

**DIVISION OF OCCUPATIONAL AND PROFESSIONAL
LICENSING AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: James A. Dunnigan

LONG TITLE

Committee Note:

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 10 voting for 0 voting against 10 absent

General Description:

This bill modifies provisions related to the Division of Occupational and Professional Licensing (the division).

Highlighted Provisions:

This bill:

- ▶ modifies the division's administrative fine authority;
- ▶ modifies the responsibilities of the Uniform Building Code Commission;
- ▶ modifies the division's licensing fees for active duty personnel;
- ▶ modifies licensing regulations during disasters;
- ▶ removes good moral character provisions for many licensed professions;
- ▶ modifies provisions concerning the licensing requirements for certain cosmetology related professions;
- ▶ modifies the division's required uses of surcharges for certain professions;
- ▶ modifies background check provisions for certain medical professions and for licensed security guards;
- ▶ modifies provisions related to the health facility administrator license;



- ▶ modifies the citation authority of the division;
- ▶ modifies provisions related to the incidental practice of architecture by licensed professional engineers and the incidental practice of professional engineering by licensed architects;
- ▶ modifies provisions related to prelitigation panels under the Utah Health Care Malpractice Act;
- ▶ modifies provisions related to disclosing information from the controlled substance database in criminal proceedings;
- ▶ modifies provisions related to unprofessional and unlawful conduct for professions regulated by the division; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

15A-1-203, as last amended by Laws of Utah 2019, Chapters 20 and 119

38-11-102, as last amended by Laws of Utah 2018, Chapter 229

58-1-301.3, as enacted by Laws of Utah 2018, Chapter 331

58-1-301.5, as last amended by Laws of Utah 2018, Chapter 318

58-1-301.7, as last amended by Laws of Utah 2013, Chapter 262

58-1-302, as last amended by Laws of Utah 2019, Chapter 215

58-1-307, as last amended by Laws of Utah 2019, Chapters 136 and 349

58-1-501, as last amended by Laws of Utah 2019, Chapter 198

58-1-502, as last amended by Laws of Utah 2018, Chapter 318

58-3a-102, as last amended by Laws of Utah 2011, Chapter 14

58-3a-105, as enacted by Laws of Utah 2019, Chapter 215

58-3a-302, as last amended by Laws of Utah 2009, Chapter 183

58-3a-304, as last amended by Laws of Utah 2016, Chapter 268

58-5a-302, as last amended by Laws of Utah 2017, Chapter 244

59 **58-11a-102**, as last amended by Laws of Utah 2017, Chapters 215 and 342
60 **58-11a-302**, as last amended by Laws of Utah 2018, Chapters 415 and 445
61 **58-11a-304**, as last amended by Laws of Utah 2018, Chapter 318
62 **58-11a-306**, as last amended by Laws of Utah 2018, Chapter 318
63 **58-11a-502**, as last amended by Laws of Utah 2016, Chapters 249 and 274
64 **58-15-11**, as last amended by Laws of Utah 1993, Chapter 297
65 **58-16a-302**, as last amended by Laws of Utah 2016, Chapter 238
66 **58-16a-501**, as last amended by Laws of Utah 2012, Chapter 256
67 **58-16a-503**, as last amended by Laws of Utah 2000, Chapter 160
68 **58-17b-303**, as last amended by Laws of Utah 2012, Chapter 93
69 **58-17b-304**, as last amended by Laws of Utah 2013, Chapter 166
70 **58-17b-305**, as last amended by Laws of Utah 2013, Chapter 166
71 **58-17b-305.1**, as enacted by Laws of Utah 2014, Chapter 385
72 **58-17b-308**, as last amended by Laws of Utah 2017, Chapter 384
73 **58-20b-302**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
74 **58-22-102**, as last amended by Laws of Utah 2017, Chapter 218
75 **58-22-104**, as enacted by Laws of Utah 2019, Chapter 215
76 **58-22-302**, as last amended by Laws of Utah 2017, Chapter 382
77 **58-22-305**, as last amended by Laws of Utah 2013, Chapter 262
78 **58-24b-302**, as last amended by Laws of Utah 2019, Chapter 101
79 **58-26a-302**, as last amended by Laws of Utah 2017, Chapter 229
80 **58-26a-305**, as last amended by Laws of Utah 2008, Chapter 265
81 **58-26a-306**, as last amended by Laws of Utah 2019, Chapter 122
82 **58-28-301**, as enacted by Laws of Utah 2006, Chapter 109
83 **58-28-302**, as last amended by Laws of Utah 2009, Chapter 183
84 **58-28-304**, as renumbered and amended by Laws of Utah 2006, Chapter 109
85 **58-31b-502**, as last amended by Laws of Utah 2019, Chapter 233
86 **58-31b-803**, as last amended by Laws of Utah 2019, Chapter 233
87 **58-37f-203**, as last amended by Laws of Utah 2019, Chapter 59
88 **58-37f-301**, as last amended by Laws of Utah 2018, Chapter 123
89 **58-37f-302**, as enacted by Laws of Utah 2010, Chapter 287

90 **58-37f-303**, as enacted by Laws of Utah 2016, Chapter 112
91 **58-40-302**, as last amended by Laws of Utah 2015, Chapter 77
92 **58-40-501**, as enacted by Laws of Utah 2012, Chapter 82
93 **58-41-5**, as last amended by Laws of Utah 2010, Chapter 397
94 **58-42a-302**, as last amended by Laws of Utah 2015, Chapters 28, 432 and last amended
95 by Coordination Clause, Laws of Utah 2015, Chapter 28
96 **58-42a-501**, as repealed and reenacted by Laws of Utah 2015, Chapter 432
97 **58-46a-302**, as last amended by Laws of Utah 2013, Chapter 87
98 **58-47b-302**, as last amended by Laws of Utah 2009, Chapter 183
99 **58-49-4**, as last amended by Laws of Utah 1989, Chapter 225
100 **58-49-5**, as enacted by Laws of Utah 1986, Chapter 192
101 **58-49-9**, as enacted by Laws of Utah 1986, Chapter 192
102 **58-54-302**, as last amended by Laws of Utah 2012, Chapter 369
103 **58-55-103**, as last amended by Laws of Utah 2016, Chapter 25
104 **58-55-106**, as enacted by Laws of Utah 2019, Chapter 215
105 **58-55-302**, as last amended by Laws of Utah 2019, Chapter 215
106 **58-55-305**, as last amended by Laws of Utah 2019, Chapters 136 and 215
107 **58-55-308**, as last amended by Laws of Utah 2019, Chapter 340
108 **58-55-401**, as last amended by Laws of Utah 2011, Chapter 413
109 **58-55-501**, as last amended by Laws of Utah 2018, Chapter 318
110 **58-55-503**, as last amended by Laws of Utah 2018, Chapter 318
111 **58-57-4**, as last amended by Laws of Utah 2009, Chapter 183
112 **58-60-109**, as last amended by Laws of Utah 2015, Chapter 323
113 **58-60-115**, as last amended by Laws of Utah 2012, Chapter 179
114 **58-60-117**, as last amended by Laws of Utah 2018, Chapter 318
115 **58-60-205**, as last amended by Laws of Utah 2019, Chapter 393
116 **58-60-207**, as last amended by Laws of Utah 2019, Chapter 393
117 **58-60-305.5**, as last amended by Laws of Utah 2009, Chapter 183
118 **58-60-305**, as last amended by Laws of Utah 2019, Chapter 393
119 **58-60-308**, as last amended by Laws of Utah 2019, Chapter 393
120 **58-60-405**, as last amended by Laws of Utah 2015, Chapter 77

121 **58-60-407**, as last amended by Laws of Utah 2019, Chapter 393
122 **58-60-506**, as last amended by Laws of Utah 2015, Chapter 77
123 **58-61-304**, as last amended by Laws of Utah 2013, Chapters 16 and 262
124 **58-61-501**, as last amended by Laws of Utah 2001, Chapter 281
125 **58-61-704**, as enacted by Laws of Utah 2015, Chapter 367
126 **58-61-705**, as enacted by Laws of Utah 2015, Chapter 367
127 **58-63-302**, as last amended by Laws of Utah 2018, Chapter 177
128 **58-63-306**, as last amended by Laws of Utah 2008, Chapter 246
129 **58-64-302**, as last amended by Laws of Utah 2016, Chapter 201
130 **58-67-302**, as last amended by Laws of Utah 2019, Chapter 445
131 **58-67-302.5**, as last amended by Laws of Utah 2019, Chapter 445
132 **58-67-302.7**, as last amended by Laws of Utah 2018, Chapter 318
133 **58-67-302.8**, as last amended by Laws of Utah 2018, Chapter 318
134 **58-67-304**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
135 **58-67-403**, as last amended by Laws of Utah 2018, Chapter 318
136 **58-68-302**, as last amended by Laws of Utah 2019, Chapter 445
137 **58-68-302.5**, as last amended by Laws of Utah 2018, Chapter 318
138 **58-68-304**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
139 **58-68-403**, as last amended by Laws of Utah 2018, Chapter 318
140 **58-69-302**, as last amended by Laws of Utah 2018, Chapter 66
141 **58-70a-302**, as last amended by Laws of Utah 2017, Chapter 309
142 **58-70a-306**, as last amended by Laws of Utah 2010, Chapter 37
143 **58-71-302**, as last amended by Laws of Utah 2009, Chapter 183
144 **58-72-302**, as last amended by Laws of Utah 2019, Chapter 485
145 **58-73-302**, as last amended by Laws of Utah 2009, Chapter 183
146 **58-74-102**, as last amended by Laws of Utah 2019, Chapter 379
147 **58-74-302**, as last amended by Laws of Utah 2019, Chapter 379
148 **58-75-302**, as last amended by Laws of Utah 2009, Chapter 183
149 **58-76-302**, as last amended by Laws of Utah 2009, Chapter 183
150 **58-77-302**, as last amended by Laws of Utah 2009, Chapter 183
151 **58-78-302**, as last amended by Laws of Utah 2011, Chapter 367

152 **58-79-302**, as enacted by Laws of Utah 2009, Chapter 52

153 **58-84-201**, as enacted by Laws of Utah 2014, Chapter 340

154 **58-86-202**, as enacted by Laws of Utah 2016, Chapter 294

155 **63G-2-305**, as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277

156 **78B-3-416**, as last amended by Laws of Utah 2018, Chapter 318

157 ENACTS:

158 **58-61-304.1**, Utah Code Annotated 1953

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

161 Section 1. Section **15A-1-203** is amended to read:

162 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**

163 **Council.**

164 (1) There is created a Uniform Building Code Commission to advise the division with
165 respect to the division's responsibilities in administering the codes.

166 (2) The commission shall consist of 11 members as follows:

167 (a) one member shall be from among candidates nominated by the Utah League of
168 Cities and Towns and the Utah Association of Counties;

169 (b) one member shall be a licensed building inspector employed by a political
170 subdivision of the state;

171 (c) one member shall be a licensed professional engineer;

172 (d) one member shall be a licensed architect;

173 (e) one member shall be a fire official;

174 (f) three members shall be contractors licensed by the state, of which one shall be a
175 general contractor, one an electrical contractor, and one a plumbing contractor;

176 (g) two members shall be from the general public and have no affiliation with the
177 construction industry or real estate development industry; and

178 (h) one member shall be from the Division of Facilities Construction and Management
179 of the Department of Administrative Services.

180 (3) (a) The executive director shall appoint each commission member after submitting
181 a nomination to the governor for confirmation or rejection.

182 (b) If the governor rejects a nominee, the executive director shall submit an alternative

nominee until the governor confirms the nomination. An appointment is effective after the governor confirms the nomination.

(4) (a) Except as required by Subsection (4)(b), as terms of commission members expire, the executive director shall appoint each new commission member or reappointed commission member to a four-year term.

(b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of commission members are staggered so that approximately half of the commission is appointed every two years.

(5) When a vacancy occurs in the commission membership for any reason, the executive director shall appoint a replacement for the unexpired term.

(6) (a) A commission member may not serve more than two full terms.

(b) A commission member who ceases to serve may not again serve on the commission until after the expiration of two years after the day on which service ceased.

(7) A majority of the commission members constitute a quorum and may act on behalf of the commission.

(8) A commission member may not receive compensation or benefits for the commission member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) (a) The commission shall annually designate one of the commission's members to serve as chair of the commission.

(b) The division shall provide a secretary to facilitate the function of the commission and to record the commission's actions and recommendations.

(10) The commission shall:

(a) in accordance with Section 15A-1-204, report to the Business and Labor Interim Committee;

~~[(b) offer an opinion regarding the interpretation of or the application of a code if a~~

~~person submits a request for an opinion;]~~

~~[(e)]~~ (b) act as an appeals board as provided in Section 15A-1-207;

~~[(d)]~~ (c) establish advisory peer committees on either a standing or ad hoc basis to advise the commission with respect to matters related to a code, including a committee to advise the commission regarding health matters related to a plumbing code; and

~~[(e)]~~ (d) assist the division in overseeing code-related training in accordance with Section 15A-1-209.

~~[(11)] A person requesting an opinion under Subsection (10)(b) shall submit a formal request clearly stating:]~~

~~[(a) the facts in question;]~~

~~[(b) the specific citation at issue in a code; and]~~

~~[(c) the position taken by the persons involved in the facts in question.]~~

~~[(12)]~~ (11) (a) In a manner consistent with Subsection ~~[(10)(d)]~~ (10)(c), the commission shall jointly create with the Utah Fire Prevention Board an advisory peer committee known as the "Unified Code Analysis Council" to review fire prevention and construction code issues that require definitive and specific analysis.

(b) The commission and Utah Fire Prevention Board shall jointly, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, provide for:

(i) the appointment of members to the Unified Code Analysis Council; and

(ii) procedures followed by the Unified Code Analysis Council.

Section 2. Section 38-11-102 is amended to read:

38-11-102. Definitions.

(1) "Board" means the Residence Lien Recovery Fund Advisory Board established under Section 38-11-104.

(2) "Certificate of compliance" means an order issued by the director to the owner finding that the owner is in compliance with the requirements of Subsections 38-11-204(4)(a) and (4)(b) and is entitled to protection under Section 38-11-107.

(3) "Construction on an owner-occupied residence" means designing, engineering, constructing, altering, remodeling, improving, repairing, or maintaining a new or existing residence.

(4) "Department" means the Department of Commerce.

(5) "Director" means the director of the Division of Occupational and Professional Licensing or the director's designee.

(6) "Division" means the Division of Occupational and Professional Licensing.

(7) "Duplex" means a single building having two separate living units.

(8) "Encumbered fund balance" means the aggregate amount of outstanding claims against the fund. The remainder of the money in the fund is unencumbered funds.

(9) "Executive director" means the executive director of the Department of Commerce.

(10) "Factory built housing" is as defined in Section [15A-1-302](#).

(11) "Factory built housing retailer" means a person that sells factory built housing to consumers.

(12) "Fund" means the Residence Lien Recovery Fund established under Section [38-11-201](#).

(13) "Laborer" means a person who provides services at the site of the construction on an owner-occupied residence as an employee of an original contractor or other qualified beneficiary performing qualified services on the residence.

