

**Representative Raymond P. Ward** proposes the following substitute bill:

**OPIOID PRESCRIPTION REGULATION AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Raymond P. Ward**

Senate Sponsor: \_\_\_\_\_

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

**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



26           **63G-2-305**, as last amended by Laws of Utah 2018, Chapters 81, 159, 285, 315, 316,  
27 319, 352, 409, and 425

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

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

31           **58-37f-304. Database utilization.**

32           (1) As used in this section:

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

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

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

41           (d) "Schedule II opioid" means those substances listed in Subsection **58-37-4(2)(b)(i)**  
42 or **(2)(b)(ii)**.

43           (e) "Schedule III opioid" means those substances listed in Subsection **58-37-4(2)(c)**  
44 that are opioids.

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

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

50           (i) the database; or

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

52           (c) A prescriber may assign the access and review required under Subsection (2)(a) to  
53 one or more employees in accordance with Subsections **58-37f-301(2)(i)** and (j).

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

56           (A) is connected to the database through a connection that has been approved by the

57 division; and

58 (B) displays the information from the database in a prominent manner for the  
59 prescriber.

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

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

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

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

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

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

69 (i) December 31, 2018; or

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

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

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

78 (b) reduce or waive the division's continuing education requirements regarding opioid  
79 prescriptions, described in Section 58-37-6.5, including the online tutorial and test relating to  
80 the database, for prescribers and dispensers whose individual utilization of the database, as  
81 determined by the division, demonstrates substantial compliance with this section.

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

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

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

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

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

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

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

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

104 (e) Any record created by the division as a result of this Subsection (5) is a protected  
105 record under Section [63G-2-305](#).

106 (6) The division may consult with a prescriber or health care system to assist the  
107 prescriber or health care system in following evidence-based guidelines regarding the  
108 prescribing of controlled substances, including the recommendations listed in Subsection  
109 (5)(a).

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

111 **58-37f-702. Reporting prescribed controlled substance poisoning or overdose to a**  
112 **practitioner.**

113 (1) The division shall take the actions described in Subsection (2) if the division  
114 receives a report from:

115 (a) a medical examiner under Section [26-4-10.5](#) regarding a death caused by poisoning  
116 or overdose involving a prescribed controlled substance; or

117 (b) a general acute hospital under Section [26-21-26](#) regarding admission to a general  
118 acute hospital for poisoning or overdose involving a prescribed controlled substance.

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

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

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

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

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

129 (b) review the database, in consultation with the Office of the Medical Examiner, to:

130 (i) determine whether one or more controlled substances prescribed to the deceased  
131 patient in the three-month period immediately preceding the patient's death contributed to the  
132 death; and

133 (ii) identify each prescriber who wrote a prescription for a controlled substance  
134 identified under Subsection (2)(b)(i); and

135 (c) for each prescriber identified under Subsection (2)(b)(ii), schedule a live  
136 consultation with the prescriber to review:

137 (i) the findings of the report described in Subsection (1)(a) and the prescriber's  
138 involvement in the health care of the deceased patient leading up to the patient's death;

139 (ii) whether the prescriber tried to get additional treatment resources for the deceased  
140 patient, and if so, any barriers that prevented the deceased patient from utilizing those  
141 treatment resources;

142 (iii) whether each prescription for a controlled substance identified under Subsection  
143 (2)(b)(i) that the prescriber wrote for the deceased patient was done in accordance with best  
144 practice guidelines regarding the prescribing of controlled substances; and

145 (iv) whether the prescriber believes that the prescriber or the prescriber's office could  
146 or should have done anything differently in the time leading up to the patient's death.

147 (3) Any record created by the division as a result of Subsection (2) is a protected record  
148 for purposes of Title 63G, Chapter 2, Government Records Access and Management Act.

149 [~~(3)~~] (4) It is the intent of the Legislature that the information provided under

150 Subsection (2)[(b)] is provided for the purpose of assisting the practitioner in:

151 (a) discussing with the patient or others issues relating to the poisoning or overdose;

152 (b) advising the patient or others of measures that may be taken to avoid a future  
153 poisoning or overdose; and

154 (c) making decisions regarding future prescriptions written for the patient or others.

