

OPIOID PRESCRIPTION REGULATION AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Raymond P. Ward

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill amends the Controlled Substance Database Act.

Highlighted Provisions:

This bill:

- ▶ permits the Division of Occupational and Professional Licensing to consult with prescribers and health care systems on best practices with respect to prescribing controlled substances;

- ▶ amends provisions relating to steps that the division must take after it receives a report from a medical examiner relating to an overdose involving a controlled substance; and

- ▶ makes certain records protected under the Government Records Access and Management Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-37f-304, as last amended by Laws of Utah 2018, Chapters 281 and 327

58-37f-702, as last amended by Laws of Utah 2016, Chapters 99 and 104

63G-2-305, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316,

29 319, 352, 409, and 425



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

32 Section 1. Section **58-37f-304** is amended to read:

33 **58-37f-304. Database utilization.**

34 (1) As used in this section:

35 (a) "Dispenser" means a licensed pharmacist, as described in Section [58-17b-303](#), or
36 the pharmacist's licensed intern, as described in Section [58-17b-304](#), who is also licensed to
37 dispense a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

38 (b) "Outpatient" means a setting in which an individual visits a licensed healthcare
39 facility or a healthcare provider's office for a diagnosis or treatment but is not admitted to a
40 licensed healthcare facility for an overnight stay.

41 (c) "Prescriber" means an individual authorized to prescribe a controlled substance
42 under Title 58, Chapter 37, Utah Controlled Substances Act.

43 (d) "Schedule II opioid" means those substances listed in Subsection [58-37-4\(2\)\(b\)\(i\)](#)
44 or [\(2\)\(b\)\(ii\)](#).

45 (e) "Schedule III opioid" means those substances listed in Subsection [58-37-4\(2\)\(c\)](#)
46 that are opioids.

47 (2) (a) A prescriber shall check the database for information about a patient before the
48 first time the prescriber gives a prescription to a patient for a Schedule II opioid or a Schedule
49 III opioid.

50 (b) If a prescriber is repeatedly prescribing a Schedule II opioid or Schedule III opioid
51 to a patient, the prescriber shall periodically review information about the patient in:

52 (i) the database; or

53 (ii) other similar records of controlled substances the patient has filled.

54 (c) A prescriber may assign the access and review required under Subsection (2)(a) to
55 one or more employees in accordance with Subsections [58-37f-301\(2\)\(i\)](#) and (j).

56 (d) (i) A prescriber may comply with the requirements in Subsections (2)(a) and (b) by
57 checking an electronic health record system if the electronic health record system:

58 (A) is connected to the database through a connection that has been approved by the
59 division; and

60 (B) displays the information from the database in a prominent manner for the
61 prescriber.

62 (ii) The division may not approve a connection to the database if the connection does
63 not satisfy the requirements established by the division under Section 58-37f-301.

64 (e) A prescriber is not in violation of the requirements of Subsection (2)(a) or (b) if the
65 failure to comply with Subsection (2)(a) or (b):

66 (i) is necessary due to an emergency situation;

67 (ii) is caused by a suspension or disruption in the operation of the database; or

68 (iii) is caused by a failure in the operation or availability of the Internet.

69 (f) The division may not take action against the license of a prescriber for failure to
70 comply with this Subsection (2) unless the failure occurs after the earlier of:

71 (i) December 31, 2018; or

72 (ii) the date that the division has the capability to establish a connection that meets the
73 requirements established by the division under Section 58-37f-301 between the database and an
74 electronic health record system.

75 (3) The division shall, in collaboration with the licensing boards for prescribers and
76 dispensers:

77 (a) develop a system that gathers and reports to prescribers and dispensers the progress
78 and results of the prescriber's and dispenser's individual access and review of the database, as
79 provided in this section; and

80 (b) reduce or waive the division's continuing education requirements regarding opioid
81 prescriptions, described in Section 58-37-6.5, including the online tutorial and test relating to
82 the database, for prescribers and dispensers whose individual utilization of the database, as

83 determined by the division, demonstrates substantial compliance with this section.

84 (4) If the dispenser's access and review of the database suggest that the individual
85 seeking an opioid may be obtaining opioids in quantities or frequencies inconsistent with
86 generally recognized standards as provided in this section and Section 58-37f-201, the
87 dispenser shall reasonably attempt to contact the prescriber to obtain the prescriber's informed,
88 current, and professional decision regarding whether the prescribed opioid is medically
89 justified, notwithstanding the results of the database search.