(14) "Licensee" means any holder of a license issued under Title 58, Chapter 3a, Architects Licensing Act; Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act; Chapter 53, Landscape Architects Licensing Act; and Chapter 55, Utah Construction Trades Licensing Act.

(15) "Nonpaying party" means the original contractor, subcontractor, or real estate developer who has failed to pay the qualified beneficiary making a claim against the fund.

(16) "Original contractor" means a person who contracts with the owner of real property or the owner's agent to provide services, labor, or material for the construction of an owner-occupied residence.

(17) "Owner" means a person who:

(a) contracts with a person who is licensed as a contractor or is exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction on an owner-occupied residence upon real property that the person:

(i) owns; or

(ii) purchases after the person enters into a contract described in this Subsection (17)(a) and before completion of the owner-occupied residence;

(b) contracts with a real estate developer to buy a residence upon completion of the construction on the owner-occupied residence; or

(c) purchases a residence from a real estate developer after completion of the construction on the owner-occupied residence.

(18) "Owner-occupied residence" means a residence that is, or after completion of the construction on the residence will be, occupied by the owner or the owner's tenant or lessee as a primary or secondary residence within 180 days after the day on which the construction on the residence is complete.

(19) "Qualified beneficiary" means a person who:

(a) provides qualified services;

(b) pays necessary fees required under this chapter; and

(c) registers with the division:

(i) as a licensed contractor under Subsection 38-11-301(1) or (2), if that person seeks recovery from the fund as a licensed contractor; or

(ii) as a person providing qualified services other than as a licensed contractor under Subsection 38-11-301(3) if the person seeks recovery from the fund in a capacity other than as a licensed contractor.

(20) (a) "Qualified services" means the following performed in construction on an owner-occupied residence:

(i) contractor services provided by a contractor licensed or exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act;

(ii) architectural services provided by an architect licensed under Title 58, Chapter 3a, Architects Licensing Act;

(iii) engineering and land surveying services provided by a professional engineer or land surveyor licensed or exempt from licensure under Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(iv) landscape architectural services by a landscape architect licensed or exempt from licensure under Title 58, Chapter 53, Landscape Architects Licensing Act;

(v) design and specification services of mechanical or other systems;

(vi) other services related to the design, drawing, surveying, specification, cost estimation, or other like professional services;

- (vii) providing materials, supplies, components, or similar products;
- (viii) renting equipment or materials;
- (ix) labor at the site of the construction on the owner-occupied residence; and
- (x) site preparation, set up, and installation of factory built housing.

(b) "Qualified services" does not include the construction of factory built housing in the factory.

(21) "Real estate developer" means a person having an ownership interest in real property who:

(a) contracts with a person who is licensed as a contractor or is exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for the construction of a residence that is offered for sale to the public; or

(b) is a licensed contractor under Title 58, Chapter 55, Utah Construction Trades Licensing Act, who engages in the construction of a residence that is offered for sale to the public.

(22) (a) "Residence" means an improvement to real property used or occupied, to be used or occupied as, or in conjunction with:

(i) a primary or secondary detached single-family dwelling; or

(ii) a multifamily dwelling up to and including duplexes.

(b) "Residence" includes factory built housing.

(23) "Subsequent owner" means a person who purchases a residence from an owner within 180 days after the day on which the construction on the residence is completed.

Section 3. Section **58-1-301.3** is amended to read:

58-1-301.3. Waiver of licensing fees.

An individual applying for initial licensure or licensure renewal under this title may apply for initial licensure or licensure renewal without paying the fees described in Subsection **58-1-301**(1) if the applicant provides evidence to the division in a form prescribed by the division that at the time of the application the applicant is:

(1) on full-time active service with a branch of the armed forces of the United States, including an applicant who is on full-time active duty orders with the National Guard or reserve component of the armed forces; or

(2) receiving public assistance through one of the following programs administered by

the Department of Workforce Services:

(a) the Family Employment Program described in Section 35A-3-302; or

(b) General Assistance described in Section 35A-3-401.

Section 4. Section 58-1-301.5 is amended to read:

58-1-301.5. Division access to Bureau of Criminal Identification records.

(1) The division shall have direct access to criminal background information maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background screening of persons who are applying for licensure, licensure renewal, licensure reinstatement, or relicensure, as required in:

(a) Section 58-17b-307 of Title 58, Chapter 17b, Pharmacy Practice Act;

(b) Sections 58-24b-302 and 58-24b-302.1 of Title 58, Chapter 24b, Physical Therapy Practice Act;

(c) Section 58-31b-302 of Title 58, Chapter 31b, Nurse Practice Act;

(d) Section 58-47b-302 of Title 58, Chapter 47b, Massage Therapy Practice Act;

(e) Section 58-55-302 of Title 58, Chapter 55, Utah Construction Trades Licensing Act, as it applies to alarm companies and alarm company agents;

(f) Sections 58-61-304 and 58-61-304.1 of Title 58, Chapter 61, Psychologist Licensing Act;

~~[(f)]~~ (g) Section 58-63-302 of Title 58, Chapter 63, Security Personnel Licensing Act;

~~[(g)]~~ (h) Section 58-64-302 of Title 58, Chapter 64, Deception Detection Examiners Licensing Act;

~~[(h)]~~ (i) Sections 58-67-302 and 58-67-302.1 of Title 58, Chapter 67, Utah Medical Practice Act; and

~~[(i)]~~ (j) Sections 58-68-302 and 58-68-302.1 of Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

(2) The division's access to criminal background information under this section:

(a) shall meet the requirements of Section 53-10-108; and

(b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed charges, and charges without a known disposition.

(3) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the

Federal Bureau of Investigation under the criminal background check requirements of this section.

Section 5. Section **58-1-301.7** is amended to read:

58-1-301.7. Change of information.

(1) (a) An applicant, licensee, or certificate holder shall ~~[send the division a signed statement, in a form required by the division, notifying]~~ notify the division within 10 business days of a change in mailing address or email address.

(b) When providing a mailing address, the individual may provide a post office box or other mail drop location.

(c) In addition to providing a mailing address, an applicant, licensee, or certificate holder ~~[may]~~ shall provide to the division, in a form ~~[required]~~ approved by the division, an email address ~~[and may designate email as the preferred method of receiving notifications from the division]~~.

(2) An applicant, licensee, or certificate holder is considered to have received a notification that has been sent to the most recent:

(a) mailing address provided to the division by the applicant, licensee, or certificate holder; or

(b) email address furnished to the division by the applicant, licensee, or certificate holder~~[if email has been designated by the applicant, licensee, or certificate holder as the preferred method of receiving notifications from the division]~~.

Section 6. Section **58-1-302** is amended to read:

58-1-302. License by endorsement.

(1) Subject to Subsections (2), (3), and (4), the division may issue a license without examination to a person who has been licensed in a state, district, or territory of the United States or in a foreign country if:

(a) the division determines the education, experience, and examination requirements of the state, district, or territory of the United States or the foreign country, at the time the license was issued, were substantially equal to the current requirements of this state; or

(b) after being licensed outside of this state, the person has at least one year of experience in the state, district, or territory of the United States where the license was issued, and the division determines the person has the education, experience, and skills necessary to

demonstrate competency in the occupation or profession for which licensure is sought.

(2) The division, in consultation with the applicable licensing board, may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the requirements of Subsection (1).

(3) Before a ~~[resident]~~ person may be issued a license under this section, the ~~[resident]~~ person shall:

(a) pay a fee determined by the department under Section 63J-1-504; and

(b) produce satisfactory evidence of the ~~[resident's]~~ person's identity, qualifications, and good standing in the occupation or profession for which licensure is sought.

(4) In accordance with Section 58-1-107, licensure endorsement provisions in this section may be supplemented or altered by licensure endorsement provisions or multistate licensure compacts in specific chapters of this title.

Section 7. Section 58-1-307 is amended to read:

58-1-307. Exemptions from licensure.

(1) Except as otherwise provided by statute or rule, the following individuals may engage in the practice of their occupation or profession, subject to the stated circumstances and limitations, without being licensed under this title:

(a) an individual serving in the armed forces of the United States, the United States Public Health Service, the United States Department of Veterans Affairs, or other federal agencies while engaged in activities regulated under this chapter as a part of employment with that federal agency if the individual holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division;

(b) a student engaged in activities constituting the practice of a regulated occupation or profession while in training in a recognized school approved by the division to the extent the activities are supervised by qualified faculty, staff, or designee and the activities are a defined part of the training program;

(c) an individual engaged in an internship, residency, preceptorship, postceptorship, fellowship, apprenticeship, or on-the-job training program approved by the division while under the supervision of qualified individuals;

(d) an individual residing in another state and licensed to practice a regulated occupation or profession in that state, who is called in for a consultation by an individual

licensed in this state, and the services provided are limited to that consultation;

(e) an individual who is invited by a recognized school, association, society, or other body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a regulated occupation or profession if the individual does not establish a place of business or regularly engage in the practice of the regulated occupation or profession in this state;

(f) an individual licensed under the laws of this state, other than under this title, to practice or engage in an occupation or profession, while engaged in the lawful, professional, and competent practice of that occupation or profession;

(g) an individual licensed in a health care profession in another state who performs that profession while attending to the immediate needs of a patient for a reasonable period during which the patient is being transported from outside of this state, into this state, or through this state;

(h) an individual licensed in another state or country who is in this state temporarily to attend to the needs of an athletic team or group, except that the practitioner may only attend to the needs of the athletic team or group, including all individuals who travel with the team or group in any capacity except as a spectator;

(i) an individual licensed and in good standing in another state, who is in this state:

(i) temporarily, under the invitation and control of a sponsoring entity;

(ii) for a reason associated with a special purpose event, based upon needs that may exceed the ability of this state to address through its licensees, as determined by the division; and

(iii) for a limited period of time not to exceed the duration of that event, together with any necessary preparatory and conclusionary periods; and

(j) the spouse of an individual serving in the armed forces of the United States while the individual is stationed within this state, provided:

(i) the spouse holds a valid license to practice a regulated occupation or profession issued by any other state or jurisdiction recognized by the division; and

(ii) the license is current and the spouse is in good standing in the state of licensure.

(2) (a) A practitioner temporarily in this state who is exempted from licensure under Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the practitioner derives authority to practice.

(b) Violation of a limitation imposed by this section constitutes grounds for removal of exempt status, denial of license, or other disciplinary proceedings.

(3) An individual who is licensed under a specific chapter of this title to practice or engage in an occupation or profession may engage in the lawful, professional, and competent practice of that occupation or profession without additional licensure under other chapters of this title, except as otherwise provided by this title.

(4) Upon the declaration of a national, state, or local emergency, a public health emergency as defined in Section 26-23b-102, or a declaration by the president of the United States or other federal official requesting public health-related activities, the division in collaboration with the relevant board may:

(a) suspend the requirements for permanent or temporary licensure of individuals who are licensed in another state for the duration of the emergency while engaged in the scope of practice for which they are licensed in the other state;

(b) modify, under the circumstances described in this Subsection (4) and Subsection (5), the scope of practice restrictions under this title for individuals who are licensed under this title as:

(i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

(ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure Compact - Revised;

(iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;

(iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b, Pharmacy Practice Act;

(v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;

(vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist Practice Act; and

(vii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;

(c) suspend the requirements for licensure under this title and modify the scope of practice in the circumstances described in this Subsection (4) and Subsection (5) for medical services personnel or paramedics required to be licensed under Section 26-8a-302;

(d) suspend requirements in Subsections 58-17b-620(3) through (6) which require

certain prescriptive procedures;

(e) exempt or modify the requirement for licensure of an individual who is activated as a member of a medical reserve corps during a time of emergency as provided in Section [26A-1-126](#); ~~and~~

(f) exempt or modify the requirement for licensure of an individual who is registered as a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency Volunteer Health Practitioners Act~~[-]; and~~

(g) in accordance with rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for licensure of an individual engaged in one or more of the construction trades described in Chapter 55, Utah Construction Trades Licensing Act.

(5) Individuals exempt under Subsection (4)(c) and individuals operating under modified scope of practice provisions under Subsection (4)(b):

(a) are exempt from licensure or subject to modified scope of practice for the duration of the emergency;

(b) must be engaged in the distribution of medicines or medical devices in response to the emergency or declaration; and

(c) must be employed by or volunteering for:

(i) a local or state department of health; or

(ii) a host entity as defined in Section [26-49-102](#).

(6) In accordance with the protocols established under Subsection (8), upon the declaration of a national, state, or local emergency, the Department of Health or a local health department shall coordinate with public safety authorities as defined in Subsection [26-23b-110](#)(1) and may:

(a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance to prevent or treat a disease or condition that gave rise to, or was a consequence of, the emergency; or

(b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not a controlled substance:

(i) if necessary, to replenish a commercial pharmacy in the event that the commercial pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription medication

is exhausted; or

(ii) for dispensing or direct administration to treat the disease or condition that gave rise to, or was a consequence of, the emergency by:

(A) a pharmacy;

(B) a prescribing practitioner;

(C) a licensed health care facility;

(D) a federally qualified community health clinic; or

(E) a governmental entity for use by a community more than 50 miles from a person described in Subsections (6)(b)(ii)(A) through (D).

(7) In accordance with protocols established under Subsection (8), upon the declaration of a national, state, or local emergency, the Department of Health shall coordinate the distribution of medications:

(a) received from the strategic national stockpile to local health departments; and

(b) from local health departments to emergency personnel within the local health departments' geographic region.

(8) The Department of Health shall establish by rule, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for administering, dispensing, and distributing a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a controlled substance in the event of a declaration of a national, state, or local emergency. The protocol shall establish procedures for the Department of Health or a local health department to:

(a) coordinate the distribution of:

(i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a controlled substance received by the Department of Health from the strategic national stockpile to local health departments; and

(ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription medication received by a local health department to emergency personnel within the local health department's geographic region;

(b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a controlled substance to the contact of a patient without a patient-practitioner relationship, if the contact's condition is the same as

that of the physician's or physician assistant's patient; and

(c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral, an antibiotic, or other non-controlled prescription medication to an individual who:

(i) is working in a triage situation;

(ii) is receiving preventative or medical treatment in a triage situation;

(iii) does not have coverage for the prescription in the individual's health insurance plan;

(iv) is involved in the delivery of medical or other emergency services in response to the declared national, state, or local emergency; or

(v) otherwise has a direct impact on public health.

(9) The Department of Health shall give notice to the division upon implementation of the protocol established under Subsection (8).

Section 8. Section **58-1-501** is amended to read:

58-1-501. Unlawful and unprofessional conduct.

(1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and includes:

(a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any occupation or profession requiring licensure under this title if the person is:

(i) not licensed to do so or not exempted from licensure under this title; or

(ii) restricted from doing so by a suspended, revoked, restricted, temporary, probationary, or inactive license;

(b) (i) impersonating another licensee or practicing an occupation or profession under a false or assumed name, except as permitted by law; or

(ii) for a licensee who has had a license under this title reinstated following disciplinary action, practicing the same occupation or profession using a different name than the name used before the disciplinary action, except as permitted by law and after notice to, and approval by, the division;

(c) knowingly employing any other person to practice or engage in or attempt to practice or engage in any occupation or profession licensed under this title if the employee is not licensed to do so under this title;

(d) knowingly permitting the person's authority to practice or engage in any occupation or profession licensed under this title to be used by another, except as permitted by law;

(e) obtaining a passing score on a licensure examination, applying for or obtaining a license, or otherwise dealing with the division or a licensing board through the use of fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission; ~~or~~

(f) (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device to a person located in this state:

(A) without prescriptive authority conferred by a license issued under this title, or by an exemption to licensure under this title; or

(B) with prescriptive authority conferred by an exception issued under this title or a multistate practice privilege recognized under this title, if the prescription was issued without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment; and

(ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call or cross coverage situation, provided that the person who issues the prescription has prescriptive authority conferred by a license under this title, or is exempt from licensure under this title~~[-]; or~~

(g) aiding or abetting any other person to violate any statute, rule, or order regulating an occupation or profession under this title.

