

**Senator Karen Mayne** proposes the following substitute bill:

**MEDICAL BILLING AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to balance billing for certain health care services.

**Highlighted Provisions:**

This bill:

- requires health care facilities and health care providers who engage in balance billing for certain health care services to submit a report to the Insurance Department;
- requires an insurer to provide certain information regarding reimbursement for emergency services to the Insurance Department;
- specifies the information that must be reported by a health care provider, a health care facility, or a health insurer;
- creates a reporting requirement; and
- creates a sunset date.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



AMENDS:

**26-21-27**, as enacted by Laws of Utah 2010, Chapter 68

**58-1-508**, as last amended by Laws of Utah 2018, Chapter 203

**63G-2-305**, as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277

**63I-2-231**, as last amended by Laws of Utah 2019, Chapter 55

ENACTS:

**31A-22-653**, Utah Code Annotated 1953

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

Section 1. Section **26-21-27** is amended to read:

**26-21-27. Reporting certain health care facility charges.**

(1) Beginning January 1, 2011, a health care facility licensed under this chapter shall, when requested by a consumer:

~~[(1)]~~ (a) make a list of prices charged by the facility available for the consumer that includes the facility's:

~~[(a)]~~ (i) in-patient procedures;

~~[(b)]~~ (ii) out-patient procedures;

~~[(c)]~~ (iii) the 50 most commonly prescribed drugs in the facility;

~~[(d)]~~ (iv) imaging services; and

~~[(e)]~~ (v) implants; and

~~[(2)]~~ (b) provide the consumer with information regarding any discounts the facility provides for:

~~[(a)]~~ (i) charges for services not covered by insurance; or

~~[(b)]~~ (ii) prompt payment of billed charges.

(2) A health care provider that is subject to the reporting requirement in Section **31A-22-653** shall submit information to the Insurance Department in accordance with Section **31A-22-653**.

Section 2. Section **31A-22-653** is enacted to read:

**31A-22-653. Emergency service balance billing report -- Rulemaking -- Immunity -- Reporting requirement.**

(1) As used in this section:

(a) (i) "Balance billing" means the practice of a qualified provider billing an enrollee of a health benefit plan who is a Utah resident for the difference between the qualified provider's charge and the insurer's allowed amount.

(ii) "Balance billing" does not include a qualified provider billing an enrollee of a health benefit plan for cost sharing, including copayments, coinsurance, and deductibles, required under the enrollee's health benefit plan.

(b) "Emergency service" means:

(i) emergency services as defined in 29 C.F.R. Sec. 2590.715-2719A(b)(4)(ii); and

(ii) services related to emergency services under Subsection (1)(b)(i) that:

(A) are provided by a qualified provider after the condition of the enrollee of a health benefit plan is no longer considered an emergency medical condition as defined in Section [31A-22-627](#); and

(B) stabilize as defined in 42 U.S.C. Sec. 1395dd(e)(3), improve, or resolve the condition of the enrollee of a health benefit plan.

(c) "Qualified provider" means a person who:

(i) provides an emergency service from July 1, 2020, through June 30, 2021; and

(ii) (A) is licensed to provide health care services under Title 58, Occupations and Professions; or

(B) is a health care facility as defined in Section [26-21-2](#).

(d) "Reporting period" means the period beginning July 1, 2020, and ending on June 30, 2021.

(2) On or before January 4, 2022, a qualified provider that engages in balance billing during the reporting period shall submit a report to the commissioner that describes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

150 grant has been awarded and signed by all parties:

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

153 (i) an invitation for bids;

154 (ii) a request for proposals;

155 (iii) a request for quotes;

156 (iv) a grant; or

157 (v) other similar document; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) members of a legislative body;

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

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

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

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



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

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

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

(22) drafts, unless otherwise classified as public;

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

(a) collective bargaining; or

(b) imminent or pending litigation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

305 (a) the donor requests anonymity in writing;

306 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be

307 classified protected by the governmental entity under this Subsection (37); and

308 (c) except for an institution within the state system of higher education defined in

