

214 a specific fatality due to opioid use and recommending policies to reduce the frequency of
 215 opioid use fatalities[-]; and

216 (u) the Utah Medicaid Fraud Control Unit of the attorney general's office ~~Ŝ~~ **→** for the
purpose of

216a **investigating active cases,** ~~Ŝ~~ in exercising

217 the unit's authority to investigate and prosecute Medicaid fraud, abuse, neglect, or exploitation
 218 under 42 U.S.C. Sec. 1396b(q).

219 (3) (a) A practitioner described in Subsection (2)(h) may designate one or more
 220 employees to access information from the database under Subsection (2)(i), (2)(j), or (4)(c).

221 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
 222 Administrative Rulemaking Act, to:

223 (i) establish background check procedures to determine whether an employee
 224 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the database;

225 (ii) establish the information to be provided by an emergency department employee
 226 under Subsection (4); and

227 (iii) facilitate providing controlled substance prescription information to a third party
 228 under Subsection (5).

229 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
 230 (4)(c) access to the database, unless the division determines, based on a background check, that
 231 the employee poses a security risk to the information contained in the database.

232 (4) (a) An individual who is employed in the emergency department of a hospital may
 233 exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if
 234 the individual is designated under Subsection (4)(c) and the licensed practitioner:

235 (i) is employed or privileged to work in the emergency department;

236 (ii) is treating an emergency department patient for an emergency medical condition;

237 and

238 (iii) requests that an individual employed in the emergency department and designated
 239 under Subsection (4)(c) obtain information regarding the patient from the database as needed in
 240 the course of treatment.

241 (b) The emergency department employee obtaining information from the database
 242 shall, when gaining access to the database, provide to the database the name and any additional
 243 identifiers regarding the requesting practitioner as required by division administrative rule
 244 established under Subsection (3)(b).

276 (6) (a) An individual who is granted access to the database based on the fact that the
277 individual is a licensed practitioner or a mental health therapist shall be denied access to the
278 database when the individual is no longer licensed.

279 (b) An individual who is granted access to the database based on the fact that the
280 individual is a designated employee of a licensed practitioner shall be denied access to the
281 database when the practitioner is no longer licensed.

282 (7) A probation or parole officer is not required to obtain a search warrant to access the
283 database in accordance with Subsection (2)(m).

284 (8) The division shall review and adjust the database programming which
285 automatically logs off an individual who is granted access to the database under Subsections
286 (2)(h), (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

287 (a) to protect patient privacy;

288 (b) to reduce inappropriate access; and

289 (c) to make the database more useful and helpful to a person accessing the database
290 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations such as an
291 emergency department.

291a **Ĥ→ (9) Any person who knowingly and intentionally accesses the database without**
291b **express authorization under this section is guilty of a class A misdemeanor. ←Ĥ**