(2) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as unprofessional conduct under this title or under any rule adopted under this title and includes:

(a) ~~violating[, or aiding or abetting any other person to violate,]~~ any statute, rule, or order regulating an occupation or profession under this title;

(b) violating, or aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title;

(c) engaging in conduct that results in conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere which is held in abeyance pending the successful completion of probation with respect to a crime of moral turpitude or any other crime that, when considered

with the functions and duties of the occupation or profession for which the license was issued or is to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely or competently practice the occupation or profession;

(d) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or profession if the conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;

(e) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the ability of the licensee or applicant to safely engage in the occupation or profession;

(f) practicing or attempting to practice an occupation or profession regulated under this title despite being physically or mentally unfit to do so;

(g) practicing or attempting to practice an occupation or profession regulated under this title through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

(h) practicing or attempting to practice an occupation or profession requiring licensure under this title by any form of action or communication which is false, misleading, deceptive, or fraudulent;

(i) practicing or attempting to practice an occupation or profession regulated under this title beyond the scope of the licensee's competency, abilities, or education;

(j) practicing or attempting to practice an occupation or profession regulated under this title beyond the scope of the licensee's license;

(k) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license;

(l) acting as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule;

(m) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device:

(i) without first obtaining information in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to

the proposed treatment; or

(ii) with prescriptive authority conferred by an exception issued under this title, or a multi-state practice privilege recognized under this title, if the prescription was issued without first obtaining information, in the usual course of professional practice, that is sufficient to establish a diagnosis, to identify underlying conditions, and to identify contraindications to the proposed treatment;

(n) violating a provision of Section 58-1-501.5; or

(o) violating the terms of an order governing a license.

(3) Unless otherwise specified by statute or administrative rule, in a civil or administrative proceeding commenced by the division under this title, a person subject to any of the unlawful and unprofessional conduct provisions of this title is strictly liable for each violation.

Section 9. Section 58-1-502 is amended to read:

58-1-502. Unlawful and unprofessional conduct -- Penalties.

(1) (a) Unless otherwise specified in this title, a person who violates the unlawful conduct provisions defined in this title is guilty of a class A misdemeanor.

(b) Unless a specific fine amount is specified elsewhere in this title, the director or the director's designee may assess an administrative fine of up to \$1,000 for each instance of unprofessional or unlawful conduct defined in this title.

(2) (a) In addition to any other statutory penalty for a violation related to a specific occupation or profession regulated by this title, if upon inspection or investigation, the division concludes that a person has violated Subsection 58-1-501(1)(a), (1)(c), (1)(g), or (2)(o), or a rule or order issued with respect to those subsections, and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly:

(i) issue a citation to the person according to this section and any pertinent rules;

(ii) attempt to negotiate a stipulated settlement; or

(iii) notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(b) (i) The division may assess a fine under this Subsection (2) against a person who violates Subsection 58-1-501(1)(a), (1)(c), (1)(g), or (2)(o), or a rule or order issued with respect to those subsections, as evidenced by:

(A) an uncontested citation;

(B) a stipulated settlement; or

(C) a finding of a violation in an adjudicative proceeding.

(ii) The division may, in addition to or in lieu of a fine under Subsection (2)(b)(i), order the person to cease and desist from violating Subsection 58-1-501(1)(a), (1)(c), (1)(g), or (2)(o), or a rule or order issued with respect to those subsections.

(c) Except for a cease and desist order, the division may not assess the licensure sanctions cited in Section 58-1-401 through a citation.

(d) A citation shall:

(i) be in writing;

(ii) describe with particularity the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;

(iii) clearly state that the recipient must notify the division in writing within 20 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

(iv) clearly explain the consequences of failure to timely contest the citation or to make payment of a fine assessed by the citation within the time specified in the citation.

(e) The division may issue a notice in lieu of a citation.

(f) (i) If within 20 calendar days from the service of the citation, the person to whom the citation was issued fails to request a hearing to contest the citation, the citation becomes the final order of the division and is not subject to further agency review.

(ii) The period to contest a citation may be extended by the division for cause.

(g) The division may refuse to issue or renew, suspend, revoke, or place on probation the license of a licensee who fails to comply with a citation after it becomes final.

(h) The failure of an applicant for licensure to comply with a citation after it becomes final is a ground for denial of license.

(i) ~~[The]~~ Subject to the time limitations described in Subsection 58-1-401(6), the division may not issue a citation under this section after the expiration of one year following the [occurrence of a violation] date on which the violation that is the subject of the citation is reported to the division.

(j) The director or the director's designee shall assess fines according to the following:

(i) for the first offense handled pursuant to Subsection (2)(a), a fine of up to \$1,000;
(ii) for a second offense handled pursuant to Subsection (2)(a), a fine of up to \$2,000;
and

(iii) for each subsequent offense handled pursuant to Subsection (2)(a), a fine of up to \$2,000 for each day of continued offense.

(3) (a) An action for a first or second offense that has not yet resulted in a final order of the division may not preclude initiation of a subsequent action for a second or subsequent offense during the pendency of a preceding action.

(b) The final order on a subsequent action is considered a second or subsequent offense, respectively, provided the preceding action resulted in a first or second offense, respectively.

(4) (a) The director may collect a penalty that is not paid by:

(i) referring the matter to a collection agency; or
(ii) bringing an action in the district court of the county where the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(b) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(c) A court may award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

Section 10. Section **58-3a-102** is amended to read:

58-3a-102. Definitions.

In addition to the definitions in Section [58-1-102](#), as used in this chapter:

(1) "Architect" means a person licensed under this chapter as an architect.

(2) "Board" means the Architects Licensing Board created in Section [58-3a-201](#).

(3) "Building" means a structure which has human occupancy or habitation as its principal purpose, and includes the structural, mechanical, and electrical systems, utility services, and other facilities required for the building, and is otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(4) "Complete construction plans" means a final set of plans and specifications for a building that normally includes:

- (a) floor plans;
- (b) elevations;
- (c) site plans;
- (d) foundation, structural, and framing detail;
- (e) electrical, mechanical, and plumbing design;
- (f) information required by the energy code;
- (g) specifications and related calculations as appropriate; and
- (h) all other documents required to obtain a building permit.

(5) "Fund" means the Architects Education and Enforcement Fund created in Section 58-3a-103.

(6) (a) "Practice of architecture" means rendering or offering to render the following services in connection with the design, construction, enlargement, or alteration of a building or group of buildings, and the space within and surrounding such buildings:

- (i) planning;
- (ii) facility programming;
- (iii) preliminary studies;
- (iv) preparation of designs, drawings, and specifications;
- (v) preparation of technical submissions and coordination of any element of technical submissions prepared by others including, as appropriate and without limitation, professional engineers, and landscape architects; and

(vi) administration of construction contracts.

(b) "Practice of architecture" does not include the practice of professional engineering as defined in Section 58-22-102, but a licensed architect may perform such professional engineering work as is incidental to the practice of architecture[-] if:

(i) the incidental work can be safely and competently performed by the licensee without jeopardizing the life, health, property, and welfare of the public;

(ii) the incidental work is secondary and substantially narrower in scope and magnitude when compared to the architectural work performed or to be performed by the licensee;

(iii) the licensee is fully responsible for the incidental work as described in Subsection 58-3a-603(1);

(iv) except for incidental work where the licensee is exempt from licensure as provided

in Subsection [58-3a-603](#)(1), the incidental work affects not more than 49 occupants as determined by the provisions of Title 15A, State Construction and Fire Codes Act;

(v) except for incidental work where the licensee is exempt from licensure as provided in Subsection [58-3a-603](#)(1), the incidental work is part of a project where the construction value of the incidental work is not greater than 15% of the overall construction value of the project, including all changes or additions to the contracted or agreed upon incidental work; and

(vi) the incidental work does not include work on a building or related structure in an occupancy risk category of III or IV as determined by the provisions of Title 15A, State Construction and Fire Codes Act.

(7) "Principal" means a licensed architect having responsible charge of an organization's architectural practice.

(8) "Supervision of an employee, subordinate, associate, or drafter of an architect" means that a licensed architect is responsible for and personally reviews, corrects when necessary, and approves work performed by any employee, subordinate, associate, or drafter under the direction of the architect, and may be further defined by rule by the division in collaboration with the board.

(9) "Unlawful conduct" as defined in Section [58-1-501](#) is further defined in Section [58-3a-501](#).

(10) "Unprofessional conduct" as defined in Section [58-1-501](#) may be further defined by rule by the division in collaboration with the board.

Section 11. Section **58-3a-105** is amended to read:

58-3a-105. Surcharge fee.

(1) In addition to any other fees authorized by this chapter or by the division in accordance with Section [63J-1-504](#), the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1 surcharge fee.

(2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Section 12. Section **58-3a-302** is amended to read:

58-3a-302. Qualifications for licensure.

(1) Except as provided in Subsection (2), each applicant for licensure as an architect shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

~~[(c) provide satisfactory evidence of good moral character;]~~

~~[(d)]~~ (c) have graduated and received an earned bachelors or masters degree from an architecture program meeting criteria established by rule by the division in collaboration with the board;

~~[(e)]~~ (d) have successfully completed a program of diversified practical experience established by rule by the division in collaboration with the board;

~~[(f)]~~ (e) have successfully passed examinations established by rule by the division in collaboration with the board; and

~~[(g)]~~ (f) meet with the board or representative of the division upon request for the purpose of evaluating the applicant's qualifications for license.

(2) Each applicant for licensure as an architect by endorsement shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

~~[(c) provide satisfactory evidence of good moral character;]~~

~~[(d)]~~ (c) submit satisfactory evidence of:

(i) current licensure in good standing in a jurisdiction recognized by rule by the division in collaboration with the board; and

(ii) current certification from the National Council of Architectural Registration Boards; or

(iii) current license in good standing in a jurisdiction recognized by rule by the division in collaboration with the board; and

(iv) full-time employment as a licensed architect as a principal for at least five of the last seven years immediately preceding the date of the application;

~~[(e)]~~ (d) have successfully passed any examination established by rule by the division in collaboration with the board; and

834 [(f)] (e) meet with the board or representative of the division upon request for the
835 purpose of evaluating the applicant's qualifications for license.

836 Section 13. Section **58-3a-304** is amended to read:

837 **58-3a-304. Exemptions from licensure.**

838 (1) In addition to the exemptions from licensure in Section **58-1-307**, the following
839 may engage in the stated limited acts or practices without being licensed under this chapter:

840 (a) a person offering to render architectural services in this state when not licensed
841 under this chapter if the person:

842 (i) holds a current and valid architect license issued by a licensing authority recognized
843 by rule by the division in collaboration with the board;

844 (ii) discloses in writing to the potential client the fact that the architect:

845 (A) is not licensed in the state;

846 (B) may not provide architectural services in the state until the architect is licensed in
847 the state; and

848 (C) that such condition may cause a delay in the ability of the architect to provide
849 architectural services in the state;

850 (iii) notifies the division in writing of his intent to offer to render architectural services
851 in the state; and

852 (iv) does not provide architectural services or engage in the practice of architecture in
853 this state until licensed to do so;

854 (b) a person preparing a plan and specification for one or two-family dwellings,
855 including townhouses;

856 (c) a person licensed to practice professional engineering under Title 58, Chapter 22,
857 Professional Engineers and Professional Land Surveyors Licensing Act, performing
858 engineering or incidental architectural acts or practices that do not exceed the scope of the
859 education and training of the person performing architecture;

860 (d) unlicensed employees, subordinates, associates, or drafters of a person licensed
861 under this chapter while preparing plans and specifications under the supervision of an
862 architect;

863 (e) a person preparing a plan or specification for, or supervising the alteration of or
864 repair to, an existing building affecting an area not exceeding 3,000 square feet when structural

elements of a building are not changed, such as foundations, beams, columns, and structural slabs, joists, bearing walls, and trusses; and

(f) an organization engaged in the practice of architecture, provided that:

(i) the organization employs a principal; and

(ii) all individuals employed by the organization, who are engaged in the practice of architecture, are licensed or exempt from licensure under this chapter.

(2) Nothing in this section shall be construed to restrict a ~~[draftsman]~~ person from preparing plans for a client under the exemption provided in Subsection (1)(b) or taking those plans to a licensed architect for ~~[his]~~ review, approval, and subsequent fixing of the architect's seal to that set of plans ~~[if they meet the building code standards]~~.

Section 14. Section ~~58-5a-302~~ is amended to read:

58-5a-302. Qualifications to practice podiatry.

An applicant for licensure to practice podiatry shall:

(1) submit an application in a form as prescribed by the division;

(2) pay a fee as determined by the department under Section ~~63J-1-504~~;

~~[(3) be of good moral character;]~~

~~[(4)]~~ (3) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a podiatric physician, as evidenced by having received an earned degree of doctor of podiatric medicine from a podiatry school or college accredited by the Council on Podiatric Medical Education;

~~[(5)]~~ (4) if licensed on or after July 1, 2015, satisfy the division and board that the applicant:

(a) has successfully completed 24 months of resident training in a program approved by the Council on Podiatric Medical Education; or

(b) (i) has successfully completed 12 months of resident training in a program approved by the Council on Podiatric Medical Education after receiving a degree of doctor of podiatric medicine as required under Subsection ~~[(4)]~~ (3);

(ii) has been accepted in, and is successfully participating in, progressive resident training in a Council on Podiatric Medical Education approved program within Utah, in the applicant's second or third year of postgraduate training; and

(iii) has agreed to surrender to the division the applicant's license as a podiatric

physician without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act, and has agreed the applicant's license as a podiatric physician will be automatically revoked by the division if the applicant fails to continue in good standing in a Council on Podiatric Medical Education approved progressive resident training program within the state; and

~~[(6)]~~ (5) pass examinations required by rule.

Section 15. Section **58-11a-102** is amended to read:

58-11a-102. Definitions.

As used in this chapter:

(1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship that meets the requirements of Subsection **58-11a-306**(1) for barbers or Subsection **58-11a-306**(2) for cosmetologist/barbers and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(2) "Approved esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection **58-11a-306**~~[(3)]~~(4) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(3) "Approved hair designer apprenticeship" means an apprenticeship that meets the requirements of Subsection **58-11a-306**(3) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(3)]~~ (4) "Approved master esthetician apprenticeship" means an apprenticeship that meets the requirements of Subsection **58-11a-306**~~[(4)]~~(5) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(4)]~~ (5) "Approved nail technician apprenticeship" means an apprenticeship that meets the requirements of Subsection **58-11a-306**~~[(5)]~~(6) and the requirements established by rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

~~[(5)]~~ (6) "Barber" means a person who is licensed under this chapter to engage in the practice of barbering.

