

**Utah Supreme Court Advisory Committee**  
**Rules of Evidence**  
**AGENDA**

**February 8, 2022**  
**5:15 p.m. – 7:15 p.m.**

**Meeting held via WEBEX**

<b>Approval of Minutes</b> <ul style="list-style-type: none"><li><i>January 11, 2022</i></li></ul>	Action	Tab 1	Chris Hogle
<b>Introduce new member:</b> <ul style="list-style-type: none"><li>Judge Michael Leavitt</li></ul>	Discussion	Tab 2	Chris Hogle
<b>URE 404 / SJR 002:</b> Rapid response subcommittee update	Discussion		Subcommittee
<b>URE 504</b>	Action	Tab 3	Subcommittee
<b>URE 506</b>	Action	Tab 4	Subcommittee

Queue:

- Ongoing Project: Law Student Rule Comment Review

**2022 Meeting Dates:**

April 12, 2022  
June 14, 2022  
October 11, 2022  
November 8, 2022

**Rule Status:**

URE 106 – Under consideration by Supreme Court  
URE 404 – Under consideration by Supreme Court  
URE 412 – Out for public comment (ends 2/26/22)  
URE 504 – Subcommittee  
URE 506 – Subcommittee  
URE 507.1 – Awaiting DoH guidelines  
URE 512 – Approved as final (eff. 5/1/22)  
URE 1101 – Approved as final (eff. 5/1/22)

# Tab 1

**UTAH SUPREME COURT ADVISORY COMMITTEE  
ON THE RULES OF EVIDENCE**

**MEETING MINUTES**

**DRAFT**

**January 11, 2021  
5:15 p.m.-7:15 p.m.  
Via Webex**

<u>MEMBERS PRESENT</u>	<u>MEMBERS EXCUSED</u>	<u>GUESTS</u>	<u>STAFF</u>
Chris Hogle Sarah Carlquist Tony Graf Ed Havas Hon. Linda Jones Jennifer Parrish Nicole Salazar-Hall Hon. Vernice Trease Hon. Teresa Welch Hon. David Williams Melinda Bowen Hon. Richard McKelvie John Nielsen Dallas Young Deborah Bulkeley Teneille Brown	Adam Alba Matthew Hansen		Keisa Williams Angelica Juarez

**1. WELCOME AND APPROVAL OF MINUTES:**

Chris Hogle welcomed everyone to the meeting. ***Dallas Young moved to approve the November 9, 2021 minutes. Judge David Williams seconded the motion and it passed unanimously.***

**2. URE 404 Update**

Mr. Hogle updated the committee on the URE 404 meetings with the Supreme Court on December 14th and December 15th. The Supreme Court approved Rules 512 and 1101 as final with a May 1, 2022 effective date. Rules 106 and 504 need modifications.

Mr. Hogle updated the committee on House Joint Resolution 2 (HJR002) amending rule 404. Mr. Hogle asked if any of the rapid response subcommittee members are available to participate in the January 19th Supreme Court conference to discuss HJR002. Ms. Carlquist and Mr. Young volunteered to participate.

### **3. RULE 504 UPDATE**

Mr. Hogle updated the committee on the Supreme Court's comments to the Rule 504 draft. Overall, the Court expressed preference for one category of legal professionals.

The Rule 504 Subcommittee commented on the changes to the updated Rule 504.

Ms. Parrish updated the committee on Rule 504. Prior to the November 9th meeting, two approaches have been considered, one that distinguishes between lawyers and non-lawyer legal service providers (based on public comment critical of combining them) and another that grouped them together, and during the November 9th meeting it was decided to recommend the former approach. The Supreme Court rejected that approach.

A new version was sent to the Committee members on January 7th, 2022, using the term "legal professional." This version defines "lawyer" and other legal professionals. The rule also includes an Advisory Committee Note clarifying that licensed paralegal practitioners and those approved in the sandbox are considered legal professionals under this rule.

Mr. Hogle raised the issue of whether people will know who those approved in "Utah's regulatory sandbox" includes. Ms. Parrish expressed that anyone looking at the rule would know what that means. Mr. Hogle suggested linking to a website that includes a definition.

Ms. Williams suggested the following comment language: "approved to provide legal services by the Utah Supreme Court's Office of Legal Innovation." Ms. Parrish and Judge Williams expressed their approval of this language.