155 [(4)] (5) Beginning on July 1, 2010, the division shall, in accordance with Section  
156 63J-1-504, increase the licensing fee described in Subsection 58-37-6(1)(b) to pay the startup  
157 and ongoing costs of the division for complying with the requirements of this section.

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

159 **63G-2-305. Protected records.**

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

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

163 (2) commercial information or nonindividual financial information obtained from a  
164 person if:

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

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

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

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

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

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

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

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

- 188 (i) an invitation for bids;
- 189 (ii) a request for proposals;
- 190 (iii) a request for quotes;
- 191 (iv) a grant; or
- 192 (v) other similar document; or

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

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

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

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

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

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

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

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

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

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

215 (e) the property under consideration for public acquisition is a single family residence  
216 and the governmental entity seeking to acquire the property has initiated negotiations to acquire  
217 the property as required under Section 78B-6-505;

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

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

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

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

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

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

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

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

241 (e) reasonably could be expected to disclose investigative or audit techniques,  
242 procedures, policies, or orders not generally known outside of government if disclosure would



243 interfere with enforcement or audit efforts;

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

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

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

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

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

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

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

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

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

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

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

272 (A) members of a legislative body;

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

274 (C) members of a legislative body's staff; and  
275 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of  
276 legislative action or policy may not be classified as protected under this section;  
277 (20) (a) records in the custody or control of the Office of Legislative Research and  
278 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated  
279 legislation or contemplated course of action before the legislator has elected to support the  
280 legislation or course of action, or made the legislation or course of action public; and  
281 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the  
282 Office of Legislative Research and General Counsel is a public document unless a legislator  
283 asks that the records requesting the legislation be maintained as protected records until such  
284 time as the legislator elects to make the legislation or course of action public;  
285 (21) research requests from legislators to the Office of Legislative Research and  
286 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared  
287 in response to these requests;  
288 (22) drafts, unless otherwise classified as public;  
289 (23) records concerning a governmental entity's strategy about:  
290 (a) collective bargaining; or  
291 (b) imminent or pending litigation;  
292 (24) records of investigations of loss occurrences and analyses of loss occurrences that  
293 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the  
294 Uninsured Employers' Fund, or similar divisions in other governmental entities;  
295 (25) records, other than personnel evaluations, that contain a personal recommendation  
296 concerning an individual if disclosure would constitute a clearly unwarranted invasion of  
297 personal privacy, or disclosure is not in the public interest;  
298 (26) records that reveal the location of historic, prehistoric, paleontological, or  
299 biological resources that if known would jeopardize the security of those resources or of  
300 valuable historic, scientific, educational, or cultural information;  
301 (27) records of independent state agencies if the disclosure of the records would  
302 conflict with the fiduciary obligations of the agency;  
303 (28) records of an institution within the state system of higher education defined in  
304 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,

305 retention decisions, and promotions, which could be properly discussed in a meeting closed in  
306 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of  
307 the final decisions about tenure, appointments, retention, promotions, or those students  
308 admitted, may not be classified as protected under this section;

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

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

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

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

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

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

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

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

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

340 (a) the donor requests anonymity in writing;

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

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

348 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and  
349 73-18-13;

350 (39) a notification of workers' compensation insurance coverage described in Section  
351 34A-2-205;

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

355 (i) unpublished lecture notes;

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

357 (A) relating to research; and

358 (B) of:

359 (I) the institution within the state system of higher education defined in Section  
360 53B-1-102; or

361 (II) a sponsor of sponsored research;

362 (iii) unpublished manuscripts;

363 (iv) creative works in process;

364 (v) scholarly correspondence; and

365 (vi) confidential information contained in research proposals;