[~~(6)~~] (7) "Barber instructor" means a barber who is licensed under this chapter to engage in the practice of barbering instruction.

[~~(7)~~] (8) "Board" means the Cosmetology and Associated Professions Licensing Board created in Section 58-11a-201.

[~~(8)~~] (9) "Cosmetic laser procedure" includes a nonablative procedure as defined in Section 58-67-102.

[~~(9)~~] (10) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

[~~(10)~~] (11) "Cosmetologist/barber" means a person who is licensed under this chapter to engage in the practice of cosmetology/barbering.

[~~(11)~~] (12) "Cosmetologist/barber instructor" means a cosmetologist/barber who is licensed under this chapter to engage in the practice of cosmetology/barbering instruction.

[~~(12)~~] (13) "Direct supervision" means that the supervisor of an apprentice or the instructor of a student is immediately available for consultation, advice, instruction, and evaluation.

[~~(13)~~] (14) "Electrologist" means a person who is licensed under this chapter to engage in the practice of electrology.

[~~(14)~~] (15) "Electrologist instructor" means an electrologist who is licensed under this chapter to engage in the practice of electrology instruction.

[~~(15)~~] (16) "Esthetician" means a person who is licensed under this chapter to engage in the practice of esthetics.

[~~(16)~~] (17) "Esthetician instructor" means a master esthetician who is licensed under this chapter to engage in the practice of esthetics instruction.

[~~(17)~~] (18) "Fund" means the Cosmetology and Associated Professions Education and Enforcement Fund created in Section 58-11a-103.

[~~(18)~~] (19) (a) "Hair braiding" means the twisting, weaving, or interweaving of a person's natural human hair.

(b) "Hair braiding" includes the following methods or styles:

(i) African-style braiding;

(ii) box braids;

(iii) cornrows;

(iv) dreadlocks;

- 958 (v) french braids;
959 (vi) invisible braids;
960 (vii) micro braids;
961 (viii) single braids;
962 (ix) single plaits;
963 (x) twists;
964 (xi) visible braids;
965 (xii) the use of lock braids; and
966 (xiii) the use of decorative beads, accessories, and nonhair extensions.
967 (c) "Hair braiding" does not include:
968 (i) the use of:
969 (A) wefts;
970 (B) synthetic tape;
971 (C) synthetic glue;
972 (D) keratin bonds;
973 (E) fusion bonds; or
974 (F) heat tools;
975 (ii) the cutting of human hair; or
976 (iii) the application of heat, dye, a reactive chemical, or other preparation to:
977 (A) alter the color of the hair; or
978 (B) straighten, curl, or alter the structure of the hair.
979 ~~[(19)]~~ (20) "Hair designer" means a person who is licensed under this chapter to
980 engage in the practice of hair design.
981 ~~[(20)]~~ (21) "Hair designer instructor" means a hair designer who is licensed under this
982 chapter to engage in the practice of hair design instruction.
983 ~~[(21)]~~ (22) "Licensed barber or cosmetology/barber school" means a barber or
984 cosmetology/barber school licensed under this chapter.
985 ~~[(22)]~~ (23) "Licensed electrology school" means an electrology school licensed under
986 this chapter.
987 ~~[(23)]~~ (24) "Licensed esthetics school" means an esthetics school licensed under this
988 chapter.

989 ~~[(24)]~~ (25) "Licensed hair design school" means a hair design school licensed under
990 this chapter.

991 ~~[(25)]~~ (26) "Licensed nail technology school" means a nail technology school licensed
992 under this chapter.

993 ~~[(26)]~~ (27) "Master esthetician" means an individual who is licensed under this chapter
994 to engage in the practice of master-level esthetics.

995 ~~[(27)]~~ (28) "Nail technician" means an individual who is licensed under this chapter to
996 engage in the practice of nail technology.

997 ~~[(28)]~~ (29) "Nail technician instructor" means a nail technician licensed under this
998 chapter to engage in the practice of nail technology instruction.

999 ~~[(29)]~~ (30) "Practice of barbering" means:

1000 (a) cutting, clipping, or trimming the hair of the head of any person by the use of
1001 scissors, shears, clippers, or other appliances;

1002 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;

1003 (c) removing hair from the face or neck of a person by the use of shaving equipment;
1004 and

1005 (d) when providing other services described in this Subsection ~~[(29)]~~ (30), gently
1006 massaging the head, back of the neck, and shoulders by manual or mechanical means.

1007 ~~[(30)]~~ (31) "Practice of barbering instruction" means teaching the practice of barbering
1008 at a licensed barber school, at a licensed cosmetology/barber school, or for an approved barber
1009 apprenticeship.

1010 ~~[(31)]~~ (32) "Practice of basic esthetics" means any one of the following skin care
1011 procedures done on the body for cosmetic purposes and not for the treatment of medical,
1012 physical, or mental ailments:

1013 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or
1014 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the
1015 application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous
1016 removal by buffing or filing;

1017 (b) limited chemical exfoliation as defined by rule;

1018 (c) removing superfluous hair by means other than electrolysis, except that an
1019 individual is not required to be licensed as an esthetician to engage in the practice of threading;

1020 (d) other esthetic preparations or procedures with the use of the hands, a
1021 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not
1022 for the treatment of medical, physical, or mental ailments;

1023 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying
1024 eyelash or eyebrow extensions; or

1025 (f) except as provided in Subsection ~~[(31)(f)(i)]~~ (32)(f)(i), cosmetic laser procedures
1026 under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the
1027 following:

1028 (i) superfluous hair removal which shall be under indirect supervision;

1029 (ii) anti-aging resurfacing enhancements;

1030 (iii) photo rejuvenation; or

1031 (iv) tattoo removal.

1032 ~~[(32)]~~ (33) (a) "Practice of cosmetology/barbering" means:

1033 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
1034 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
1035 person;

1036 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or
1037 other appliances;

1038 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying
1039 eyelash or eyebrow extensions;

1040 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
1041 shaving equipment;

1042 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
1043 or both on the human head; or

1044 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted
1045 hair.

1046 (b) The term "practice of cosmetology/barbering" includes:

1047 (i) the practice of barbering;

1048 (ii) the practice of basic esthetics; and

1049 (iii) the practice of nail technology.

1050 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in

1051 the practice of threading.

1052 ~~[(33)]~~ (34) "Practice of cosmetology/barbering instruction" means teaching the practice
1053 of cosmetology/barbering:

1054 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail
1055 technology school; or

1056 (b) for an approved cosmetologist/barber apprenticeship.

1057 ~~[(34)]~~ (35) "Practice of electrology" means:

1058 (a) the removal of superfluous hair from the body of a person by the use of electricity,
1059 waxing, shaving, or tweezing; or

1060 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to
1061 superfluous hair removal.

1062 ~~[(35)]~~ (36) "Practice of electrology instruction" means teaching the practice of
1063 electrology at a licensed electrology school.

1064 ~~[(36)]~~ (37) "Practice of esthetics instruction" means teaching the practice of basic
1065 esthetics or the practice of master-level esthetics:

1066 (a) at a licensed esthetics school or a licensed cosmetology/barber school; or

1067 (b) for an approved esthetician apprenticeship or an approved master esthetician
1068 apprenticeship.

1069 ~~[(37)]~~ (38) "Practice of hair design" means:

1070 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
1071 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
1072 person;

1073 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,
1074 shears, clippers, or other appliances;

1075 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
1076 both on the human head; or

1077 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted
1078 hair.

1079 ~~[(38)]~~ (39) "Practice of hair design instruction" means teaching the practice of hair
1080 design at a licensed cosmetology/barber school, a licensed hair design school, or a licensed
1081 barber school.

1082 ~~[(39)]~~ (40) (a) "Practice of master-level esthetics" means:

1083 (i) any of the following when done for cosmetic purposes on the body and not for the

1084 treatment of medical, physical, or mental ailments:

1085 (A) body wraps as defined by rule;

1086 (B) hydrotherapy as defined by rule;

1087 (C) chemical exfoliation as defined by rule;

1088 (D) advanced pedicures as defined by rule;

1089 (E) sanding, including microdermabrasion;

1090 (F) advanced extraction;

1091 (G) other esthetic preparations or procedures with the use of:

1092 (I) the hands; or

1093 (II) a mechanical or electrical apparatus which is approved for use by division rule for

1094 beautifying or similar work performed on the body for cosmetic purposes and not for the

1095 treatment of a medical, physical, or mental ailment; or

1096 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a

1097 physician's evaluation before the procedure, as needed, unless specifically required under

1098 Section 58-1-506, and limited to the following:

1099 (I) superfluous hair removal;

1100 (II) anti-aging resurfacing enhancements;

1101 (III) photo rejuvenation; or

1102 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician

1103 assistant's evaluation before the tattoo removal procedure, as required by Subsection

1104 58-1-506(3)(a); and

1105 (ii) lymphatic massage by manual or other means as defined by rule.

1106 (b) Notwithstanding the provisions of Subsection ~~[(39)(a)]~~ (40)(a), a master-level

1107 esthetician may perform procedures listed in Subsection ~~[(39)(a)(i)(H)]~~ (40)(a)(i)(H) if done

1108 under the supervision of a cosmetic supervisor acting within the scope of the cosmetic

1109 supervisor license.

1110 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but

1111 an individual is not required to be licensed as an esthetician or master-level esthetician to

1112 engage in the practice of threading.

1113 ~~[(40)]~~ (41) "Practice of nail technology" means to trim, cut, clean, manicure, shape,
1114 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of
1115 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the
1116 application and removal of sculptured or artificial nails.

1117 ~~[(41)]~~ (42) "Practice of nail technology instruction" means teaching the practice of nail
1118 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for
1119 an approved nail technician apprenticeship.

1120 ~~[(42)]~~ (43) "Recognized barber school" means a barber school located in a state other
1121 than Utah, whose students, upon graduation, are recognized as having completed the
1122 educational requirements for licensure in that state.

1123 ~~[(43)]~~ (44) "Recognized cosmetology/barber school" means a cosmetology/barber
1124 school located in a state other than Utah, whose students, upon graduation, are recognized as
1125 having completed the educational requirements for licensure in that state.

1126 ~~[(44)]~~ (45) "Recognized electrology school" means an electrology school located in a
1127 state other than Utah, whose students, upon graduation, are recognized as having completed the
1128 educational requirements for licensure in that state.

1129 ~~[(45)]~~ (46) "Recognized esthetics school" means an esthetics school located in a state
1130 other than Utah, whose students, upon graduation, are recognized as having completed the
1131 educational requirements for licensure in that state.

1132 ~~[(46)]~~ (47) "Recognized hair design school" means a hair design school located in a
1133 state other than Utah, whose students, upon graduation, are recognized as having completed the
1134 educational requirements for licensure in that state.

1135 ~~[(47)]~~ (48) "Recognized nail technology school" means a nail technology school
1136 located in a state other than Utah, whose students, upon graduation, are recognized as having
1137 completed the educational requirements for licensure in that state.

1138 ~~[(48)]~~ (49) "Salon" means a place, shop, or establishment in which
1139 cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

1140 ~~[(49)]~~ (50) "Unlawful conduct" is as defined in Sections [58-1-501](#) and [58-11a-502](#).

1141 ~~[(50)]~~ (51) "Unprofessional conduct" is as defined in Sections [58-1-501](#) and
1142 [58-11a-501](#) and as may be further defined by rule by the division in collaboration with the
1143 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1144 Section 16. Section **58-11a-302** is amended to read:

1145 **58-11a-302. Qualifications for licensure.**

1146 (1) Each applicant for licensure as a barber shall:

1147 (a) submit an application in a form prescribed by the division;

1148 (b) pay a fee determined by the department under Section [63J-1-504](#);

1149 ~~[(c) be of good moral character;]~~

1150 ~~[(d)]~~ (c) provide satisfactory documentation of:

1151 (i) graduation from a licensed or recognized barber school, or a licensed or recognized

1152 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of

1153 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;

1154 (ii) (A) graduation from a recognized barber school located in a state other than Utah

1155 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of

1156 credit hours; and

1157 (B) practice as a licensed barber in a state other than Utah for not less than the number

1158 of hours required to equal 1,000 total hours when added to the hours of instruction described in

1159 Subsection ~~[(1)(d)(ii)(A)]~~ (1)(c)(ii)(A); or

1160 (iii) completion of an approved barber apprenticeship; and

1161 ~~[(e)]~~ (d) meet the examination requirement established by rule.

1162 (2) Each applicant for licensure as a barber instructor shall:

1163 (a) submit an application in a form prescribed by the division;

1164 (b) subject to Subsection (24), pay a fee determined by the department under Section
1165 [63J-1-504](#);

1166 (c) provide satisfactory documentation that the applicant is currently licensed as a
1167 barber;

1168 ~~[(d) be of good moral character;]~~

1169 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:

1170 (i) an instructor training program conducted by a licensed or recognized school, as

1171 defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit

1172 hours;

1173 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or

1174 recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent

1175 number of credit hours; or
1176 (iii) a minimum of 2,000 hours of experience as a barber; and
1177 ~~[(f)]~~ (e) meet the examination requirement established by rule.
1178 (3) Each applicant for licensure as a barber school shall:
1179 (a) submit an application in a form prescribed by the division;
1180 (b) pay a fee determined by the department under Section 63J-1-504; and
1181 (c) provide satisfactory documentation:
1182 (i) of appropriate registration with the Division of Corporations and Commercial Code;
1183 (ii) of business licensure from the city, town, or county in which the school is located;
1184 (iii) that the applicant's physical facilities comply with the requirements established by
1185 rule; and
1186 (iv) that the applicant meets:
1187 (A) the standards for barber schools, including staff and accreditation requirements,
1188 established by rule; and
1189 (B) the requirements for recognition as an institution of postsecondary study as
1190 described in Subsection (22).
1191 (4) Each applicant for licensure as a cosmetologist/barber shall:
1192 (a) submit an application in a form prescribed by the division;
1193 (b) pay a fee determined by the department under Section 63J-1-504;
1194 ~~[(c) be of good moral character;]~~
1195 ~~[(d)]~~ (c) provide satisfactory documentation of:
1196 (i) graduation from a licensed or recognized cosmetology/barber school whose
1197 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of
1198 credit hours, with full flexibility within those hours;
1199 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
1200 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
1201 equivalent number of credit hours, with full flexibility within those hours; and
1202 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less
1203 than the number of hours required to equal 1,600 total hours when added to the hours of
1204 instruction described in Subsection ~~[(4)(d)(ii)(A)]~~ (4)(c)(ii)(A); or
1205 (iii) completion of an approved cosmetology/barber apprenticeship; and

1206 ~~[(e)]~~ (d) meet the examination requirement established by rule.

1207 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:

1208 (a) submit an application in a form prescribed by the division;

1209 (b) subject to Subsection (24), pay a fee determined by the department under Section

1210 63J-1-504;

1211 (c) provide satisfactory documentation that the applicant is currently licensed as a

1212 cosmetologist/barber;

1213 ~~[(d) be of good moral character;]~~

1214 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:

1215 (i) an instructor training program conducted by a licensed or recognized school, as

1216 defined by rule, consisting of a minimum of 400 hours or the equivalent number of credit

1217 hours;

1218 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or

1219 recognized school, as defined by rule, consisting of a minimum of 400 hours or the equivalent

1220 number of credit hours; or

1221 (iii) a minimum of 3,000 hours of experience as a cosmetologist/barber; and

1222 ~~[(f)]~~ (e) meet the examination requirement established by rule.

