

1 **REPORTING REQUIREMENT AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian S. King**

5 Senate Sponsor: Curtis S. Bramble

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses reporting requirements for the abuse, neglect, or exploitation of
10 certain individuals.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends the reporting requirement for the suspected abuse, neglect, or exploitation
14 of a vulnerable adult;

15 ▶ provides exceptions to the reporting requirement for suspected abuse, neglect, or
16 exploitation of a vulnerable adult;

17 ▶ clarifies the physician-patient privilege in regards to reporting suspected abuse,
18 neglect, or exploitation of a vulnerable adult;

19 ▶ requires Adult Protective Services to file a complaint in certain circumstances;

20 ▶ addresses civil and criminal liability for reporting, or failing to report, suspected
21 abuse, neglect, or exploitation of a vulnerable adult to Adult Protective Services or
22 the nearest police officer or law enforcement agency;

23 ▶ addresses prosecution for willful failure to report suspected abuse, neglect, or
24 exploitation of a vulnerable adult;

25 ▶ amends the reporting requirement for the suspected abuse or neglect of a child;

26 ▶ provides exceptions to the reporting requirement for suspected abuse or neglect of a
27 child;

28 ▶ clarifies the physician-patient privilege in regards to reporting suspected abuse or
29 neglect of a child;

- 30 ▶ requires the Division of Child and Family Services to file a complaint in certain
- 31 circumstances;
- 32 ▶ addresses civil and criminal liability for reporting, or failing to report, suspected
- 33 abuse or neglect of a child to the Division of Child and Family Services or the
- 34 nearest police officer or law enforcement agency;
- 35 ▶ addresses prosecution for willful failure to report suspected abuse or neglect of a
- 36 child;
- 37 ▶ makes it a crime for an individual to threaten, intimidate, or attempt to intimidate
- 38 certain individuals when a report is made, or an investigation is being conducted, in
- 39 regards to the abuse or neglect of a child;
- 40 ▶ repeals a statute with a reporting requirement for abuse, neglect, or exploitation of a
- 41 vulnerable adult; and
- 42 ▶ makes technical and conforming changes.

43 **Money Appropriated in this Bill:**

44 None

45 **Other Special Clauses:**

46 None

47 **Utah Code Sections Affected:**

48 AMENDS:

- 49 **62A-3-305**, as last amended by Laws of Utah 2012, Chapter 328
- 50 **62A-4a-403**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20
- 51 **62A-4a-410**, as last amended by Laws of Utah 2008, Chapters 382 and 395
- 52 **62A-4a-411**, as last amended by Laws of Utah 2008, Chapter 299
- 53 **62A-4a-412**, as last amended by Laws of Utah 2020, Chapters 193 and 258

54 REPEALS:

- 55 **76-5-111.1**, as last amended by Laws of Utah 2004, Chapter 50



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

58 Section 1. Section **62A-3-305** is amended to read:

59 **62A-3-305. Reporting requirements -- Investigation -- Exceptions -- Immunity --**
60 **Penalties -- Nonmedical healing.**

61 ~~[(1) A person who has reason to believe that a vulnerable adult has been the subject of~~
62 ~~abuse, neglect, or exploitation shall immediately notify Adult Protective Services intake or the~~
63 ~~nearest law enforcement agency. When the initial report is made to law enforcement, law~~
64 ~~enforcement shall immediately notify Adult Protective Services intake. Adult Protective~~
65 ~~Services and law enforcement shall coordinate, as appropriate, their efforts to provide~~
66 ~~protection to the vulnerable adult.]~~

67 (1) Except as provided in Subsection (4), if an individual has reason to believe that a
68 vulnerable adult is, or has been, the subject of abuse, neglect, or exploitation, the individual
69 shall immediately report the suspected abuse, neglect, or exploitation to Adult Protective
70 Services or to the nearest peace officer or law enforcement agency.

71 (2) (a) If a peace officer or a law enforcement agency receives a report under
72 Subsection (1), the peace officer or the law enforcement agency shall immediately notify Adult
73 Protective Services.

74 (b) Adult Protective Services and the peace officer or the law enforcement agency shall
75 coordinate, as appropriate, efforts to investigate the report under Subsection (1) and to provide
76 protection to the vulnerable adult.