Mr. Hogle suggested looking at this note again at next meeting.

Ms. Carlquist asked whether it is constitutional for the legislature to propose a new rule rather than modify an existing rule. Mr. Hogle expressed that this is a recurring issue on which the Committee has had much discussion, and it resurfaced as part of the Supreme Court's approval of Rule 512. Mr. Hogle clarified that the Supreme Court adopted its own version of the rule, therefore there is no constitutional argument that the legislature intruded on Supreme Court authority with respect to the Supreme Court's version of Rule 512. The Supreme Court's adopted rule supersedes the legislative rule.

#### **Adjourn:**

With no further items for discussion, Mr. Hogle moved to adjourn the meeting. The next meeting will be February 8, 2022 at 5:15 pm, via Webex video conferencing.

# Tab 2

## **JUDGE MICHAEL LEAVITT**



Judge Michael F. Leavitt was appointed to the Fifth District Juvenile Court in 2014 by Gov. Gary R. Herbert. He serves Beaver, Iron, and Washington counties. Judge Leavitt graduated from University of Idaho College of Law in 2002. Prior to his appointment, Judge Leavitt worked as an attorney with the law firm of Durham Jones & Pinegar (formerly Snow Nuffer) from 2002 through 2014. At the time of his appointment, he was serving as a Bar Commissioner with the Utah State Bar and previously served as President of the Southern Utah Bar Association.

# Tab 3

## **Rule 504. Legal Professional - Client.**

### **(a) Definitions.**

**(a)(1)** “Legal services” means the provision of:

**(a)(1)(A)** professional counsel, advice, direction or guidance on a legal matter or question;

**(a)(1)(B)** professional representation on the client’s behalf on a legal matter; or

**(a)(1)(C)** referral to a lawyer.

**(a)(2)** “Client” means a person, public officer, corporation, association, or other organization or entity, either public or private, who is rendered legal services.

**(a)(3)** “Lawyer” means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation.

**(a)(4)** “Legal professional” means a lawyer or any other person or entity authorized, or reasonably believed by the client to be authorized, in the State of Utah to provide legal services.

**(a)(5)** “Lawyer referral service” means an organization, either non-profit or for-profit, that is providing intake or screening services to clients or prospective clients for the purpose of referring them to legal services.

21       **(a)(6)** "Legal professional's representative means a person or entity  
22       employed to assist the legal professional in the rendition of legal  
23       services.

24       **(a)(7)** "Client's representative" means a person or entity authorized by  
25       the client to:

26               **(a)(7)(A)** obtain legal services for or on behalf of the client;

27               **(a)(7)(B)** act on advice rendered pursuant to legal services for or  
28       on behalf of the client;

29               **(a)(7)(C)** provide assistance to the client that is reasonably  
30       necessary to facilitate the client's confidential communications; or

31               **(a)(7)(D)** disclose, as an employee or agent of the client,  
32       confidential information concerning a legal matter to the legal  
33       professional.

34       **(a)(8)** "Communication" includes:

35               **(a)(8)(A)** advice, direction or guidance given by the legal  
36       professional, the legal professional's representative, or a lawyer  
37       referral service in the course of providing legal services; and

38                   **(a)(8)(B)** disclosures of the client and the client's representative  
39                   to the legal professional, the legal professional's representative, or  
40                   a lawyer referral service incidental to the client's legal services.

41                   **(a)(9)** "Confidential communication" means a communication not  
42                   intended to be disclosed to third persons other than those to whom  
43                   disclosure is in furtherance of rendition of legal services to the client or  
44                   to those reasonably necessary for the transmission of the  
45                   communication.

46  
47                   **(b) Statement of the Privilege.** A client has a privilege to refuse  
48                   to disclose, and to prevent any other person from disclosing, confidential  
49                   communications if:

50                   **(b)(1)** the communications were made for the purpose or in the course  
51                   of obtaining or facilitating the rendition of legal services to the client;  
52                   and

53                   **(b)(2)** the communications were:

54                   **(b)(2)(A)** between (i) the client or the client's representative and  
55                   (ii) the legal professional, the legal professional's representatives,

or a legal professional representing others in matters of common interest;

**(b)(2)(B)** between clients or clients' representatives as to matters of common interest but only if each clients' legal professional or legal professional's representatives was also present or included in the communications;

**(b)(2)(C)** between (i) the client or the client's representatives and (ii) a lawyer referral service; or

**(b)(2)(D)** between (i) the client's legal professional or legal professional's representatives and (ii) the client's lawyer referral service.