1223 (6) Each applicant for licensure as a cosmetologist/barber school shall:

1224 (a) submit an application in a form prescribed by the division;

1225 (b) pay a fee determined by the department under Section 63J-1-504; and

1226 (c) provide satisfactory documentation:

1227 (i) of appropriate registration with the Division of Corporations and Commercial Code;

1228 (ii) of business licensure from the city, town, or county in which the school is located;

1229 (iii) that the applicant's physical facilities comply with the requirements established by

1230 rule; and

1231 (iv) that the applicant meets:

1232 (A) the standards for cosmetology schools, including staff and accreditation

1233 requirements, established by rule; and

1234 (B) the requirements for recognition as an institution of postsecondary study as

1235 described in Subsection (22).

1236 (7) Each applicant for licensure as an electrologist shall:

- 1237 (a) submit an application in a form prescribed by the division;
1238 (b) pay a fee determined by the department under Section 63J-1-504;
1239 ~~[(c) be of good moral character;]~~
1240 ~~[(d)]~~ (c) provide satisfactory documentation of having graduated from a licensed or
1241 recognized electrology school after completing a curriculum of 600 hours of instruction or the
1242 equivalent number of credit hours; and
1243 ~~[(e)]~~ (d) meet the examination requirement established by rule.
1244 (8) Each applicant for licensure as an electrologist instructor shall:
1245 (a) submit an application in a form prescribed by the division;
1246 (b) subject to Subsection (24), pay a fee determined by the department under Section
1247 63J-1-504;
1248 (c) provide satisfactory documentation that the applicant is currently licensed as an
1249 electrologist;
1250 ~~[(d) be of good moral character;]~~
1251 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:
1252 (i) an instructor training program conducted by a licensed or recognized school, as
1253 defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit
1254 hours;
1255 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
1256 recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent
1257 number of credit hours; or
1258 (iii) a minimum of 1,000 hours of experience as an electrologist; and
1259 ~~[(f)]~~ (e) meet the examination requirement established by rule.
1260 (9) Each applicant for licensure as an electrologist school shall:
1261 (a) submit an application in a form prescribed by the division;
1262 (b) pay a fee determined by the department under Section 63J-1-504; and
1263 (c) provide satisfactory documentation:
1264 (i) of appropriate registration with the Division of Corporations and Commercial Code;
1265 (ii) of business licensure from the city, town, or county in which the school is located;
1266 (iii) that the applicant's facilities comply with the requirements established by rule; and
1267 (iv) that the applicant meets:

1268 (A) the standards for electrologist schools, including staff, curriculum, and
1269 accreditation requirements, established by rule; and

1270 (B) the requirements for recognition as an institution of postsecondary study as
1271 described in Subsection (22).

1272 (10) Each applicant for licensure as an esthetician shall:

1273 (a) submit an application in a form prescribed by the division;

1274 (b) pay a fee determined by the department under Section 63J-1-504;

1275 ~~[(c) be of good moral character;]~~

1276 ~~[(d)]~~ (c) provide satisfactory documentation of one of the following:

1277 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
1278 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
1279 instruction with a minimum of 600 hours or the equivalent number of credit hours;

1280 (ii) completion of an approved esthetician apprenticeship; or

1281 (iii) (A) graduation from a recognized cosmetology/barber school located in a state
1282 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
1283 equivalent number of credit hours, with full flexibility within those hours; and

1284 (B) practice as a licensed cosmetologist/barber for not less than the number of hours
1285 required to equal 1,600 total hours when added to the hours of instruction described in
1286 Subsection ~~[(10)(d)(iii)(A)]~~ (10)(c)(iii)(A); and

1287 ~~[(e)]~~ (d) meet the examination requirement established by division rule.

1288 (11) Each applicant for licensure as a master esthetician shall:

1289 (a) submit an application in a form prescribed by the division;

1290 (b) pay a fee determined by the department under Section 63J-1-504;

1291 ~~[(c) be of good moral character;]~~

1292 ~~[(d)]~~ (c) provide satisfactory documentation of:

1293 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
1294 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
1295 1,200 hours may have been completed:

1296 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
1297 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or
1298 the equivalent number of credit hours, with full flexibility within those hours; or

1299 (B) at a licensed or recognized cosmetology/barber school located in a state other than
1300 Utah, if the applicant graduated from the school and its curriculum contained full flexibility
1301 within its hours of instruction; or

1302 (ii) completion of an approved master esthetician apprenticeship;

1303 ~~[(e)]~~ (d) if the applicant will practice lymphatic massage, provide satisfactory
1304 documentation to show completion of 200 hours of training, or the equivalent number of credit
1305 hours, in lymphatic massage as defined by division rule; and

1306 ~~[(f)]~~ (e) meet the examination requirement established by division rule.

1307 (12) Each applicant for licensure as an esthetician instructor shall:

1308 (a) submit an application in a form prescribed by the division;

1309 (b) subject to Subsection (24), pay a fee determined by the department under Section
1310 63J-1-504;

1311 (c) provide satisfactory documentation that the applicant is currently licensed as a
1312 master esthetician;

1313 ~~[(d) be of good moral character;]~~

1314 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:

1315 (i) an instructor training program conducted by a licensed or recognized school, as
1316 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
1317 hours;

1318 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
1319 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
1320 number of credit hours; or

1321 (iii) a minimum of 1,000 hours of experience in esthetics; and

1322 ~~[(f)]~~ (e) meet the examination requirement established by rule.

1323 (13) Each applicant for licensure as an esthetics school shall:

1324 (a) submit an application in a form prescribed by the division;

1325 (b) pay a fee determined by the department under Section 63J-1-504; and

1326 (c) provide satisfactory documentation:

1327 (i) of appropriate registration with the Division of Corporations and Commercial Code;

1328 (ii) of business licensure from the city, town, or county in which the school is located;

1329 (iii) that the applicant's physical facilities comply with the requirements established by

1330 rule; and

1331 (iv) that the applicant meets:

1332 (A) the standards for esthetics schools, including staff, curriculum, and accreditation

1333 requirements, established by division rule made in collaboration with the board; and

1334 (B) the requirements for recognition as an institution of postsecondary study as

1335 described in Subsection (22).

1336 (14) Each applicant for licensure as a hair designer shall:

1337 (a) submit an application in a form prescribed by the division;

1338 (b) pay a fee determined by the department under Section 63J-1-504;

1339 ~~[(c) be of good moral character;]~~

1340 ~~[(d)]~~ (c) provide satisfactory documentation of:

1341 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or

1342 barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the

1343 equivalent number of credit hours, with full flexibility within those hours;

1344 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or barbering

1345 school located in a state other than Utah whose curriculum consists of less than 1,200 hours of

1346 instruction, or the equivalent number of credit hours, with full flexibility within those hours;

1347 and

1348 (B) practice as a licensed cosmetologist/barber or hair designer in a state other than

1349 Utah for not less than the number of hours required to equal 1,200 total hours when added to

1350 the hours of instruction described in Subsection ~~[(14)(d)(ii)(A); or]~~ (14)(c)(ii)(A);

1351 (iii) being a state licensed cosmetologist/barber; ~~[and]~~ or

1352 (iv) completion of an approved hair designer apprenticeship; and

1353 ~~[(e)]~~ (d) meet the examination requirements established by rule.

1354 (15) Each applicant for licensure as a hair designer instructor shall:

1355 (a) submit an application in a form prescribed by the division;

1356 (b) subject to Subsection (24), pay a fee determined by the department under Section

1357 63J-1-504;

1358 (c) provide satisfactory documentation that the applicant is currently licensed as a hair

1359 designer or as a cosmetologist/barber;

1360 ~~[(d) be of good moral character;]~~

1361 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:

1362 (i) an instructor training program conducted by a licensed or recognized school, as

1363 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit

1364 hours;

1365 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or

1366 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent

1367 number of credit hours; or

1368 (iii) a minimum of 2,500 hours of experience as a hair designer or as a

1369 cosmetologist/barber; and

1370 ~~[(f)]~~ (e) meet the examination requirement established by rule.

1371 (16) Each applicant for licensure as a hair design school shall:

1372 (a) submit an application in a form prescribed by the division;

1373 (b) pay a fee determined by the department under Section 63J-1-504; and

1374 (c) provide satisfactory documentation:

1375 (i) of appropriate registration with the Division of Corporations and Commercial Code;

1376 (ii) of business licensure from the city, town, or county in which the school is located;

1377 (iii) that the applicant's physical facilities comply with the requirements established by

1378 rule; and

1379 (iv) that the applicant meets:

1380 (A) the standards for a hair design school, including staff and accreditation

1381 requirements, established by rule; and

1382 (B) the requirements for recognition as an institution of postsecondary study as

1383 described in Subsection (22).

1384 (17) Each applicant for licensure as a nail technician shall:

1385 (a) submit an application in a form prescribed by the division;

1386 (b) pay a fee determined by the department under Section 63J-1-504;

1387 ~~[(c) be of good moral character;]~~

1388 ~~[(d)]~~ (c) provide satisfactory documentation of:

1389 (i) graduation from a licensed or recognized nail technology school, or a licensed or

1390 recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of

1391 instruction, or the equivalent number of credit hours;

(ii) (A) graduation from a recognized nail technology school located in a state other than Utah whose curriculum consists of less than 300 hours of instruction or the equivalent number of credit hours; and

(B) practice as a licensed nail technician in a state other than Utah for not less than the number of hours required to equal 300 total hours when added to the hours of instruction described in Subsection ~~[(17)(d)(ii)(A)]~~ (17)(c)(ii)(A); or

(iii) completion of an approved nail technician apprenticeship; and

~~[(e)]~~ (d) meet the examination requirement established by division rule.

(18) Each applicant for licensure as a nail technician instructor shall:

(a) submit an application in a form prescribed by the division;

(b) subject to Subsection (24), pay a fee determined by the department under Section 63J-1-504;

(c) provide satisfactory documentation that the applicant is currently licensed as a nail technician;

~~[(d) be of good moral character;]~~

~~[(e)]~~ (d) provide satisfactory documentation of completion of:

(i) an instructor training program conducted by a licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;

(ii) an on-the-job instructor training program conducted by a licensed instructor at a licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours; or

(iii) a minimum of 600 hours of experience in nail technology; and

~~[(f)]~~ (e) meet the examination requirement established by rule.

(19) Each applicant for licensure as a nail technology school shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504; and

(c) provide satisfactory documentation:

(i) of appropriate registration with the Division of Corporations and Commercial Code;

(ii) of business licensure from the city, town, or county in which the school is located;

(iii) that the applicant's facilities comply with the requirements established by rule; and

(iv) that the applicant meets:

1423 (A) the standards for nail technology schools, including staff, curriculum, and
1424 accreditation requirements, established by rule; and

1425 (B) the requirements for recognition as an institution of postsecondary study as
1426 described in Subsection (22).

1427 (20) Each applicant for licensure under this chapter whose education in the field for
1428 which a license is sought was completed at a foreign school may satisfy the educational
1429 requirement for licensure by demonstrating, to the satisfaction of the division, the educational
1430 equivalency of the foreign school education with a licensed school under this chapter.

1431 (21) (a) A licensed or recognized school under this section shall accept credit hours
1432 towards graduation for documented, relevant, and substantially equivalent coursework
1433 previously completed by:

1434 (i) a student that did not complete the student's education while attending a different
1435 school; or

1436 (ii) a licensee of any other profession listed in this section, based on the licensee's
1437 schooling, apprenticeship, or experience.

1438 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
1439 consistent with this section, the division may make rules governing the acceptance of credit
1440 hours under Subsection (21)(a).

1441 (22) A school licensed or applying for licensure under this chapter shall maintain
1442 recognition as an institution of postsecondary study by meeting the following conditions:

1443 (a) the school shall admit as a regular student only an individual who has earned a
1444 recognized high school diploma or the equivalent of a recognized high school diploma, or who
1445 is beyond the age of compulsory high school attendance as prescribed by Title 53G, Chapter 6,
1446 Part 2, Compulsory Education; and

1447 (b) the school shall be licensed by name, or in the case of an applicant, shall apply for
1448 licensure by name, under this chapter to offer one or more training programs beyond the
1449 secondary level.

1450 (23) A person seeking to qualify for licensure under this chapter by apprenticing in an
1451 approved apprenticeship shall register with the division as described in Section 58-11a-306.

1452 (24) The department may only charge a fee to a person applying for licensure as any
1453 type of instructor under this chapter if the person is not a licensed instructor in any other

profession under this chapter.

(25) In order to encourage economic development in the state in accordance with Subsection [63G-1-201\(4\)\(e\)](#), the department may offer any required examination under this section, which is prepared by a national testing organization, in languages in addition to English.

Section 17. Section **58-11a-304** is amended to read:

58-11a-304. Exemptions from licensure.

In addition to the exemptions from licensure in Section [58-1-307](#), the following persons may engage in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, or nail technology without being licensed under this chapter:

(1) a person licensed under the laws of this state to engage in the practice of medicine, surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which they are licensed;

(2) a commissioned physician or surgeon serving in the armed forces of the United States or another federal agency;

(3) a registered nurse, undertaker, or mortician licensed under the laws of this state when engaged in the practice of the profession for which the person is licensed;

(4) a person who visits the state to engage in instructional seminars, advanced classes, trade shows, or competitions of a limited duration;

(5) a person who engages in the practice of barbering, cosmetology/barbering, hair design, esthetics, master-level esthetics, electrology, or nail technology without compensation;

(6) a person instructing an adult education class or other educational program directed toward persons who are not licensed under this chapter and that is not intended to train persons to become licensed under this chapter, provided:

(a) an attendee receives no credit toward educational requirements for licensure under this chapter;

(b) the instructor informs each attendee in writing that taking such a class or program will not certify or qualify the attendee to perform a service for compensation that requires licensure under this chapter; and

(c) (i) the instructor is properly licensed; or

- 1485 (ii) the instructor receives no compensation;
- 1486 (7) a person providing instruction in workshops, seminars, training meetings, or other
- 1487 educational programs whose purpose is to provide continuing professional development to
- 1488 licensed barbers, cosmetologists/barbers, hair designers, estheticians, master estheticians,
- 1489 electrologists, or nail technicians;
- 1490 (8) a person enrolled in a licensed barber [or], cosmetology/barber, or hair design
- 1491 school when participating in an on the job training internship under the direct supervision of a
- 1492 licensed barber [or], cosmetologist/barber, or hair design upon completion of a basic program
- 1493 under the standards established by rule by the division in collaboration with the board;
- 1494 (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;
- 1495 (10) an employee of a company that is primarily engaged in the business of selling
- 1496 products used in the practice of barbering, cosmetology/barbering, hair design, esthetics,
- 1497 master-level esthetics, electrology, or nail technology when demonstrating the company's
- 1498 products to a potential customer, provided the employee makes no representation to a potential
- 1499 customer that attending such a demonstration will certify or qualify the attendee to perform a
- 1500 service for compensation that requires licensure under this chapter;
- 1501 (11) a person who:
- 1502 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair
- 1503 design, esthetics, master-level esthetics, electrology, or nail technology in another jurisdiction
- 1504 as evidenced by licensure, certification, or lawful practice in the other jurisdiction;
- 1505 (b) is employed by, or under contract with, a motion picture company; and
- 1506 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,
- 1507 master-level esthetics, electrology, or nail technology in the state:
- 1508 (i) solely to assist in the production of a motion picture; and
- 1509 (ii) for no more than 120 days per calendar year; and
- 1510 (12) a person who:
- 1511 (a) engages in hair braiding; and
- 1512 (b) unless it is expressly exempted under this section or Section 58-1-307, does not
- 1513 engage in other activity requiring licensure under this chapter.
- 1514 Section 18. Section 58-11a-306 is amended to read:
- 1515 **58-11a-306. Apprenticeship.**

1516 (1) An approved barber apprenticeship shall:
1517 (a) consist of not less than 1,250 hours of training [~~in not less than eight months~~]; and
1518 (b) be conducted by a supervisor who:
1519 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber
1520 instructor; and
1521 (ii) provides one-on-one direct supervision of the barber apprentice during the
1522 apprenticeship program.

