person if:

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

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

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

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

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

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

146 (6) records, the disclosure of which would impair governmental procurement
147 proceedings or give an unfair advantage to any person proposing to enter into a contract or
148 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
149 Subsection (6) does not restrict the right of a person to have access to, after the contract or

150 grant has been awarded and signed by all parties:

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

153 (i) an invitation for bids;

154 (ii) a request for proposals;

155 (iii) a request for quotes;

156 (iv) a grant; or

157 (v) other similar document; or

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

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

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

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

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

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

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

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

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

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

180 (e) the property under consideration for public acquisition is a single family residence

181 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
182 the property as required under Section 78B-6-505;

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

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

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

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

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

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

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

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

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

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

211 (12) records the disclosure of which would jeopardize the security of governmental

212 property, governmental programs, or governmental recordkeeping systems from damage, theft,
213 or other appropriation or use contrary to law or public policy;

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

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

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

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

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

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

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

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

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

237 (A) members of a legislative body;

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

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

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

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

243 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
244 legislation or contemplated course of action before the legislator has elected to support the
245 legislation or course of action, or made the legislation or course of action public; and

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

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

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

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

255 (a) collective bargaining; or

256 (b) imminent or pending litigation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 305 (a) the donor requests anonymity in writing;
- 306 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
307 classified protected by the governmental entity under this Subsection (37); and
- 308 (c) except for an institution within the state system of higher education defined in
309 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
310 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
311 over the donor, a member of the donor's immediate family, or any entity owned or controlled
312 by the donor or the donor's immediate family;
- 313 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
314 73-18-13;
- 315 (39) a notification of workers' compensation insurance coverage described in Section
316 34A-2-205;
- 317 (40) (a) the following records of an institution within the state system of higher
318 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
319 or received by or on behalf of faculty, staff, employees, or students of the institution:
- 320 (i) unpublished lecture notes;
- 321 (ii) unpublished notes, data, and information:
- 322 (A) relating to research; and
- 323 (B) of:
- 324 (I) the institution within the state system of higher education defined in Section
325 53B-1-102; or
- 326 (II) a sponsor of sponsored research;
- 327 (iii) unpublished manuscripts;
- 328 (iv) creative works in process;
- 329 (v) scholarly correspondence; and
- 330 (vi) confidential information contained in research proposals;
- 331 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
332 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and
- 333 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
- 334 (41) (a) records in the custody or control of the Office of Legislative Auditor General
335 that would reveal the name of a particular legislator who requests a legislative audit prior to the

336 date that audit is completed and made public; and

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

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

344 (a) a production facility; or

345 (b) a magazine;

346 (43) information:

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

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

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

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

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

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

360 (48) except to the extent that the record is exempt from this chapter pursuant to Section
361 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
362 prepared or maintained by the Division of Emergency Management, and the disclosure of
363 which would jeopardize:

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

365 (b) the security of:

366 (i) governmental property;

367 (ii) governmental programs; or
368 (iii) the property of a private person who provides the Division of Emergency
369 Management information;

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

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

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

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

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

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

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

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

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

392 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
393 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
394 20A-9-408.5, 20A-9-502, or 20A-9-601;

395 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or
396 (c) a notice of intent to gather signatures for candidacy, described in Section
397 20A-9-408;

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

400 (a) conducted within the state system of higher education, as defined in Section
401 [53B-1-102](#); and

402 (b) conducted using animals;

403 (54) in accordance with Section [78A-12-203](#), any record of the Judicial Performance
404 Evaluation Commission concerning an individual commissioner's vote on whether or not to
405 recommend that the voters retain a judge including information disclosed under Subsection
406 [78A-12-203\(5\)\(e\)](#);

407 (55) information collected and a report prepared by the Judicial Performance
408 Evaluation Commission concerning a judge, unless Section [20A-7-702](#) or Title 78A, Chapter
409 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
410 the information or report;

411 (56) records contained in the Management Information System created in Section
412 [62A-4a-1003](#);

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

415 (58) information requested by and provided to the 911 Division under Section
416 [63H-7a-302](#);

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

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

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

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

424 (a) records that would disclose information relating to allegations of personal
425 misconduct, gross mismanagement, or illegal activity of a person if the information or
426 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
427 through other documents or evidence, and the records relating to the allegation are not relied
428 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation

429 report or final audit report;

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

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

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

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

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

446 (62) information provided to the Department of Health or the Division of Occupational
447 and Professional Licensing under Subsection [58-68-304\(3\)](#) or (4);

448 (63) a record described in Section [63G-12-210](#);

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

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

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

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

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

458 (66) an audio or video recording created by a body-worn camera, as that term is
459 defined in Section [77-7a-103](#), that records sound or images inside a hospital or health care

460 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
461 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
462 that term is defined in Section 62A-2-101, except for recordings that:

- 463 (a) depict the commission of an alleged crime;
- 464 (b) record any encounter between a law enforcement officer and a person that results in
465 death or bodily injury, or includes an instance when an officer fires a weapon;
- 466 (c) record any encounter that is the subject of a complaint or a legal proceeding against
467 a law enforcement officer or law enforcement agency;
- 468 (d) contain an officer involved critical incident as defined in Subsection
469 76-2-408(1)(d); or
- 470 (e) have been requested for reclassification as a public record by a subject or
471 authorized agent of a subject featured in the recording;
- 472 (67) a record pertaining to the search process for a president of an institution of higher
473 education described in Section 53B-2-102, except for application materials for a publicly
474 announced finalist; and
- 475 (68) an audio recording that is:
 - 476 (a) produced by an audio recording device that is used in conjunction with a device or
477 piece of equipment designed or intended for resuscitating an individual or for treating an
478 individual with a life-threatening condition;
 - 479 (b) produced during an emergency event when an individual employed to provide law
480 enforcement, fire protection, paramedic, emergency medical, or other first responder service:
 - 481 (i) is responding to an individual needing resuscitation or with a life-threatening
482 condition; and
 - 483 (ii) uses a device or piece of equipment designed or intended for resuscitating an
484 individual or for treating an individual with a life-threatening condition; and
 - 485 (c) intended and used for purposes of training emergency responders how to improve
486 their response to an emergency situation;
- 487 (69) records submitted by or prepared in relation to an applicant seeking a
488 recommendation by the Research and General Counsel Subcommittee, the Budget
489 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
490 employment position with the Legislature;

- 491 (70) work papers as defined in Section [31A-2-204](#);
- 492 (71) a record made available to Adult Protective Services or a law enforcement agency
- 493 under Section [61-1-206](#);
- 494 (72) a record submitted to the Insurance Department in accordance with Section
- 495 [31A-37-201](#) or [31A-22-653](#); [~~and~~]
- 496 (73) a record described in Section [31A-37-503](#)[~~;~~];
- 497 (74) any record created by the Division of Occupational and Professional Licensing as
- 498 a result of Subsection [58-37f-304](#)(5) or [58-37f-702](#)(2)(a)(ii); and
- 499 (75) a record described in Section [72-16-306](#) that relates to the reporting of an injury
- 500 involving an amusement ride.

501 Section 5. Section **63I-2-231** is amended to read:

502 **63I-2-231. Repeal dates -- Title 31A.**

503 [~~(1) Title 31A, Chapter 30, Part 2, Defined Contribution Arrangements is repealed July~~

504 ~~1, 2019.~~]

505 [~~(2) Title 31A, Chapter 30, Part 3, Individual and Small Employer Risk Adjustment~~

506 ~~Act is repealed July 1, 2019.~~]

507 Section [31A-22-653](#) is repealed January 1, 2023.