**(c) Who May Claim the Privilege.** The privilege may be claimed by:

**(c)(1)** the client;

**(c)(2)** the client's guardian or conservator;

**(c)(3)** the personal representative of a client who is deceased;

**(c)(4)** the successor, trustee, or similar representative of a client that was a corporation, association, or other organization, whether or not in existence; and

74           **(c)(5)** the legal professional or the lawyer referral service on behalf of  
75           the client.

76   **(d) Exceptions to the Privilege.** Privilege does not apply in the following  
77   circumstances:

78           **(d)(1) Furtherance of the Crime or Fraud.** If the services of the legal  
79           professional were sought or obtained to enable or aid anyone to commit  
80           or plan to commit what the client knew or reasonably should have  
81           known to be a crime or fraud;

82           **(d)(2) Claimants through Same Deceased Client.** As to a  
83           communication relevant to an issue between parties who claim through  
84           the same deceased client, regardless of whether the claims are by testate  
85           or intestate succession or by inter vivos transaction;

86           **(d)(3) Breach of Duty by Lawyer or Client.** As to a communication  
87           relevant to an issue of breach of duty by the legal professional to the  
88           client;

89           **(d)(4) Document Attested by Lawyer.** As to a communication relevant  
90           to an issue concerning a document to which the legal professional was  
91           an attesting witness; or

92     **(d)(5) Joint Clients.** As to the communication relevant to a matter of  
93     common interest between two or more clients if the communication was made  
94     by any of them to a legal professional retained or consulted in common, when  
95     offered in an action between any of the clients.

Effective November 1, 2018

**2018 Advisory Committee Note.** These amendments are limited to the scope of the attorney-client privilege. Nothing in the amendments is intended to suggest that for other purposes, such as application of the Utah Rules of Professional Conduct or principles of attorney liability, an attorney forms an attorney-client relationship with a person merely by making a referral to another lawyer, even if privileged confidential communications are made in the process of that referral.

**2021 Advisory Committee Note.** Licensed paralegal practitioners (as currently described in and governed by Chapter 15 of the Utah Supreme Court Rules of Professional Practice) and those approved to provide legal services by the Utah Supreme Court’s Office of Legal Services Innovation (*see* <https://www.utahinnovationoffice.org/>) are among those considered “legal professionals” under this rule.

Rule 504. ~~Lawyer~~Legal Professional - Client.

(a) Definitions.

(a)(1) "Legal services" means the provision of:

(a)(1)(A) professional counsel, advice, direction or guidance on a legal matter or question;

(a)(1)(B) professional representation on the client's behalf on a legal matter; or

(a)(1)(C) referral to a lawyer.

(a)(2) "Client" means a person, public officer, corporation, association, or other organization or entity, either public or private, who is rendered legal services ~~by a lawyer or who consults a lawyer or a lawyer referral service to obtain legal services.~~

(a)(~~32~~) "Lawyer" means a person authorized, or reasonably believed by the client to be authorized, to practice law in any state or nation.

(a)(~~43~~) "Legal professional" means a lawyer or any other person or entity authorized, or reasonably believed by the client to be authorized, in the State of Utah to provide legal services.

(a)(5)—"Lawyer referral service" means an organization, either non-profit or for-profit, that is providing intake or screening services to clients or prospective clients for the purpose of referring them to legal services.

~~“(a)(4) “Legal services” means the provision by a lawyer or lawyer referral service of:~~

~~“(a)(4)(A) professional counsel, advice, direction or guidance on a legal matter or question;~~

~~“(a)(4)(B) professional representation on the client’s behalf on a legal matter; or~~

~~“(a)(4)(C) referral to a lawyer.~~

~~“(a)(5) (a)(6) “Lawyer’s Legal professional’s representative means a person or entity employed to assist the lawyer legal professional in the rendition of legal services.~~

~~-~~

~~“(a)(76) “Client’s representative” means a person or entity authorized by the client to:~~

~~“(a)(76)(A) obtain legal services for or on behalf of the client;~~

~~“(a)(76)(B) act on advice rendered pursuant to legal services for or on behalf of the client;~~

~~“(a)(76)(C) provide assistance to the client that is reasonably necessary to facilitate the client’s confidential communications; or~~

(a)(76)(D) disclose, as an employee or agent of the client,  
confidential information concerning a legal matter to the  
~~lawyer~~legal professional.