1523 (2) An approved cosmetologist/barber apprenticeship shall:
1524 (a) consist of not less than 2,500 hours of training [~~in not less than 15 months~~]; and
1525 (b) be conducted by a supervisor who:
1526 (i) is licensed under this chapter as a cosmetologist/barber instructor; and
1527 (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice
1528 during the apprenticeship program.

1529 (3) An approved hair designer apprenticeship shall:
1530 (a) consist of not less than 1,600 hours of training; and
1531 (b) be conducted by a supervisor who:
1532 (i) is licensed under this chapter as a hair designer instructor or a cosmetologist/barber
1533 instructor; and
1534 (ii) provides one-on-one direct supervision of the hair designer apprentice during the
1535 apprenticeship program.

1536 [~~(3)~~] (4) An approved esthetician apprenticeship shall:
1537 (a) consist of not less than 800 hours of training [~~in not less than five months~~]; and
1538 (b) be conducted by a supervisor who:
1539 (i) is licensed under this chapter as an esthetician instructor; and
1540 (ii) provides one-on-one direct supervision of the esthetician apprentice during the
1541 apprenticeship program.

1542 [~~(4)~~] (5) An approved master esthetician apprenticeship shall:
1543 (a) consist of not less than 1,500 hours of training [~~in not less than 10 months~~]; and
1544 (b) be conducted by a supervisor who:
1545 (i) is licensed under this chapter as a master-level esthetician instructor; and
1546 (ii) provides one-on-one direct supervision of the master esthetician apprentice during

1547 the apprenticeship program.

1548 ~~[(5)]~~ (6) An approved nail technician apprenticeship shall:

1549 (a) consist of not less than 375 hours of training [~~in not less than three months~~]; and

1550 (b) be conducted by a supervisor who:

1551 (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber
1552 instructor;

1553 (ii) provides direct supervision of the nail technician apprentice during the
1554 apprenticeship program; and

1555 (iii) provides direct supervision to no more than two nail technician apprentices during
1556 the apprentice program.

1557 ~~[(6)]~~ (7) A person seeking to qualify for licensure by apprenticing in an approved
1558 apprenticeship under this chapter shall:

1559 (a) register with the division before beginning the training requirements by:

1560 (i) submitting a form prescribed by the division, which includes the name of the
1561 licensed supervisor; and

1562 (ii) paying a fee determined by the department under Section [63J-1-504](#);

1563 (b) complete the apprenticeship within five years of the date on which the division
1564 approves the registration; and

1565 (c) notify the division within 30 days if the licensed supervisor changes after the
1566 registration is approved by the division.

1567 ~~[(7)]~~ (8) Notwithstanding Subsection ~~[(6)]~~ (7), if a person seeking to qualify for
1568 licensure by apprenticing in an approved apprenticeship under this chapter registers with the
1569 division before January 1, 2017, any training requirements completed by the person as an
1570 apprentice in an approved apprenticeship before registration may be applied to successful
1571 completion of the approved apprenticeship.

1572 Section 19. Section **58-11a-502** is amended to read:

1573 **58-11a-502. Unlawful conduct.**

1574 Unlawful conduct includes:

1575 (1) practicing or engaging in, or attempting to practice or engage in activity for which a
1576 license is required under this chapter unless:

1577 (a) the person holds the appropriate license under this chapter; or

1578 (b) an exemption in Section 58-1-307 or 58-11a-304 applies;

1579 ~~[(2) aiding or abetting a person engaging in the practice of, or attempting to engage in~~
1580 ~~the practice of, any occupation or profession licensed under this chapter if the employee is not~~
1581 ~~licensed to do so under this chapter or exempt from licensure;]~~

1582 ~~[(3)]~~ (2) touching, or applying an instrument or device to the following areas of a
1583 client's body:

1584 (a) the genitals or the anus, except in cases where the patron states to a licensee that the
1585 patron requests a hair removal procedure and signs a written consent form, which must also
1586 include the witnessed signature of a legal guardian if the patron is a minor, authorizing the
1587 licensee to perform a hair removal procedure; or

1588 (b) the breast of a female patron, except in cases in which the female patron states to a
1589 licensee that the patron requests breast skin procedures and signs a written consent form, which
1590 must also include the witnessed signature of a parent or legal guardian if the patron is a minor,
1591 authorizing the licensee to perform breast skin procedures;

1592 ~~[(4)]~~ (3) using or possessing a solution composed of at least 10% methyl methacrylate
1593 on a client;

1594 ~~[(5)]~~ (4) performing an ablative procedure as defined in Section 58-67-102;

1595 ~~[(6)]~~ (5) when acting as an instructor regarding a service requiring licensure under this
1596 chapter, for a class or education program where attendees are not licensed under this chapter,
1597 failing to inform each attendee in writing that:

1598 (a) taking the class or program without completing the requirements for licensure under
1599 this chapter is insufficient to certify or qualify the attendee to perform a service for
1600 compensation that requires licensure under this chapter; and

1601 (b) the attendee is required to obtain licensure under this chapter before performing the
1602 service for compensation; or

1603 ~~[(7)]~~ (6) failing as a salon or school where nail technology is practiced or taught to
1604 maintain a source capture system required under Title 15A, State Construction and Fire Codes
1605 Act, including failing to maintain and clean a source capture system's air filter according to the
1606 manufacturer's instructions.

1607 Section 20. Section 58-15-11 is amended to read:

1608 **58-15-11. Exemptions to chapter.**

(1) In addition to the exemptions described in Section 58-1-307, this chapter does not apply to ~~[facilities of any]~~;

(a) a facility of a recognized church or denomination that cares for the sick and suffering by mental or spiritual means if no drug or material remedy is used in the care provided~~[-];~~ or

(b) the superintendent of the Utah State Developmental Center described in Section 62A-5-201.

(2) Any ~~[facilities]~~ facility or person exempted under this section shall comply with each statute and rule on sanitation and life safety.

Section 21. Section 58-16a-302 is amended to read:

58-16a-302. Qualifications for licensure.

(1) An applicant for licensure as an optometrist shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee as determined by the division under Section 63J-1-504;

~~[(c) be of good moral character;]~~

~~[(d)]~~ (c) (i) be a doctoral graduate of a recognized school of optometry accredited by the American Optometric Association's Accreditation Council on Optometric Education; or
(ii) be a graduate of a school of optometry located outside the United States that meets the criteria that would qualify the school for accreditation under Subsection ~~[(1)(d)(i)]~~ (1)(c)(i), as demonstrated by the applicant for licensure;

~~[(e)]~~ (d) if the applicant graduated from a recognized school of optometry prior to July 1, 1996, have successfully completed a course of study satisfactory to the division, in consultation with the board, in general and ocular pharmacology and emergency medical care;

~~[(f)]~~ (e) have passed examinations approved by the division in consultation with the board that include:

(i) a standardized national optometry examination;

(ii) a standardized clinical examination; and

(iii) a standardized national therapeutics examination; and

~~[(g)]~~ (f) meet with the board and representatives of the division, if requested by either party, for the purpose of evaluating the applicant's qualifications for licensure.

(2) Notwithstanding Subsection (1) and Section 58-1-302, the division shall issue a

license under this chapter by endorsement to an individual who:

(a) submits an application for licensure by endorsement on a form approved by the division;

(b) pays a fee established by the division in accordance with Section 63J-1-504;

~~[(c) provides satisfactory evidence to the division that the individual is of good moral character;]~~

~~[(d)]~~ (c) verifies that the individual is licensed as an optometrist in good standing in each state of the United States, or province of Canada, in which the individual is currently licensed as an optometrist; and

~~[(e)]~~ (d) has been actively engaged in the legal practice of optometry for at least 3,200 hours during the immediately preceding two years in a manner consistent with the legal practice of optometry in this state.

Section 22. Section **58-16a-501** is amended to read:

58-16a-501. Unlawful conduct.

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

(1) buying, selling, or fraudulently obtaining, any optometry diploma, license, certificate, or registration;

~~[(2) aiding or abetting the buying, selling, or fraudulently obtaining, of any optometry diploma, license, certificate, or registration;]~~

~~[(3)]~~ (2) selling or providing contact lenses or ophthalmic lenses in a manner inconsistent with Section 58-16a-801 or intentionally altering a prescription unless the person selling or providing the lenses is a licensed optometrist or ophthalmologist; or

~~[(4)]~~ (3) representing oneself as or using the title of "optometrist," "optometric physician," "doctor of optometry," or "O.D.," unless currently licensed under this chapter.

Section 23. Section **58-16a-503** is amended to read:

58-16a-503. Penalty for unlawful conduct.

(1) Except as provided in Subsection (2), any person who violates the unlawful conduct provision defined in Section 58-16a-501 or Subsection 58-1-501(1)(a) or (1)(c) is guilty of a third degree felony.

(2) A person who violates Subsection 58-16a-501~~[(3)]~~(2) is guilty of a class C misdemeanor.

1671 Section 24. Section **58-17b-303** is amended to read:

1672 **58-17b-303. Qualifications for licensure as a pharmacist.**

1673 (1) An applicant for licensure as a pharmacist shall:

1674 (a) submit an application in a form prescribed by the division;

1675 (b) pay a fee as determined by the department under Section [63J-1-504](#);

1676 ~~[(c) produce satisfactory evidence of good moral character as it relates to the~~
1677 ~~applicant's ability to practice pharmacy;]~~

1678 ~~[(d)]~~ (c) complete a criminal background check and be free from criminal convictions
1679 as described in Section [58-1-501](#);

1680 ~~[(e)]~~ (d) have no physical or mental condition of a nature which prevents the applicant
1681 from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the
1682 public;

1683 ~~[(f)]~~ (e) have graduated and received a professional entry degree from a school or
1684 college of pharmacy which is accredited by the Accreditation Council on Pharmacy Education;

1685 ~~[(g)]~~ (f) have completed an internship meeting standards established by division rule
1686 made in collaboration with the board; and

1687 ~~[(h)]~~ (g) have successfully passed examinations required by division rule made in
1688 collaboration with the board.

1689 (2) An applicant for licensure as a pharmacist whose pharmacy education was
1690 completed at a foreign pharmacy school shall, in addition to the requirements under
1691 Subsections (1)(a) through ~~[(e), (g), and (h)]~~ (d), (f), and (g), obtain a certification of
1692 equivalency from a credentialing agency required by division rule made in collaboration with
1693 the board.

1694 (3) An applicant for a license by endorsement as a pharmacist under this section shall:

1695 (a) submit a written application in the form prescribed by the division;

1696 (b) pay the fee determined by the department under Section [63J-1-504](#);

1697 ~~[(c) be of good moral character as required of applicants for licensure as pharmacists~~
1698 ~~under Subsection (1);]~~

1699 ~~[(d)]~~ (c) complete a criminal background check and be free from criminal convictions
1700 as described in Section [58-1-501](#);

1701 ~~[(e)]~~ (d) have no physical or mental condition of a nature which prevents the applicant

from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;

~~[(f)]~~ (e) have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in the four years immediately preceding the date of application;

~~[(g)]~~ (f) produce satisfactory evidence of completing the professional education required under Subsection (1);

~~[(h)]~~ (g) be currently licensed in good standing as a pharmacist in another state, territory, or possession of the United States;

~~[(i)]~~ (h) produce satisfactory evidence that the examination requirements are or were at the time the license was issued, equal to those of this state; and

~~[(j)]~~ (i) pass the jurisprudence examination prescribed by division rule made in collaboration with the board.

Section 25. Section **58-17b-304** is amended to read:

58-17b-304. Qualifications for licensure of pharmacy intern.

An applicant for licensure as a pharmacy intern shall:

(1) submit an application in a form prescribed by the division;

(2) pay a fee determined by the department under Section [63J-1-504](#);

~~[(3)] produce satisfactory evidence of good moral character as it relates to the applicant's ability to practice pharmacy;~~

~~[(4)]~~ (3) complete a criminal background check and be free from criminal convictions as described in Section [58-1-501](#);

~~[(5)]~~ (4) have no physical or mental condition of a nature which prevents the applicant from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public;

~~[(6)]~~ (5) meet the preliminary educational qualifications required by division rule made in collaboration with the board; and

~~[(7)]~~ (6) meet one of the following educational criteria:

(a) be a current pharmacy student, a resident, or fellow in a program approved by division rule made in collaboration with the board; or

(b) have graduated from a foreign pharmacy school and received certification of equivalency from a credentialing agency approved by division rule made in collaboration with

the board.

Section 26. Section **58-17b-305** is amended to read:

58-17b-305. Qualifications for licensure of pharmacy technician.

(1) An applicant for licensure as a pharmacy technician shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section [63J-1-504](#);

~~[(c) produce satisfactory evidence of good moral character as it relates to the applicant's ability to practice pharmacy;]~~

~~[(d)]~~ (c) complete a criminal background check and be free from criminal convictions as described in Section [58-1-501](#);

~~[(e)]~~ (d) have no physical or mental condition of a nature which prevents the applicant from engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to the public;

~~[(f)]~~ (e) have completed a program and curriculum of education and training, meeting standards established by division rule made in collaboration with the board; and

~~[(g)]~~ (f) successfully complete the examinations requirement within the time periods established by division rule made in collaboration with the board.

(2) A pharmacist whose license has been denied, revoked, suspended, or restricted for disciplinary purposes is not eligible to be a licensed pharmacy technician while on probation with the division.

Section 27. Section **58-17b-305.1** is amended to read:

58-17b-305.1. Qualifications for licensure of pharmacy technician trainee.

(1) An applicant for licensure as a pharmacy technician trainee shall:

(a) submit an application to the division on a form created by the division;

(b) pay a fee established by the division in accordance with Section [63J-1-504](#);

~~[(c) submit satisfactory evidence, as determined by the division, of good moral character as it relates to the applicant's ability to practice pharmacy;]~~

~~[(d)]~~ (c) unless exempted by the division, submit a completed criminal background check;

~~[(e)]~~ (d) demonstrate, as determined by the division, that the applicant does not have a physical or mental condition that would prevent the applicant from engaging in practice as a

pharmacy technician with reasonable skill, competency, and safety to the public; and
[~~(f)~~] (e) submit evidence that the applicant is enrolled in a training program approved
by the division.