309 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged

310 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority

311 over the donor, a member of the donor's immediate family, or any entity owned or controlled

312 by the donor or the donor's immediate family;

313 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and

314 73-18-13;

315 (39) a notification of workers' compensation insurance coverage described in Section

316 34A-2-205;

317 (40) (a) the following records of an institution within the state system of higher

318 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,

319 or received by or on behalf of faculty, staff, employees, or students of the institution:

320 (i) unpublished lecture notes;

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

322 (A) relating to research; and

323 (B) of:

324 (I) the institution within the state system of higher education defined in Section

325 53B-1-102; or

326 (II) a sponsor of sponsored research;

327 (iii) unpublished manuscripts;

328 (iv) creative works in process;

329 (v) scholarly correspondence; and

330 (vi) confidential information contained in research proposals;

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

332 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

333 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

334 (41) (a) records in the custody or control of the Office of Legislative Auditor General

335 that would reveal the name of a particular legislator who requests a legislative audit prior to the

date that audit is completed and made public; and

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

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

(a) a production facility; or

(b) a magazine;

(43) information:

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

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

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

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

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

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

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

(a) the safety of the general public; or

(b) the security of:

(i) governmental property;

367 (ii) governmental programs; or  
368 (iii) the property of a private person who provides the Division of Emergency  
369 Management information;  
370 (49) records of the Department of Agriculture and Food that provides for the  
371 identification, tracing, or control of livestock diseases, including any program established under  
372 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control  
373 of Animal Disease;  
374 (50) as provided in Section 26-39-501:  
375 (a) information or records held by the Department of Health related to a complaint  
376 regarding a child care program or residential child care which the department is unable to  
377 substantiate; and  
378 (b) information or records related to a complaint received by the Department of Health  
379 from an anonymous complainant regarding a child care program or residential child care;  
380 (51) unless otherwise classified as public under Section 63G-2-301 and except as  
381 provided under Section 41-1a-116, an individual's home address, home telephone number, or  
382 personal mobile phone number, if:  
383 (a) the individual is required to provide the information in order to comply with a law,  
384 ordinance, rule, or order of a government entity; and  
385 (b) the subject of the record has a reasonable expectation that this information will be  
386 kept confidential due to:  
387 (i) the nature of the law, ordinance, rule, or order; and  
388 (ii) the individual complying with the law, ordinance, rule, or order;  
389 (52) the portion of the following documents that contains a candidate's residential or  
390 mailing address, if the candidate provides to the filing officer another address or phone number  
391 where the candidate may be contacted:  
392 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,  
393 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,  
394 20A-9-408.5, 20A-9-502, or 20A-9-601;  
395 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or  
396 (c) a notice of intent to gather signatures for candidacy, described in Section  
397 20A-9-408;

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

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

(b) conducted using animals;

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

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

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

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

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

(59) in accordance with Section 73-10-33:

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

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

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

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

report or final audit report;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) depict the commission of an alleged crime;

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

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

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

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

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

(68) an audio recording that is:

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

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

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

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

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

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



491 (70) work papers as defined in Section 31A-2-204;  
492 (71) a record made available to Adult Protective Services or a law enforcement agency  
493 under Section 61-1-206;  
494 (72) a record submitted to the Insurance Department in accordance with Section  
495 31A-37-201 or 31A-22-653; [and]  
496 (73) a record described in Section 31A-37-503[-];  
497 (74) any record created by the Division of Occupational and Professional Licensing as  
498 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii); and  
499 (75) a record described in Section 72-16-306 that relates to the reporting of an injury  
500 involving an amusement ride.  
501 Section 5. Section 63I-2-231 is amended to read:  
502 **63I-2-231. Repeal dates -- Title 31A.**  
503 [~~(1) Title 31A, Chapter 30, Part 2, Defined Contribution Arrangements is repealed July~~  
504 ~~1, 2019.~~]  
505 [~~(2) Title 31A, Chapter 30, Part 3, Individual and Small Employer Risk Adjustment~~  
506 ~~Act is repealed July 1, 2019.~~]  
507 Section 31A-22-653 is repealed January 1, 2023.