77 ~~[(2)]~~ (3) When [the initial report or] a report under Subsection (1), or a subsequent
78 investigation by Adult Protective Services, indicates that a criminal offense may have occurred
79 against a vulnerable adult:

80 (a) Adult Protective Services shall notify the nearest local law enforcement agency
81 regarding the potential offense; and

82 (b) the law enforcement agency ~~[may]~~ shall initiate an investigation in cooperation
83 with Adult Protective Services.

84 ~~[(3) A person who in good faith makes a report or otherwise notifies a law enforcement~~
85 ~~agency or Adult Protective Services of suspected abuse, neglect, or exploitation is immune~~

86 ~~from civil and criminal liability in connection with the report or other notification.]~~

87 ~~[(4) (a) A person who willfully fails to report suspected abuse, neglect, or exploitation~~
88 ~~of a vulnerable adult is guilty of a class B misdemeanor.]~~

89 ~~[(b) A covered provider or covered contractor, as defined in Section 26-21-201, that~~
90 ~~knowingly fails to report suspected abuse or neglect, as required by this section, is subject to a~~
91 ~~private right of action and liability for the abuse or neglect of another person that is committed~~
92 ~~by the individual who was not reported to Adult Protective Services in accordance with this~~
93 ~~section.]~~

94 (4) Subject to Subsection (5), the reporting requirement described in Subsection (1)
95 does not apply to:

96 (a) a member of the clergy, with regard to any confession made to the member of the
97 clergy while functioning in the ministerial capacity of the member of the clergy and without the
98 consent of the individual making the confession, if:

99 (i) the perpetrator made the confession directly to the member of the clergy; and

100 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound
101 to maintain the confidentiality of that confession; or

102 (b) an attorney, or an individual employed by the attorney, if knowledge of the
103 suspected abuse, neglect, or exploitation of a vulnerable adult arises from the representation of
104 a client, unless the attorney is permitted to reveal the suspected abuse, neglect, or exploitation
105 of the vulnerable adult to prevent reasonably certain death or substantial bodily harm in
106 accordance with Utah Rules of Professional Conduct, Rule 1.6.

107 (5) (a) When a member of the clergy receives information about abuse, neglect, or
108 exploitation of a vulnerable adult from any source other than confession of the perpetrator, the
109 member of the clergy is required to report that information even though the member of the
110 clergy may have also received information about abuse or neglect from the confession of the
111 perpetrator.

112 (b) Exemption of the reporting requirement for an individual described in Subsection
113 (4) does not exempt the individual from any other efforts required by law to prevent further

114 abuse, neglect, or exploitation of a vulnerable adult by the perpetrator.

115 (6) (a) As used in this Subsection (6), "physician" means an individual licensed to
116 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical
117 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

118 (b) The physician-patient privilege does not:

119 (i) excuse a physician from reporting suspected abuse, neglect, or exploitation of a
120 vulnerable adult under Subsection (1); or

121 (ii) constitute grounds for excluding evidence regarding a vulnerable adult's injuries, or
122 the cause of the vulnerable adult's injuries, in any judicial or administrative proceeding
123 resulting from a report under Subsection (1).

124 (7) (a) An individual who in good faith makes a report under Subsection (1), or who
125 otherwise notifies Adult Protective Services or a peace officer or law enforcement agency, is
126 immune from civil and criminal liability in connection with the report or notification.

127 (b) A covered provider or covered contractor, as defined in Section [26-21-201](#), that
128 knowingly fails to report suspected abuse, neglect, or exploitation of a vulnerable adult to
129 Adult Protective Services, or to the nearest peace officer or law enforcement agency, under
130 Subsection (1), is subject to a private right of action and liability for the abuse, neglect, or
131 exploitation of a vulnerable adult that is committed by the individual who was not reported to
132 Adult Protective Services or to the nearest peace officer or law enforcement agency.

133 (c) This Subsection (7) does not provide immunity with respect to acts or omissions of
134 a governmental employee except as provided in Title 63G, Chapter 7, Governmental Immunity
135 Act of Utah.

136 (8) If Adult Protective Services has substantial grounds to believe that an individual
137 has knowingly failed to report suspected abuse, neglect, or exploitation of a vulnerable adult in
138 accordance with this section, Adult Protective Services shall file a complaint with:

139 (a) the Division of Occupational and Professional Licensing if the individual is a health
140 care provider, as defined in Section [62A-4a-404](#), or a mental health therapist, as defined in
141 Section [58-6-102](#);

142 (b) the appropriate law enforcement agency if the individual is a law enforcement
143 officer, as defined in Section 53-13-103; and

144 (c) the State Board of Education if the individual is an educator, as defined in Section
145 53E-6-102.