(2) A pharmacist whose license has been denied, revoked, suspended, or restricted for
disciplinary purposes is not eligible to be licensed as a pharmacy technician trainee during
division probation.

Section 28. Section **58-17b-308** is amended to read:

58-17b-308. Term of license -- Expiration -- Renewal.

(1) Except as provided in Subsection (2), each license issued under this chapter shall be
issued in accordance with a two-year renewal cycle established by rule. A renewal period may
be extended or shortened by as much as one year to maintain established renewal cycles or to
change an established renewal cycle. Each license automatically expires on the expiration date
shown on the license unless renewed by the licensee in accordance with Section **58-1-308**.

(2) The duration of a pharmacy intern license may be no longer than:

(a) one year for a license issued under Subsection [~~58-17b-304(7)(b)~~]
58-17b-304(6)(b); or

(b) five years for a license issued under Subsection [~~58-17b-304(7)(a)~~]
58-17b-304(6)(b).

(3) A pharmacy intern license issued under this chapter may not be renewed, but may
be extended by the division in collaboration with the board.

(4) As a prerequisite for renewal of a class D pharmacy license of a pharmacy that
engages in compounding, a licensee shall submit the most recent inspection report:

- (a) conducted within two years before the application for renewal; and
- (b) (i) conducted as part of the National Association of Boards of Pharmacy Verified
Pharmacy Program; or
- (ii) performed by the state licensing agency of the state in which the applicant is a
resident and in accordance with the National Association of Boards of Pharmacy multistate
inspection blueprint program.

Section 29. Section **58-20b-302** is amended to read:

58-20b-302. Qualifications for licensure.

(1) Except as provided in Subsection (2), an applicant for licensure as an

1795 environmental health scientist shall:

1796 (a) submit an application in a form prescribed by the division;

1797 (b) pay a fee determined by the department under Section 63J-1-504;

1798 [~~(c)~~ be of good moral character;]

1799 [~~(d)~~ (c) hold, at a minimum, a bachelor's degree from an accredited program in a
1800 university or college, which degree includes completion of specific course work as defined by
1801 rule;

1802 [~~(e)~~ (d) pass an examination as determined by division rule in collaboration with the
1803 board; and

1804 [~~(f)~~ (e) pass the Utah Law and Rules Examination for Environmental Health Scientists
1805 administered by the division.

1806 (2) An applicant for licensure as an environmental health scientist-in-training shall:

1807 (a) submit an application in a form prescribed by the division;

1808 (b) pay a fee determined by the department under Section 63J-1-504;

1809 [~~(c)~~ be of good moral character;]

1810 [~~(d)~~ (c) hold, at a minimum, a bachelor's degree from an accredited program in a
1811 university or college, which degree includes completion of specific course work as defined by
1812 rule;

1813 [~~(e)~~ (d) pass the Utah Law and Rules Examination for Environmental Health
1814 Scientists administered by the division; and

1815 [~~(f)~~ (e) present evidence acceptable to the division and the board that the applicant,
1816 when licensed, will practice as an environmental health scientist-in-training only under the
1817 general supervision of a supervising environmental health scientist licensed under this chapter.

1818 Section 30. Section 58-22-102 is amended to read:

1819 **58-22-102. Definitions.**

1820 In addition to the definitions in Section 58-1-102, as used in this chapter:

1821 (1) "Board" means the Professional Engineers and Professional Land Surveyors
1822 Licensing Board created in Section 58-22-201.

1823 (2) "Building" means a structure which has human occupancy or habitation as its
1824 principal purpose, and includes the structural, mechanical, and electrical systems, utility
1825 services, and other facilities required for the building, and is otherwise governed by the State

1826 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
1827 Act.

1828 (3) "Complete construction plans" means a final set of plans, specifications, and reports
1829 for a building or structure that normally includes:

- 1830 (a) floor plans;
- 1831 (b) elevations;
- 1832 (c) site plans;
- 1833 (d) foundation, structural, and framing detail;
- 1834 (e) electrical, mechanical, and plumbing design;
- 1835 (f) information required by the energy code;
- 1836 (g) specifications and related calculations as appropriate; and
- 1837 (h) all other documents required to obtain a building permit.

1838 (4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation
1839 Board for Engineering and Technology.

1840 (5) "Fund" means the Professional Engineer, Professional Structural Engineer, and
1841 Professional Land Surveyor Education and Enforcement Fund created in Section [58-22-103](#).

1842 (6) "NCEES" means the National Council of Examiners for Engineering and
1843 Surveying.

1844 (7) "Principal" means a licensed professional engineer, professional structural engineer,
1845 or professional land surveyor having responsible charge of an organization's professional
1846 engineering, professional structural engineering, or professional land surveying practice.

1847 (8) "Professional engineer" means a person licensed under this chapter as a
1848 professional engineer.

1849 (9) (a) "Professional engineering," "the practice of engineering," or "the practice of
1850 professional engineering" means a service or creative work, the adequate performance of which
1851 requires engineering education, training, and experience in the application of special
1852 knowledge of the mathematical, physical, and engineering sciences to the service or creative
1853 work as consultation, investigation, evaluation, planning, design, and design coordination of
1854 engineering works and systems, planning the use of land and water, facility programming,
1855 performing engineering surveys and studies, and the review of construction for the purpose of
1856 monitoring compliance with drawings and specifications; any of which embraces these services

or work, either public or private, in connection with any utilities, structures, buildings, machines, equipment, processes, work systems, projects, and industrial or consumer products or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and including other professional services as may be necessary to the planning, progress, and completion of any engineering services.

(b) "The practice of professional engineering" does not include the practice of architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform architecture work as is incidental to the practice of engineering[;] if:

(i) the incidental work can be safely and competently performed by the licensee without jeopardizing the life, health, property, and welfare of the public;

(ii) the incidental work is secondary and substantially narrower in scope and magnitude when compared to the professional engineering work performed or to be performed by the licensee;

(iii) the licensee is fully responsible for the incidental work as described in Subsection 58-22-603(1);

(iv) except for incidental work where the licensee is exempt from licensure as provided in Subsection 58-22-305(1)(e), the incidental work affects not more than 49 occupants as determined by the provisions of Title 15A, State Construction and Fire Codes Act;

(v) except for incidental work where the licensee is exempt from licensure as provided in Subsection 58-22-305(1)(e), the incidental work is part of a project where the construction value of the incidental work is not greater than 15% of the overall construction value of the project, including all changes or additions to the contracted or agreed upon incidental work; and

(vi) the incidental work does not include work on a building or related structure in an occupancy risk category of III or IV as determined by the provisions of Title 15A, State Construction and Fire Codes Act.

(10) "Professional engineering intern" means a person who:

(a) has completed the education requirements to become a professional engineer;

(b) has passed the fundamentals of engineering examination; and

(c) is engaged in obtaining the four years of qualifying experience for licensure under the direct supervision of a licensed professional engineer.

(11) "Professional land surveying" or "the practice of land surveying" means a service or work, the adequate performance of which requires the application of special knowledge of the principles of mathematics, the related physical and applied sciences, and the relevant requirements of law for adequate evidence to the act of measuring and locating lines, angles, elevations, natural and man-made features in the air, on the surface of the earth, within underground workings, and on the beds of bodies of water for the purpose of determining areas and volumes, for the monumenting or locating of property boundaries or points controlling boundaries, and for the platting and layout of lands and subdivisions of lands, including the topography, alignment and grades of streets, and for the preparation and perpetuation of maps, record plats, field notes records, and property descriptions that represent these surveys and other duties as sound surveying practices could direct.

(12) "Professional land surveyor" means an individual licensed under this chapter as a professional land surveyor.

(13) "Professional structural engineer" means a person licensed under this chapter as a professional structural engineer.

(14) (a) "Professional structural engineering" or "the practice of structural engineering" means a service or creative work providing structural engineering services for significant structures, including:

(i) buildings and other structures representing a substantial hazard to human life, which include:

(A) buildings and other structures whose primary occupancy is public assembly with an occupant load greater than 300;

(B) buildings and other structures with elementary school, secondary school, or day care facilities with an occupant load greater than 250;

(C) buildings and other structures with an occupant load greater than 500 for colleges or adult education facilities;

(D) health care facilities with an occupant load of 50 or more resident patients, but not having surgery or emergency treatment facilities;

(E) jails and detention facilities with a gross area greater than 3,000 square feet; and

(F) buildings and other structures with an occupant load greater than 5,000;

(ii) buildings and other structures designated as essential facilities, including:

1919 (A) hospitals and other health care facilities having surgery or emergency treatment
1920 facilities with a gross area greater than 3,000 square feet;

1921 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height
1922 greater than 24 feet or a gross area greater than 5,000 square feet;

1923 (C) designated earthquake, hurricane, or other emergency shelters with a gross area
1924 greater than 3,000 square feet;

1925 (D) designated emergency preparedness, communication, and operation centers and
1926 other buildings required for emergency response with a mean height more than 24 feet or a
1927 gross area greater than 5,000 square feet;

1928 (E) power-generating stations and other public utility facilities required as emergency
1929 backup facilities with a gross area greater than 3,000 square feet;

1930 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000
1931 square feet containing highly toxic materials as defined by the division by rule, where the
1932 quantity of the material exceeds the maximum allowable quantities set by the division by rule;
1933 and

1934 (G) aviation control towers, air traffic control centers, and emergency aircraft hangars
1935 at commercial service and cargo air services airports as defined by the Federal Aviation
1936 Administration with a mean height greater than 35 feet or a gross area greater than 20,000
1937 square feet; and

1938 (iii) buildings and other structures requiring special consideration, including:

1939 (A) structures or buildings that are normally occupied by human beings and are five
1940 stories or more in height;

1941 (B) structures or buildings that are normally occupied by human beings and have an
1942 average roof height more than 60 feet above the average ground level measured at the
1943 perimeter of the structure; and

1944 (C) buildings that are over 200,000 aggregate gross square feet in area.

1945 (b) "Professional structural engineering" or "the practice of structural engineering":

1946 (i) includes the definition of professional engineering or the practice of professional
1947 engineering as provided in Subsection (9); and

1948 (ii) may be further defined by rules made by the division in collaboration with the
1949 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(15) "Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in a definite manner, and as otherwise governed by the State Construction Code or an approved code under Title 15A, State Construction and Fire Codes Act.

(16) "Supervision of an employee, subordinate, associate, or drafter of a licensee" means that a licensed professional engineer, professional structural engineer, or professional land surveyor is responsible for and personally reviews, corrects when necessary, and approves work performed by an employee, subordinate, associate, or drafter under the direction of the licensee, and may be further defined by rule by the division in collaboration with the board.

(17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation Board for Engineering and Technology.

(18) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-501.

(19) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-22-502.5.

Section 31. Section 58-22-104 is amended to read:

58-22-104. Surcharge fee.

(1) In addition to any other fees authorized by this chapter or by the division in accordance with Section 63J-1-504, the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1 surcharge fee.

(2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Section 32. Section 58-22-302 is amended to read:

58-22-302. Qualifications for licensure.

(1) Each applicant for licensure as a professional engineer shall:

(a) submit an application in a form prescribed by the division;

(b) pay a fee determined by the department under Section 63J-1-504;

~~[(c) provide satisfactory evidence of good moral character;]~~

1981 ~~[(d)]~~ (c) (i) have graduated and received a bachelors or masters degree from an
1982 engineering program meeting criteria established by rule by the division in collaboration with
1983 the board; or

1984 (ii) have completed the Transportation Engineering Technology and Fundamental
1985 Engineering College Program before July 1, 1998, under the direction of the Utah Department
1986 of Transportation and as certified by the Utah Department of Transportation;

1987 ~~[(e)]~~ (d) have successfully completed a program of qualifying experience established
1988 by rule by the division in collaboration with the board;

1989 ~~[(f)]~~ (e) have successfully passed examinations established by rule by the division in
1990 collaboration with the board; and

1991 ~~[(g)]~~ (f) meet with the board or representative of the division upon request for the
1992 purpose of evaluating the applicant's qualification for licensure.

1993 (2) Each applicant for licensure as a professional structural engineer shall:

1994 (a) submit an application in a form prescribed by the division;

1995 (b) pay a fee determined by the department under Section 63J-1-504;

1996 ~~[(c) provide satisfactory evidence of good moral character;]~~

1997 ~~[(d)]~~ (c) have graduated and received an earned bachelors or masters degree from an
1998 engineering program meeting criteria established by rule by the division in collaboration with
1999 the board;

2000 ~~[(e)]~~ (d) have successfully completed three years of licensed professional engineering
2001 experience established by rule by the division in collaboration with the board, except that prior
2002 to January 1, 2009, an applicant for licensure may submit a signed affidavit in a form
2003 prescribed by the division stating that the applicant is currently engaged in the practice of
2004 structural engineering;

2005 ~~[(f)]~~ (e) have successfully passed examinations established by rule by the division in
2006 collaboration with the board, except that prior to January 1, 2009, an applicant for licensure
2007 may submit a signed affidavit in a form prescribed by the division stating that the applicant is
2008 currently engaged in the practice of structural engineering; and

2009 ~~[(g)]~~ (f) meet with the board or representative of the division upon request for the
2010 purpose of evaluating the applicant's qualification for licensure.

2011 (3) Each applicant for licensure as a professional land surveyor shall:

- 2012 (a) submit an application in a form prescribed by the division;
2013 (b) pay a fee determined by the department under Section 63J-1-504;
2014 ~~[(c) provide satisfactory evidence of good moral character;]~~
2015 ~~[(d)]~~ (c) (i) have graduated and received an associates, bachelors, or masters degree
2016 from a land surveying program, or an equivalent land surveying program, such as a program
2017 offered by a technical college described in Section 53B-2a-105, as approved by the State Board
2018 of Regents, established by rule by the division in collaboration with the board, and have
2019 successfully completed a program of qualifying experience in land surveying established by
2020 rule by the division in collaboration with the board; or
2021 (ii) have successfully completed a program of qualifying experience in land surveying
2022 prior to January 1, 2007, in accordance with rules established by the division in collaboration
2023 with the board;
2024 ~~[(e)]~~ (d) have successfully passed examinations established by rule by the division in
2025 collaboration with the board; and
2026 ~~[(f)]~~ (e) meet with the board or representative of the division upon request for the
2027 purpose of evaluating the applicant's qualification for licensure.
2028 (4) Each applicant for licensure by endorsement shall:
2029 (a) submit an application in a form prescribed by the division;
2030 (b) pay a fee determined by the department under Section 63J-1-504;
2031 ~~[(c) provide satisfactory evidence of good moral character;]~~
2032 ~~[(d)]~~ (c) submit satisfactory evidence of:
2033 (i) current licensure in good standing in a jurisdiction recognized by rule by the
2034 division in collaboration with the board;
2035 (ii) having successfully passed an examination established by rule by the division in
2036 collaboration with the board; and
2037 (iii) full-time employment as a principal for at least five of the last seven years
2038 immediately preceding the date of the application as a:
2039 (A) licensed professional engineer for licensure as a professional engineer;
2040 (B) licensed professional structural engineer for licensure as a structural engineer; or
2041 (C) licensed professional land surveyor for licensure as a professional land surveyor;
2042 and

2043 ~~[(e)]~~ (d) meet with the board or representative of the division upon request for the
2044 purpose of evaluating the applicant's qualifications for license.