(a)(87) "Communication" includes:

(a)(87)(A) advice, direction or guidance given by the ~~lawyer~~legal  
professional, the ~~lawyer's~~legal professional's representative, or a  
lawyer referral service in the course of providing legal services;  
and

(a)(87)(B) disclosures of the client and the client's representative  
to the ~~lawyer~~legal professional, the ~~lawyer's~~legal professional's  
representative, or a lawyer referral service incidental to the  
client's legal services.

(a)(98) "Confidential communication" means a communication not  
intended to be disclosed to third persons other than those to whom  
disclosure is in furtherance of rendition of legal services to the client or  
to those reasonably necessary for the transmission of the  
communication.

**(b) Statement of the Privilege.** A client has a privilege to refuse to disclose, and to prevent any other person from disclosing, confidential communications if:

**(b)(1)** the communications were made for the purpose or in the course of obtaining or facilitating the rendition of legal services to the client; and

**(b)(2)** the communications were:

**(b)(2)(A)** between (i) the client or the client's representative and (ii) the ~~lawyer~~legal professional, the ~~lawyer's~~legal professional's representatives, or a ~~lawyer~~legal professional representing others in matters of common interest;~~or~~

**(b)(2)(B)** between clients or clients' representatives as to matters of common interest but only if each clients' ~~lawyer~~legal professional or ~~lawyer's~~legal professional's representatives was also present or included in the communications;~~or~~

**(b)(2)(C)** between (i) the client or the client's representatives and (ii) a lawyer referral service; or

(b)(2)(D) between (i) the client's ~~lawyer~~ legal professional or ~~lawyer's~~ legal professional's representatives and (ii) the client's lawyer referral service.

**(c) Who May Claim the Privilege.** The privilege may be claimed by:

- (c)(1) the client;
- (c)(2) the client's guardian or conservator;
- (c)(3) the personal representative of a client who is deceased;
- (c)(4) the successor, trustee, or similar representative of a client that was a corporation, association, or other organization, whether or not in existence; and
- (c)(5) the ~~lawyer~~ legal professional or the lawyer referral service on behalf of the client.

**(d) Exceptions to the Privilege.** Privilege does not apply in the following circumstances:

- (d)(1) **Furtherance of the Crime or Fraud.** If the services of the ~~lawyer~~ legal professional were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew or reasonably should have known to be a crime or fraud;

92           **(d)(2) Claimants through Same Deceased Client.** As to a  
93           communication relevant to an issue between parties who claim through  
94           the same deceased client, regardless of whether the claims are by testate  
95           or intestate succession or by inter vivos transaction;

96           **(d)(3) Breach of Duty by Lawyer or Client.** As to a communication  
97           relevant to an issue of breach of duty by the ~~lawyer~~legal professional to  
98           the client;

99           **(d)(4) Document Attested by Lawyer.** As to a communication relevant  
100          to an issue concerning a document to which the ~~lawyer~~legal  
101          professional was an attesting witness; or

102          **(d)(5) Joint Clients.** As to the communication relevant to a matter of  
103          common interest between two or more clients if the communication was made  
104          by any of them to a ~~lawyer~~legal professional retained or consulted in  
105          common, when offered in an action between any of the clients.

Effective November 1, 2018

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another lawyer, even if privileged confidential communications are made in the process of that referral.

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# Tab 4

**Rule 506. Physician and Mental Health Therapist-Patient.**

**(a) Definitions.**

**(a)(1)** "Patient" means a person who consults or is examined or interviewed by a physician or mental health therapist.

**(a)(2)** "Physician" means a person licensed, or reasonably believed by the patient to be licensed, to practice medicine in any state.