146 (9) (a) An individual is guilty of a class B misdemeanor if the individual willfully fails
147 to report suspected abuse, neglect, or exploitation of a vulnerable adult to Adult Protective
148 Services, or to the nearest peace officer or law enforcement agency under Subsection (1).

149 (b) If an individual is convicted under Subsection (9)(a), the court may order the
150 individual, in addition to any other sentence the court imposes, to:

151 (i) complete community service hours; or

152 (ii) complete a program on preventing abuse, neglect, and exploitation of vulnerable
153 adults.

154 (c) In determining whether it would be appropriate to charge an individual with a
155 violation of Subsection (9)(a), the prosecuting attorney shall take into account whether a
156 reasonable individual would not have reported suspected abuse, neglect, or exploitation of a
157 vulnerable adult because reporting would have placed the individual in immediate danger of
158 death or serious bodily injury.

159 (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use
160 an individual's violation of Subsection (9)(a) as the basis for charging the individual with
161 another offense.

162 (e) A prosecution for failure to report under Subsection (9)(a) shall be commenced
163 within two years after the day on which the individual had knowledge of the suspected abuse,
164 neglect, or exploitation and willfully failed to report.

165 ~~[(5)]~~ (10) Under circumstances not amounting to a violation of Section 76-8-508, [~~a~~
166 ~~person who~~] an individual is guilty of a class B misdemeanor if the individual threatens,
167 intimidates, or attempts to intimidate a vulnerable adult who is the subject of a report~~[-a~~
168 ~~witness, the person who made the report]~~ under Subsection (1), the individual who made the
169 report under Subsection (1), a witness, or any other person cooperating with an investigation

170 conducted [~~pursuant to~~] in accordance with this chapter [~~is guilty of a class B misdemeanor~~].

171 ~~[(6)]~~ (11) An adult is not considered abused, neglected, or a vulnerable adult for the
172 reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in
173 lieu of medical care.

174 Section 2. Section **62A-4a-403** is amended to read:

175 **62A-4a-403. Reporting requirements -- Exceptions.**

176 ~~[(1)(a) Except as provided in Subsection (2), when any individual, including an~~
177 ~~individual licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67,~~
178 ~~Utah Medical Practice Act, has reason to believe that a child has been subjected to abuse or~~
179 ~~neglect, or observes a child being subjected to conditions or circumstances that would~~
180 ~~reasonably result in abuse or neglect, that individual shall immediately report the alleged abuse~~
181 ~~or neglect to the nearest peace officer, law enforcement agency, or office of the division.]~~

182 ~~[(b)(i) Upon receipt of a report described in Subsection (1)(a)]~~

183 (1) Except as provided in Subsection (3), if an individual, including an individual
184 licensed under Title 58, Chapter 31b, Nurse Practice Act, or Title 58, Chapter 67, Utah Medical
185 Practice Act, has reason to believe that a child is, or has been, the subject of abuse or neglect,
186 or observes a child being subjected to conditions or circumstances that would reasonably result
187 in abuse or neglect, the individual shall immediately report the suspected abuse or neglect to
188 the division or to the nearest peace office or law enforcement agency.

189 (2) (a) (i) If a peace officer or a law enforcement agency receives a report under
190 Subsection (1), the peace officer or law enforcement agency shall immediately notify the
191 nearest office of the division.

192 ~~[(ii) [If an initial report of abuse or neglect is made to the division] If the division~~
193 ~~receives a report under Subsection (1), the division shall immediately notify the appropriate~~
194 ~~local law enforcement agency.~~

195 ~~[(c)]~~ (b) (i) The division shall, in addition to the division's own investigation in
196 accordance with Section **62A-4a-409**, coordinate with the law enforcement agency on
197 investigations [~~by law enforcement undertaken to investigate a report described in Subsection~~

198 ~~(1)(a)~~ undertaken by the law enforcement agency to investigate the report of abuse or neglect
 199 under Subsection (1).

200 (ii) If a law enforcement agency undertakes an investigation of a ~~[report described in~~
 201 ~~Subsection (1)(a)]~~ report under Subsection (1), the law enforcement agency ~~[undertaking the~~
 202 ~~investigation]~~ shall provide a final investigatory report to the division upon request.