90 (5) (a) The division shall review the database to identify any prescriber who has a
91 pattern of prescribing opioids not in accordance with the recommendations of:

92 (i) the CDC Guideline for Prescribing Opioids for Chronic Pain, published by the
93 Centers for Disease Control and Prevention;

94 (ii) the Utah Clinical Guidelines on Prescribing Opioids for Treatment of Pain,
95 published by the Department of Health; or

96 (iii) other publications describing best practices related to prescribing opioids as
97 identified by division rule in accordance with Title 63G, Chapter 3, Utah Administrative
98 Rulemaking Act, and in consultation with the Physicians Licensing Board.

99 (b) The division shall offer education to a prescriber identified under this Subsection
100 (5) regarding best practices in the prescribing of opioids.

101 (c) A decision by a prescriber to accept or not accept the education offered by the
102 division under this Subsection (5) is voluntary.

103 (d) The division may not use an identification the division has made under this
104 Subsection (5) or the decision by a prescriber to accept or not accept education offered by the
105 division under this Subsection (5) in a licensing investigation or action by the division.

106 (e) Any record created by the division as a result of this Subsection (5) is a protected
107 record under Section 63G-2-305.

108 (6) The division may consult with a prescriber or health care system to assist the
109 prescriber or health care system in following evidence-based guidelines regarding the

110 prescribing of controlled substances, including the recommendations listed in Subsection
111 (5)(a).

112 Section 2. Section **58-37f-702** is amended to read:

113 **58-37f-702. Reporting prescribed controlled substance poisoning or overdose to a**
114 **practitioner.**

115 (1) (a) The division shall take the actions described in Subsection ~~[(2)]~~ (1)(b) if the
116 division receives a report from ~~[(a) a medical examiner under Section 26-4-10.5 regarding a~~
117 ~~death caused by poisoning or overdose involving a prescribed controlled substance; or (b)]~~ a
118 general acute hospital under Section 26-21-26 regarding admission to a general acute hospital
119 for poisoning or overdose involving a prescribed controlled substance.

120 ~~[(2)]~~ (b) The division shall, within three business days after the day on which a report
121 in Subsection (1)(a) is received:

122 ~~[(a)]~~ (i) attempt to identify, through the database, each practitioner who may have
123 prescribed the controlled substance to the patient; and

124 ~~[(b)]~~ (ii) provide each practitioner identified under Subsection ~~[(2)]~~ (1)(a) with:

125 ~~[(i)]~~ (A) a copy of the report provided by ~~[the medical examiner under Section~~
126 ~~26-4-10.5 or]~~ the general acute hospital under Section 26-21-26; and

127 ~~[(ii)]~~ (B) the information obtained from the database that led the division to determine
128 that the practitioner receiving the information may have prescribed the controlled substance to
129 the person named in the report.

130 (2) (a) When the division receives a report from the medical examiner under Section
131 26-4-10.5 regarding a death caused by poisoning or overdose involving a prescribed controlled
132 substance, for each practitioner identified by the medical examiner under Subsection
133 26-4-10.5(1)(c), the division:

134 (i) shall, within five business days after the day on which the division receives the
135 report, provide the practitioner with a copy of the report; and

136 (ii) may offer the practitioner an educational visit to review the report.

- 137 (b) A practitioner may decline an educational visit described in Subsection (2)(a)(ii).
- 138 (c) The division may not use, in a licensing investigation or action by the division:
- 139 (i) information from an educational visit described in Subsection (2)(a)(ii); or
- 140 (ii) a practitioner's decision to decline an educational visit described in Subsection
- 141 (2)(a)(ii).

142 (3) It is the intent of the Legislature that the information provided under Subsection
143 ~~[(2)(b)]~~ (1) or (2) is provided for the purpose of assisting the practitioner in:

- 144 (a) discussing with the patient or others issues relating to the poisoning or overdose;
- 145 (b) advising the patient or others of measures that may be taken to avoid a future
- 146 poisoning or overdose; and
- 147 (c) making decisions regarding future prescriptions written for the patient or others.

148 (4) Any record created by the division as a result of an educational visit described in
149 Subsection (2)(a)(ii) is a protected record for purposes of Title 63G, Chapter 2, Government
150 Records Access and Management Act.

151 ~~[(4)]~~ (5) Beginning on July 1, 2010, the division shall, in accordance with Section
152 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup
153 and ongoing costs of the division for complying with the requirements of this section.