**(a)(3)** "Mental health therapist" means a person who

**(a)(3)(A)** is or is reasonably believed by the patient to be licensed or certified in any state as a physician, psychologist, clinical or certified social worker, marriage and family therapist, advanced practice registered nurse designated as a registered psychiatric mental health nurse specialist, or professional counselor; and

**(a)(3)(B)** is engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction.

**(b) Statement of the Privilege.** A patient has a privilege, during the patient's life, to refuse to disclose and to prevent any other person from disclosing information that is communicated in confidence to a physician or mental health therapist for the purpose of diagnosing or treating the patient. The privilege applies to:

**(b)(1)** diagnoses made, treatment provided, or advice given by a physician or mental health therapist;

**(b)(2)** information obtained by examination of the patient; and

**(b)(3)** information transmitted among a patient, a physician or mental health therapist, and other persons who are participating in the diagnosis or treatment under the direction of the physician or mental health therapist. Such other persons include guardians or members of the patient's family who are present to further the interest of the patient because they are reasonably necessary for the transmission of the communications, or participation in the diagnosis and treatment under the direction of the physician or mental health therapist.

**(c) Who May Claim the Privilege.** The privilege may be claimed by the patient, or the guardian or conservator of the patient. The person who was the physician or mental health therapist at the time of the communication is presumed to have authority during the life of the patient to claim the privilege on behalf of the patient.

**(d) Exceptions.** No privilege exists under paragraph (b) in the following circumstances:

**(d)(1) Condition as Element of Claim or Defense.** For communications relevant to an issue of the physical, mental, or emotional condition of the patient:

**(d)(1)(A)** in any proceeding in which that condition is an element of any claim or defense, or

(d)(1)(B) after the patient's death, in any proceedings in which any party relies upon the condition as an element of the claim or defense;

(d)(2) Necessary to a Criminal Case. If it appears from the evidence in the case, or from another showing by a party, that the communication is necessary to a fair determination of guilt or innocence;

(d)(3) Hospitalization for Mental Illness. For communications relevant to an issue in proceedings to hospitalize the patient for mental illness, if the mental health therapist in the course of diagnosis or treatment has determined that the patient is in need of hospitalization; ~~and~~ or

(d)(34) Court Ordered Examination. For communications made in the course of, and pertinent to the purpose of, a court-ordered examination of the physical, mental, or emotional condition of a patient, whether a party or witness, unless the court in ordering the examination specifies otherwise.

(e) Effect of Claiming an Exception in a Criminal Proceeding.

(e)(1) In addition to satisfying the requirements of Utah Rule of Criminal Procedure 14(b), the party claiming an exception under (d)(2) has the burden of establishing, to a reasonable likelihood / preponderance of the evidence, that the communication

(e)(1)(A) contains a recantation or material inconsistency;

(e)(1)(B) was the product of suggestion or undue influence;

(e)(1)(C) relates to the reliability of the method or means by which the communication was disclosed; or

(e)(1)(D) is otherwise necessary to protect a criminal defendant's constitutional rights.

(e)(2) If the party claiming any exception under this rule makes the showing required, the court shall conduct an in-camera review of the communications and shall release to the parties any communication to which the exception applies.

(e)(3) A court has an ongoing duty to conduct an in-camera review of the communications to re-examine their materiality in light of how the criminal proceeding has progressed. In re-examining the communications, the court shall determine whether the privilege continues to apply and if so whether an exception applies. This duty arises only upon the request of a party.

(e)(4) All communications submitted to the court for in camera review and which are not otherwise released under an exception, will be sealed and preserved to be made available to the appellate court in the event of an appeal.

(f) Reasonable Orders and Procedures. The court may make reasonable orders regarding the procedure to be followed when a party claims an exception.

**2021 Advisory Committee Note.** The language of this rule has been amended in light of the Utah Supreme Court's decision in *State v. Bell*, 2020 UT 38, 469 P.3d 929. There, the supreme court noted "that Mr. Bell raises important constitutional and policy concerns regarding a criminal defendant's access to records that may contain exculpatory evidence." *Id.* ¶ 1. Therefore, the amendments contained in subsections (d)(2) and (e) are intended to protect the defendant's constitutional rights while maintaining the important privacy and policy considerations underlying the privilege. The amendments do not limit the availability of this rule's other exceptions in criminal proceedings.

**2011 Advisory Committee Note.** The language of this rule has been amended as part of the restyling of the Evidence Rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. There is no intent to change any result in any ruling on evidence admissibility.