203 ~~[(2)]~~ (3) Subject to Subsection ~~[(3)]~~ (4), the ~~[notification]~~ reporting requirement
 204 described in Subsection ~~[(1)(a)]~~ (1) does not apply to:

205 (a) a member of the clergy, with regard to any confession made to the member of the
 206 clergy while functioning in the ministerial capacity of the member of the clergy and without the
 207 consent of the individual making the confession, if:

208 ~~[(a)]~~ (i) the perpetrator made the confession directly to the member of the clergy; and

209 ~~[(b)]~~ (ii) the member of the clergy is, under canon law or church doctrine or practice,
 210 bound to maintain the confidentiality of that confession~~[-];~~ or

211 (b) an attorney, or an individual employed by the attorney, if the knowledge or belief of
 212 the suspected abuse or neglect of a child arises from the representation of a client, unless the
 213 attorney is permitted to reveal the suspected abuse or neglect of the child to prevent reasonably
 214 certain death or substantial bodily harm in accordance with Utah Rules of Professional
 215 Conduct, Rule 1.6.

216 ~~[(3)]~~ (4) (a) When a member of the clergy receives information about abuse or neglect
 217 from any source other than confession of the perpetrator, the member of the clergy is required
 218 to report that information even though the member of the clergy may have also received
 219 information about abuse or neglect from the confession of the perpetrator.

220 (b) Exemption of the reporting requirement for ~~[a member of the clergy]~~ an individual
 221 described in Subsection (3) does not exempt the ~~[member of the clergy]~~ individual from any
 222 other efforts required by law to prevent further abuse or neglect by the perpetrator.

223 Section 3. Section **62A-4a-410** is amended to read:

224 **62A-4a-410. Immunity from liability -- Exception.**

225 (1) (a) Any person who in good faith makes a report under Section [62A-4a-403](#),

226 62A-4a-404, or 62A-4a-405, or who otherwise notifies the division or a peace officer or law
227 enforcement agency of suspected abuse or neglect of a child, is immune from civil and criminal
228 liability in connection with the report or notification.

229 ~~[(+)]~~ (b) Except as provided in Subsection (3), any person, official, or institution
230 ~~[participating in good faith in making a report,]~~ taking photographs or X-rays, assisting an
231 investigator from the division, serving as a member of a child protection team, or taking a child
232 into protective custody ~~[pursuant to]~~ in accordance with this part, is immune from ~~[any~~
233 ~~liability, civil or criminal, that otherwise might result by reason of those actions]~~ civil or
234 criminal liability in connection with those actions.

235 (2) This section does not provide immunity with respect to acts or omissions of a
236 governmental employee except as provided in Title 63G, Chapter 7, Governmental Immunity
237 Act of Utah.

238 (3) The immunity described in Subsection (1)(b) does not apply if the person, official,
239 or institution:

240 (a) acted or failed to act through fraud or willful misconduct;

241 (b) in a judicial or administrative proceeding, intentionally or knowingly gave, upon a
242 lawful oath or in any form allowed by law as a substitute for an oath, false testimony material
243 to the issue or matter of inquiry in the proceeding; or

244 (c) intentionally or knowingly:

245 (i) fabricated evidence; or

246 (ii) except as provided in Subsection (4), with a conscious disregard for the rights of
247 others, failed to disclose evidence that:

248 (A) was known to the person, official, or institution; and

249 (B) (I) was known by the person, official, or institution to be relevant to a material
250 issue or matter of inquiry in a pending judicial or administrative proceeding if the person,
251 official, or institution knew of the pending judicial or administrative proceeding; or

252 (II) was known by the person, official, or institution to be relevant to a material issue or
253 matter of inquiry in a judicial or administrative proceeding, if disclosure of the evidence was

254 requested of the employee by a party to the proceeding or counsel for a party to the proceeding.

255 (4) Immunity is not lost under Subsection (3)(c)(ii), if the person, official, or
256 institution:

257 (a) failed to disclose evidence described in Subsection (3)(c)(ii), because the person,
258 official, or institution is prohibited by law from disclosing the evidence; or

259 (b) (i) ~~[pursuant to]~~ in accordance with the provisions of 45 [CFR] C.F.R.
260 164.502(g)(5), refused to disclose evidence described in Subsection (3)(c)(ii) to a person who
261 requested the evidence; and

262 (ii) after refusing to disclose the evidence under Subsection (4)(b)(i), complied with or
263 responded to a valid court order or valid subpoena received by the person, official, or
264 institution to disclose the evidence described in Subsection (3)(c)(ii).