154 Section 3. Section 63G-2-305 is amended to read:

155 **63G-2-305. Protected records.**

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

- 157 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
- 158 has provided the governmental entity with the information specified in Section 63G-2-309;
- 159 (2) commercial information or nonindividual financial information obtained from a
- 160 person if:
 - 161 (a) disclosure of the information could reasonably be expected to result in unfair
 - 162 competitive injury to the person submitting the information or would impair the ability of the
 - 163 governmental entity to obtain necessary information in the future;

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

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

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

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

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

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

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

184 (i) an invitation for bids;

185 (ii) a request for proposals;

186 (iii) a request for quotes;

187 (iv) a grant; or

188 (v) other similar document; or

189 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

190 (7) information submitted to or by a governmental entity in response to a request for

191 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
192 the right of a person to have access to the information, after:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

268 (A) members of a legislative body;

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

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

271 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of

272 legislative action or policy may not be classified as protected under this section;

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

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

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

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

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

286 (a) collective bargaining; or

287 (b) imminent or pending litigation;

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

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

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

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

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

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

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

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

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

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

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

324 (35) records that would reveal negotiations regarding assistance or incentives offered
325 by or requested from a governmental entity for the purpose of encouraging a person to expand

326 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
327 person or place the governmental entity at a competitive disadvantage, but this section may not
328 be used to restrict access to a record evidencing a final contract;

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

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

336 (a) the donor requests anonymity in writing;

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

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

344 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
345 73-18-13;

346 (39) a notification of workers' compensation insurance coverage described in Section
347 34A-2-205;

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

351 (i) unpublished lecture notes;

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

353 (A) relating to research; and
354 (B) of:
355 (I) the institution within the state system of higher education defined in Section
356 [53B-1-102](#); or
357 (II) a sponsor of sponsored research;
358 (iii) unpublished manuscripts;
359 (iv) creative works in process;
360 (v) scholarly correspondence; and
361 (vi) confidential information contained in research proposals;
362 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
363 information required pursuant to Subsection [53B-16-302](#)(2)(a) or (b); and
364 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;
365 (41) (a) records in the custody or control of the Office of Legislative Auditor General
366 that would reveal the name of a particular legislator who requests a legislative audit prior to the
367 date that audit is completed and made public; and
368 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
369 Office of the Legislative Auditor General is a public document unless the legislator asks that
370 the records in the custody or control of the Office of Legislative Auditor General that would
371 reveal the name of a particular legislator who requests a legislative audit be maintained as
372 protected records until the audit is completed and made public;
373 (42) records that provide detail as to the location of an explosive, including a map or
374 other document that indicates the location of:
375 (a) a production facility; or
376 (b) a magazine;
377 (43) information:
378 (a) contained in the statewide database of the Division of Aging and Adult Services
379 created by Section [62A-3-311.1](#); or

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

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

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

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

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

391 (48) except to the extent that the record is exempt from this chapter pursuant to Section
392 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
393 prepared or maintained by the Division of Emergency Management, and the disclosure of
394 which would jeopardize:

395 (a) the safety of the general public; or
396 (b) the security of:

397 (i) governmental property;
398 (ii) governmental programs; or
399 (iii) the property of a private person who provides the Division of Emergency
400 Management information;

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

405 (50) as provided in Section [26-39-501](#):

406 (a) information or records held by the Department of Health related to a complaint

407 regarding a child care program or residential child care which the department is unable to
408 substantiate; and

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

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

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

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

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

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

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

422 (a) conducted within the state system of higher education, as defined in Section
423 53B-1-102; and

424 (b) conducted using animals;

425 (53) in accordance with Section 78A-12-203, any record of the Judicial Performance
426 Evaluation Commission concerning an individual commissioner's vote on whether or not to
427 recommend that the voters retain a judge including information disclosed under Subsection
428 78A-12-203(5)(e);

429 (54) information collected and a report prepared by the Judicial Performance
430 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
431 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
432 the information or report;

433 (55) records contained in the Management Information System created in Section

434 62A-4a-1003;

435 (56) records provided or received by the Public Lands Policy Coordinating Office in
436 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

437 (57) information requested by and provided to the 911 Division under Section
438 63H-7a-302;

439 (58) in accordance with Section 73-10-33:

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

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

444 (59) the following records in the custody or control of the Office of Inspector General
445 of Medicaid Services, created in Section 63A-13-201:

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

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

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

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

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

465 (60) records that reveal methods used by the Office of Inspector General of Medicaid
466 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
467 abuse;

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

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

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

473 (64) any record in the custody of the Utah Office for Victims of Crime relating to a
474 victim, including:

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

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

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

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

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

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

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

490 (d) contain an officer involved critical incident as defined in Subsection
491 76-2-408(1)(d); or

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

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

497 (67) an audio recording that is:

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

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

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

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

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

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

513 (69) work papers as defined in Section 31A-2-204; [and]

514 (70) a record made available to Adult Protective Services or a law enforcement agency

515 under Section [61-1-206](#)~~[:]~~; and
516 (71) 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).