**Original Advisory Committee Note.** Rule 506 is modeled after Rule 503 of the Uniform Rules of Evidence, and is intended to supersede Utah Code §§ 78-24-8(4) and 58-25a-8. There is no corresponding federal rule. By virtue of Rule 501, marriage and family therapists are not covered by this Rule.

The differences between existing Utah Code § 78-24-8 and Rule 506 are as follows:

(1) Rule 506 specifically applies to psychotherapists and licensed psychologists, it being the opinion of the Committee that full disclosure of information by a patient in those settings is as critical as and as much to be encouraged as in the "physician" patient setting. The Utah Supreme Court requested that Rule 506 further apply to licensed clinical social workers. To meet this request, the Committee included such individuals within the definition of psychotherapists. Under Utah Code § 58-35-2(5), the practice of clinical social work "means the application of an established body of knowledge and professional skills in the practice of psychotherapy. . . ." Section 58-35-6 provides that "[n]o person may engage in the practice of clinical social work unless that person: (1) is licensed under this chapter as a certified social worker," has the requisite experience, and has passed an examination. Section 58-35-8(4) refers to licenses and certificates for "clinical social worker[s]." As a result of including clinical social workers, Rule 506 is intended to supplant Utah Code § 58-35-10 in total for all social workers.

(2) Rule 506 applies to both civil and criminal cases, whereas Utah Code § 78-24-8 applies only to civil cases. The Committee was of the opinion that the considerations supporting the privilege apply in both.

(3) In the Committee's original recommendation to the Utah Supreme Court, the proposed Rule 506 granted protection only to confidential communications, but did not extend the privilege to observations made, diagnosis or treatment by the physician/psychotherapist. The Committee was of the opinion that while the traditional protection of the privilege should extend to confidential communications, as is the case in other traditional privileges, the interests of society in discovering the truth during the trial process outweigh any countervailing interests in extending the protection to observations made, diagnosis or treatment. However, the Supreme Court requested that the scope of the privilege be broadened to include information obtained by the physician or psychotherapist in the course of diagnosis or treatment, whether obtained verbally from the patient or through the physician's or psychotherapist's observation or examination of the patient. The Court further requested that the privilege extend to diagnosis,

treatment, and advice. To meet these requests, the Committee relied in part on language from the California evidentiary privileges involving physicians and psychotherapists. See Cal. Evid. Code §§ 992 and 1012. These features of the rule appear in subparagraphs (a)(4) and (b). The Committee also relied on language from Uniform Rule of Evidence 503.

Upon the death of the patient, the privilege ceases to exist.

The privilege extends to communications to the physician or psychotherapist from other persons who are acting in the interest of the patient, such as family members or others who may be consulted for information needed to help the patient.

The privilege includes those who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist. For example, a certified social worker practicing under the supervision of a clinical social worker would be included. See Utah Code § 58-35-6.

The patient is entitled not only to refuse to disclose the confidential communication, but also to prevent disclosure by the physician or psychotherapist or others who were properly involved or others who overheard, without the knowledge of the patient, the confidential communication. Problems of waiver are dealt with by Rule 507.

The Committee felt that exceptions to the privilege should be specifically enumerated, and further endorsed the concept that in the area of exceptions, the rule should simply state that no privilege existed, rather than expressing the exception in terms of a "waiver" of the privilege. The Committee wanted to avoid any possible clashes with the common law concepts of "waiver."

The Committee did not intend this rule to limit or conflict with the health care data statutes listed in the Committee Note to Rule 501.

Rule 506 is not intended to override the child abuse reporting requirements contained in Utah Code § 62A-4-501 et seq.

The 1994 amendment to Rule 506 was primarily in response to legislation enacted during the 1994 Legislative General Session that changed the licensure requirements for certain mental health professionals. The rule now covers communications with additional licensed professionals who are engaged in treatment and diagnosis of mental or emotional conditions, specifically certified social workers, marriage and family therapists, specially designated advanced practice registered nurses and professional counselors.

Some mental health therapists use the term "client" rather than "patient," but for simplicity this rule uses only "patient."

The committee also combined the definition of confidential communication and the general rule section, but no particular substantive change was intended by the reorganization.

*Effective May/November 1, 2022*