265 Section 4. Section **62A-4a-411** is amended to read:

266 **62A-4a-411. Failure to report -- Threats and intimidation -- Penalties.**

267 ~~[Any person, official, or institution required to report a case of suspected abuse, neglect,
268 fetal alcohol syndrome, or fetal drug dependency, who willfully fails to do so is guilty of a
269 class B misdemeanor. Action for failure to report must be commenced within four years from
270 the date of knowledge of the offense and the willful failure to report.]~~

271 (1) If the division has substantial grounds to believe that an individual has knowingly
272 failed to report suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency in
273 accordance with this part, the division shall file a complaint with:

274 (a) the Division of Occupational and Professional Licensing if the individual is a health
275 care provider, as defined in Section [62A-4a-404](#), or a mental health therapist, as defined in
276 Section [58-6-102](#);

277 (b) the appropriate law enforcement agency if the individual is a law enforcement
278 officer, as defined in Section [53-13-103](#); and

279 (c) the State Board of Education if the individual is an educator, as defined in Section
280 [53E-6-102](#).

281 (2) (a) An individual is guilty of a class B misdemeanor if the individual willfully fails

282 to report the suspected abuse, neglect, fetal alcohol syndrome, or fetal drug dependency in
283 accordance with this part.

284 (b) If an individual is convicted under Subsection (2)(a), the court may order the
285 individual, in addition to any other sentence the court imposes, to:

286 (i) complete community service hours; or

287 (ii) complete a program on preventing abuse and neglect of children.

288 (c) In determining whether it would be appropriate to charge an individual with a
289 violation of Subsection (2)(a), the prosecuting attorney shall take into account whether a
290 reasonable individual would not have reported suspected abuse or neglect of a child because
291 reporting would have placed the individual in immediate danger of death or serious bodily
292 injury.

293 (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use
294 an individual's violation of Subsection (2)(a) as the basis for charging the individual with
295 another offense.

296 (e) A prosecution for failure to report under Subsection (2)(a) shall be commenced
297 within two years after the day on which the individual had knowledge of the suspected abuse,
298 neglect, fetal alcohol syndrome, or fetal drug dependency and willfully failed to report.

299 (3) Under circumstances not amounting to a violation of Section [76-8-508](#), an
300 individual is guilty of a class B misdemeanor if the individual threatens, intimidates, or
301 attempts to intimidate a child who is the subject of a report under this part, the individual who
302 made the report, a witness, or any other person cooperating with an investigation conducted in
303 accordance with this chapter.

304 Section 5. Section **62A-4a-412** is amended to read:

305 **62A-4a-412. Reports, information, and referrals confidential.**

306 (1) Except as otherwise provided in this chapter, reports made under this part, as well
307 as any other information in the possession of the division obtained as the result of a report are
308 private, protected, or controlled records under Title 63G, Chapter 2, Government Records
309 Access and Management Act, and may only be made available to:

310 (a) a police or law enforcement agency investigating a report of known or suspected
311 abuse or neglect, including members of a child protection unit;

312 (b) a physician who reasonably believes that a child may be the subject of abuse or
313 neglect;

314 (c) an agency that has responsibility or authority to care for, treat, or supervise a minor
315 who is the subject of a report;

316 (d) a contract provider that has a written contract with the division to render services to
317 a minor who is the subject of a report;

318 (e) except as provided in Subsection 63G-2-202(10), a subject of the report, the natural
319 parents of the child, and the guardian ad litem;

320 (f) a court, upon a finding that access to the records may be necessary for the
321 determination of an issue before the court, provided that in a divorce, custody, or related
322 proceeding between private parties, the record alone is:

323 (i) limited to objective or undisputed facts that were verified at the time of the
324 investigation; and

325 (ii) devoid of conclusions drawn by the division or any of the division's workers on the
326 ultimate issue of whether or not a person's acts or omissions constituted any level of abuse or
327 neglect of another person;

328 (g) an office of the public prosecutor or its deputies in performing an official duty;

329 (h) a person authorized by a Children's Justice Center, for the purposes described in
330 Section 67-5b-102;