366 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public

367 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and  
368 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;  
369 (41) (a) records in the custody or control of the Office of Legislative Auditor General  
370 that would reveal the name of a particular legislator who requests a legislative audit prior to the  
371 date that audit is completed and made public; and  
372 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the  
373 Office of the Legislative Auditor General is a public document unless the legislator asks that  
374 the records in the custody or control of the Office of Legislative Auditor General that would  
375 reveal the name of a particular legislator who requests a legislative audit be maintained as  
376 protected records until the audit is completed and made public;  
377 (42) records that provide detail as to the location of an explosive, including a map or  
378 other document that indicates the location of:  
379 (a) a production facility; or  
380 (b) a magazine;  
381 (43) information:  
382 (a) contained in the statewide database of the Division of Aging and Adult Services  
383 created by Section 62A-3-311.1; or  
384 (b) received or maintained in relation to the Identity Theft Reporting Information  
385 System (IRIS) established under Section 67-5-22;  
386 (44) information contained in the Management Information System and Licensing  
387 Information System described in Title 62A, Chapter 4a, Child and Family Services;  
388 (45) information regarding National Guard operations or activities in support of the  
389 National Guard's federal mission;  
390 (46) records provided by any pawn or secondhand business to a law enforcement  
391 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and  
392 Secondhand Merchandise Transaction Information Act;  
393 (47) information regarding food security, risk, and vulnerability assessments performed  
394 by the Department of Agriculture and Food;  
395 (48) except to the extent that the record is exempt from this chapter pursuant to Section  
396 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or  
397 prepared or maintained by the Division of Emergency Management, and the disclosure of

398 which would jeopardize:

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

400 (b) the security of:

401 (i) governmental property;

402 (ii) governmental programs; or

403 (iii) the property of a private person who provides the Division of Emergency

404 Management information;

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

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

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

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

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

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

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

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

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

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

426 (a) conducted within the state system of higher education, as defined in Section  
427 [53B-1-102](#); and

428 (b) conducted using animals;

429 (53) in accordance with Section 78A-12-203, any record of the Judicial Performance  
430 Evaluation Commission concerning an individual commissioner's vote on whether or not to  
431 recommend that the voters retain a judge including information disclosed under Subsection  
432 78A-12-203(5)(e);

433 (54) information collected and a report prepared by the Judicial Performance  
434 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter  
435 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,  
436 the information or report;

437 (55) records contained in the Management Information System created in Section  
438 62A-4a-1003;

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

441 (57) information requested by and provided to the 911 Division under Section  
442 63H-7a-302;

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

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

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

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

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

456 (b) records and audit workpapers to the extent they would disclose the identity of a  
457 person who, during the course of an investigation or audit, communicated the existence of any  
458 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or  
459 regulation adopted under the laws of this state, a political subdivision of the state, or any

460 recognized entity of the United States, if the information was disclosed on the condition that  
461 the identity of the person be protected;

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

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

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

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

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

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

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

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

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

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

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

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

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

490 (b) record any encounter between a law enforcement officer and a person that results in



491 death or bodily injury, or includes an instance when an officer fires a weapon;  
492 (c) record any encounter that is the subject of a complaint or a legal proceeding against  
493 a law enforcement officer or law enforcement agency;  
494 (d) contain an officer involved critical incident as defined in Subsection  
495 [76-2-408\(1\)\(d\)](#); or  
496 (e) have been requested for reclassification as a public record by a subject or  
497 authorized agent of a subject featured in the recording;  
498 (66) a record pertaining to the search process for a president of an institution of higher  
499 education described in Section [53B-2-102](#), except for application materials for a publicly  
500 announced finalist; and  
501 (67) an audio recording that is:  
502 (a) produced by an audio recording device that is used in conjunction with a device or  
503 piece of equipment designed or intended for resuscitating an individual or for treating an  
504 individual with a life-threatening condition;  
505 (b) produced during an emergency event when an individual employed to provide law  
506 enforcement, fire protection, paramedic, emergency medical, or other first responder service:  
507 (i) is responding to an individual needing resuscitation or with a life-threatening  
508 condition; and  
509 (ii) uses a device or piece of equipment designed or intended for resuscitating an  
510 individual or for treating an individual with a life-threatening condition; and  
511 (c) intended and used for purposes of training emergency responders how to improve  
512 their response to an emergency situation;  
513 (68) records submitted by or prepared in relation to an applicant seeking a  
514 recommendation by the Research and General Counsel Subcommittee, the Budget  
515 Subcommittee, or the Audit Subcommittee, established under Section [36-12-8](#), for an  
516 employment position with the Legislature;  
517 (69) work papers as defined in Section [31A-2-204](#); ~~and~~  
518 (70) a record made available to Adult Protective Services or a law enforcement agency  
519 under Section [61-1-206](#)~~[-]~~; and  
520 (71) any record created by the Division of Occupational and Professional Licensing as  
521 a result of Subsection [58-37f-304\(5\)](#) or [58-37f-702\(2\)](#).