331 (i) a person engaged in bona fide research, when approved by the director of the
332 division, if the information does not include names and addresses;

333 (j) the State Board of Education, acting on behalf of itself or on behalf of a local
334 education agency, as defined in Section 63J-5-102, for the purpose of evaluating whether an
335 individual should be permitted to obtain or retain a license as an educator or serve as an
336 employee or volunteer in a school, limited to information with substantiated or supported
337 findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug

338 offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against
339 the Person, and with the understanding that the office must provide the subject of a report
340 received under Subsection (1)(k) with an opportunity to respond to the report before making a
341 decision concerning licensure or employment;

342 (k) any person identified in the report as a perpetrator or possible perpetrator of abuse
343 or neglect, after being advised of the screening prohibition in Subsection (2);

344 (l) except as provided in Subsection 63G-2-202(10), a person filing a petition for a
345 child protective order on behalf of a child who is the subject of the report;

346 (m) a licensed child-placing agency or person who is performing a preplacement
347 adoptive evaluation in accordance with the requirements of Sections 78B-6-128 and
348 78B-6-130;

349 (n) an Indian tribe to:

350 (i) certify or license a foster home;

351 (ii) render services to a subject of a report; or

352 (iii) investigate an allegation of abuse, neglect, or dependency; or

353 (o) the Division of Substance Abuse and Mental Health, the Department of Health, or a
354 local substance abuse authority, described in Section 17-43-201, for the purpose of providing
355 substance abuse treatment to a pregnant woman, or the services described in Subsection
356 62A-15-103(2)(o).

357 (2) (a) A person, unless listed in Subsection (1), may not request another person to
358 obtain or release a report or any other information in the possession of the division obtained as
359 a result of the report that is available under Subsection (1)(k) to screen for potential
360 perpetrators of abuse or neglect.

361 (b) A person who requests information knowing that the request is a violation of
362 Subsection (2)(a) is subject to the criminal penalty in Subsection (4).

363 (3) (a) Except as provided in Section 62A-4a-1007 and Subsection (3)(b), the division
364 and law enforcement officials shall ensure the anonymity of the person or persons making the
365 initial report and any others involved in [its] a subsequent investigation.

366 (b) Notwithstanding any other provision of law, excluding Section 78A-6-317, but
367 including this chapter and Title 63G, Chapter 2, Government Records Access and Management
368 Act, when the division makes a report or other information in the division's possession
369 available under Subsection (1)(e) to a subject of the report or a parent of a child, the division
370 shall remove from the report or other information only the names, addresses, and telephone
371 numbers of individuals or specific information that could:

- 372 (i) identify the referent;
373 (ii) impede a criminal investigation; or
374 (iii) endanger a person's safety.

375 (4) Any person who [~~wilfully~~] willfully permits, or aides and abets the release of data
376 or information obtained as a result of this part, in the possession of the division or contained on
377 any part of the Management Information System, in violation of this part or Sections
378 62A-4a-1003 through 62A-4a-1007, is guilty of a class C misdemeanor.

379 [~~(5) The physician-patient privilege is not a ground for excluding evidence regarding a
380 child's injuries or the cause of those injuries, in any proceeding resulting from a report made in
381 good faith pursuant to this part.]~~

382 (5) (a) As used in this Subsection (5), "physician" means an individual licensed to
383 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical
384 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

385 (b) The physician-patient privilege does not:

386 (i) excuse a physician from reporting suspected abuse, neglect, fetal alcohol syndrome,
387 or fetal drug dependency under this part; and

388 (ii) constitute grounds for excluding evidence regarding a child's injuries, or the cause
389 of the child's injuries, in any judicial or administrative proceeding resulting from a report under
390 this part.

391 (6) A child-placing agency or person who receives a report in connection with a
392 preplacement adoptive evaluation pursuant to Sections 78B-6-128 and 78B-6-130:

393 (a) may provide this report to the person who is the subject of the report; and

394 (b) may provide this report to a person who is performing a preplacement adoptive
395 evaluation in accordance with the requirement of Sections 78B-6-128 and 78B-6-130, or to a
396 licensed child-placing agency or to an attorney seeking to facilitate an adoption.

397 Section 6. **Repealer.**

398 This bill repeals:

399 Section 76-5-111.1, **Reporting requirements -- Investigation -- Immunity --**
400 **Violation -- Penalty -- Physician-patient privilege -- Nonmedical healing.**