2045 (5) The rules made to implement this section shall be in accordance with Title 63G,
2046 Chapter 3, Utah Administrative Rulemaking Act.

2047 Section 33. Section **58-22-305** is amended to read:

2048 **58-22-305. Exemption from licensure.**

2049 (1) In addition to the exemptions from licensure in Section [58-1-307](#), the following
2050 may engage in the following acts or practices without being licensed under this chapter:

2051 (a) a person offering to render professional engineering, professional structural
2052 engineering, or professional land surveying services in this state when not licensed under this
2053 chapter if the person:

2054 (i) holds a current and valid professional engineer, professional structural engineer, or
2055 professional land surveyor license issued by a licensing authority recognized by rule by the
2056 division in collaboration with the board;

2057 (ii) discloses in writing to the potential client the fact that the professional engineer,
2058 professional structural engineer, or professional land surveyor:

2059 (A) is not licensed in the state;

2060 (B) may not provide professional engineering, professional structural engineering, or
2061 professional land surveying services in the state until licensed in the state; and

2062 (C) that such condition may cause a delay in the ability of the professional engineer,
2063 professional structural engineer, or professional land surveyor to provide licensed services in
2064 the state;

2065 (iii) notifies the division in writing of the person's intent to offer to render professional
2066 engineering, professional structural engineering, or professional land surveying services in the
2067 state; and

2068 (iv) does not provide professional engineering, professional structural engineering, or
2069 professional land surveying services, or engage in the practice of professional engineering,
2070 professional structural engineering, or professional land surveying in this state until licensed to
2071 do so;

2072 (b) a person preparing a plan and specification for a one or two-family residence not
2073 exceeding two stories in height;

2074 (c) a person licensed to practice architecture under Title 58, Chapter 3a, Architects
2075 Licensing Act, performing architecture acts or incidental engineering or structural engineering
2076 practices that do not exceed the scope of the education and training of the person performing
2077 engineering or structural engineering;

2078 (d) unlicensed employees, subordinates, associates, or drafters of a person licensed
2079 under this chapter while preparing plans, maps, sketches, drawings, documents, specifications,
2080 plats, and reports under the supervision of a professional engineer, professional structural
2081 engineer, or professional land surveyor;

2082 (e) a person preparing a plan or specification for, or supervising the alteration of or
2083 repair to, an existing building affecting an area not exceeding 3,000 square feet when structural
2084 elements of a building are not changed, such as foundations, beams, columns, and structural
2085 slabs, joists, bearing walls, and trusses;

2086 (f) an employee of a communications, utility, railroad, mining, petroleum, or
2087 manufacturing company, or an affiliate of such a company, if the professional engineering or
2088 professional structural engineering work is performed solely in connection with the products or
2089 systems of the company and is not offered directly to the public;

2090 (g) an organization engaged in the practice of professional engineering, structural
2091 engineering, or professional land surveying, provided that:

2092 (i) the organization employs a principal; and

2093 (ii) all individuals employed by the organization, who are engaged in the practice of
2094 professional engineering, structural engineering, or land surveying, are licensed or exempt from
2095 licensure under this chapter; and

2096 (h) a person licensed as a professional engineer, a professional structural engineer, or a
2097 professional land surveyor in a state other than Utah serving as an expert witness, provided the
2098 expert testimony meets one of the following:

2099 (i) oral testimony as an expert witness in an administrative, civil, or criminal
2100 proceeding; or

2101 (ii) written documentation included as part of the testimony in a proceeding, including
2102 designs, studies, plans, specifications, or similar documentation, provided that the purpose of
2103 the written documentation is not to establish specifications, plans, designs, processes, or
2104 standards to be used in the future in an industrial process, system, construction, design, or

2105 repair.

2106 (2) Nothing in this section shall be construed to restrict a ~~[draftsman]~~ person from
2107 preparing plans for a client under the exemption provided in Subsection (1)(b), or taking those
2108 plans to a professional engineer for the engineer's review, approval, and subsequent fixing of
2109 the engineer's seal to that set of plans~~[, if the plans meet the building code standards].~~

2110 Section 34. Section **58-24b-302** is amended to read:

2111 **58-24b-302. Licensure.**

2112 (1) An applicant for a license as a physical therapist shall:

2113 ~~[(a) be of good moral character;]~~

2114 ~~[(b)]~~ (a) complete the application process, including payment of fees;

2115 ~~[(c)]~~ (b) submit proof of graduation from a professional physical therapist education
2116 program that is accredited by a recognized accreditation agency;

2117 ~~[(d)]~~ (c) pass a licensing examination:

2118 (i) after complying with Subsection ~~[(1)(c)]~~ (1)(b); or

2119 (ii) if the applicant is in the final term of a professional physical therapist education
2120 program that is accredited by a recognized accreditation agency;

2121 ~~[(e)]~~ (d) be able to read, write, speak, understand, and be understood in the English
2122 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

2123 ~~[(f) if the applicant is applying to participate in the Physical Therapy Licensure
2124 Compact under Chapter 24c, Physical Therapy Licensure Compact,]~~

2125 (e) consent to a criminal background check in accordance with Section **58-24b-302.1**
2126 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2127 Administrative Rulemaking Act; and

2128 ~~[(g)]~~ (f) meet any other requirements established by the division, by rule made in
2129 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2130 (2) An applicant for a license as a physical therapist assistant shall:

2131 ~~[(a) be of good moral character;]~~

2132 ~~[(b)]~~ (a) complete the application process, including payment of fees set by the
2133 division, in accordance with Section **63J-1-504**, to recover the costs of administering the
2134 licensing requirements relating to physical therapist assistants;

2135 ~~[(c)]~~ (b) submit proof of graduation from a physical therapist assistant education

2136 program that is accredited by a recognized accreditation agency;
2137 ~~[(d)]~~ (c) pass a licensing examination approved by division rule made in collaboration
2138 with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2139 Act:
2140 (i) after the applicant complies with Subsection ~~[(2)(c)]~~ (2)(b); or
2141 (ii) if the applicant is in the final term of a physical therapist assistant education
2142 program that is accredited by a recognized accreditation agency;
2143 ~~[(e)]~~ (d) be able to read, write, speak, understand, and be understood in the English
2144 language and demonstrate proficiency to the satisfaction of the board if requested by the board;
2145 ~~[(f)]~~ (e) submit to, and pass, a criminal background check, in accordance with Section
2146 58-24b-302.1 and standards established by rule made in accordance with Title 63G, Chapter 3,
2147 Utah Administrative Rulemaking Act; and
2148 ~~[(g)]~~ (f) meet any other requirements established by the division, by rule made in
2149 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
2150 (3) An applicant for a license as a physical therapist who is educated outside of the
2151 United States shall:
2152 ~~[(a) be of good moral character;]~~
2153 ~~[(b)]~~ (a) complete the application process, including payment of fees;
2154 ~~[(c)]~~ (b) (i) provide satisfactory evidence that the applicant graduated from a
2155 professional physical therapist education program that is accredited by a recognized
2156 accreditation agency; or
2157 (ii) (A) provide satisfactory evidence that the applicant graduated from a physical
2158 therapist education program that prepares the applicant to engage in the practice of physical
2159 therapy, without restriction;
2160 (B) provide satisfactory evidence that the education program described in Subsection
2161 ~~[(3)(c)(ii)(A)]~~ (3)(b)(ii)(A) is recognized by the government entity responsible for recognizing
2162 a physical therapist education program in the country where the program is located; and
2163 (C) pass a credential evaluation to ensure that the applicant has satisfied uniform
2164 educational requirements;
2165 ~~[(d)]~~ (c) after complying with Subsection ~~[(3)(c)]~~ (3)(b), pass a licensing examination;
2166 ~~[(e)]~~ (d) be able to read, write, speak, understand, and be understood in the English

language and demonstrate proficiency to the satisfaction of the board if requested by the board;

~~[(f) if the applicant is applying to participate in the Physical Therapy Licensure Compact under Chapter 24c, Physical Therapy Licensure Compact,]~~

(e) consent to a criminal background check in accordance with Section 58-24b-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

~~[(g)]~~ (f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(4) The division shall issue a license to a person who holds a current unrestricted license to practice physical therapy in a state, district, or territory of the United States of America, other than Utah, if the person:

~~[(a) is of good moral character;]~~

~~[(b)]~~ (a) completes the application process, including payment of fees;

~~[(c)]~~ (b) is able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;

~~[(d) if the applicant is applying to participate in the Physical Therapy Licensure Compact under Chapter 24c, Physical Therapy Licensure Compact,]~~

(c) consents to a criminal background check in accordance with Section 58-24b-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

~~[(e)]~~ (d) meets any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(5) (a) Notwithstanding Subsection 58-1-307(1)(c), an individual may not engage in an internship in physical therapy, unless the person is:

(i) certified by the division; or

(ii) exempt from licensure under Section 58-24b-304.

(b) The provisions of Subsection (5)(a) apply, regardless of whether the individual is participating in the supervised clinical training program for the purpose of becoming a physical therapist or a physical therapist assistant.

Section 35. Section 58-26a-302 is amended to read:

58-26a-302. Qualifications for licensure and registration -- Licensure by

2198 **endorsement.**

2199 (1) Each applicant for licensure under this chapter as a certified public accountant
2200 shall:

2201 (a) submit an application in a form prescribed by the division;

2202 (b) pay a fee determined by the department under Section 63J-1-504;

2203 ~~[(c) show evidence of good moral character;]~~

2204 ~~[(d)]~~ (c) submit a certified transcript of credits from an accredited institution acceptable
2205 to the board showing:

2206 (i) successful completion of a total of 150 semester hours or 225 quarter hours of
2207 collegiate level education with a concentration in accounting, auditing, and business;

2208 (ii) a baccalaureate degree or its equivalent at a college or university approved by the
2209 board; and

2210 (iii) compliance with any other education requirements established by rule by the
2211 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
2212 Administrative Rulemaking Act;

2213 ~~[(e)]~~ (d) submit evidence of one year of accounting experience in a form prescribed by
2214 the division;

2215 ~~[(f)]~~ (e) submit evidence of having successfully completed the qualifying examinations
2216 in accordance with Section 58-26a-306; and

2217 ~~[(g)]~~ (f) submit to an interview by the board, if requested, for the purpose of examining
2218 the applicant's competence and qualifications for licensure.

2219 (2) (a) The division may issue a license under this chapter to a person who holds a
2220 license as a certified public accountant issued by any other state of the United States of
2221 America if the applicant for licensure by endorsement:

2222 (i) submits an application in a form prescribed by the division;

2223 (ii) pays a fee determined by the department under Section 63J-1-504;

2224 ~~[(iii) shows evidence of good moral character;]~~

2225 ~~[(iv)]~~ (iii) submits to an interview by the board, if requested, for the purpose of
2226 examining the applicant's competence and qualifications for licensure; and

2227 ~~[(v)]~~ (iv) (A) (I) shows evidence of having passed the qualifying examinations; and

2228 (II) (Aa) meets the requirements for licensure which were applicable in this state at the

2229 time of the issuance of the applicant's license by the state from which the original licensure by
2230 satisfactorily passing the AICPA Uniform CPA Examination was issued; or

2231 (Bb) had four years of professional experience after passing the AICPA Uniform CPA
2232 Examination upon which the original license was based, within the 10 years immediately
2233 preceding the application for licensure by endorsement; or

2234 (B) shows evidence that the applicant's education, examination record, and experience
2235 are substantially equivalent to the requirements of Subsection (1), as provided by rule.

2236 (b) This Subsection (2) applies only to a person seeking to obtain a license issued by
2237 this state and does not apply to a person practicing as a certified public accountant in the state
2238 under Subsection 58-26a-305(1).

2239 (3) (a) Each applicant for registration as a Certified Public Accountant firm shall:

2240 (i) submit an application in a form prescribed by the division;

2241 (ii) pay a fee determined by the department under Section 63J-1-504;

2242 (iii) have, notwithstanding any other provision of law, a simple majority of the
2243 ownership of the Certified Public Accountant firm, in terms of financial interests and voting
2244 rights of all partners, officers, shareholders, members, or managers, held by individuals who
2245 are certified public accountants, licensed under this chapter or another state of the United States
2246 of America, and the partners, officers, shareholders, members, or managers, whose principal
2247 place of business is in this state, and who perform professional services in this state hold a
2248 valid license issued under Subsection 58-26a-301(2) or the corresponding provisions of prior
2249 law; and

2250 (iv) meet any other requirements established by rule by the division in collaboration
2251 with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2252 (b) Each separate location of a qualified business entity within the state seeking
2253 registration as a Certified Public Accountant firm shall register separately.

2254 (c) A Certified Public Accountant firm may include owners who are not licensed under
2255 this chapter as outlined in Subsection (3)(a)(iii), provided that:

2256 (i) the firm designates a licensee of this state who is responsible for the proper
2257 registration of the Certified Public Accountant firm and identifies that individual to the
2258 division; and

2259 (ii) all nonlicensed owners are active individual participants in the CPA firm.

2260 Section 36. Section **58-26a-305** is amended to read:

2261 **58-26a-305. Exemptions from licensure.**

2262 (1) In addition to the exemptions from licensure in Section **58-1-307**, the following
2263 may engage in acts included within the definition of the practice of public accountancy, subject
2264 to the stated circumstances and limitations, without being licensed under this chapter:

2265 (a) a person licensed by any other state, district, or territory of the United States as a
2266 certified public accountant or its equivalent under any other title while practicing in this state
2267 if:

2268 (i) the person's principal place of business is not in this state; and

2269 (A) the person's license as a certified public accountant is from any state which the
2270 National Association of State Boards of Accountancy (NASBA) National Qualification
2271 Appraisal Service has verified to be substantially equivalent to the CPA licensure requirements
2272 of the Uniform Accountancy Act; or

2273 (B) the person's license as a certified public accountant is from a state which the
2274 NASBA National Qualification Appraisal Service has not verified to be substantially
2275 equivalent to the CPA licensure requirements of the Uniform Accountancy Act and the person
2276 obtains from the NASBA National Qualification Appraisal Service verification that the
2277 person's CPA qualifications are substantially equivalent to the CPA licensure requirements of
2278 the Uniform Accountancy Act and Subsection [~~58-26a-302(1)(d)(i)~~] 58-26a-302(1)(c)(i); and

2279 (ii) the person consents, as a condition of the grant of this privilege:

2280 (A) to personal and subject matter jurisdiction and disciplinary authority of the
2281 division;

2282 (B) to comply with this chapter and the rules made under this chapter;

2283 (C) that in the event the license from the state of the person's principal place of
2284 business becomes invalid, the person shall cease offering or rendering professional services in
2285 this state both individually and on behalf of the firm; and

2286 (D) to the appointment of the state board which issued the person's license as the
2287 person's agent upon whom process may be served in an action or proceeding brought by the
2288 division against the licensee;

2289 (b) through December 31, 2012, a person licensed by any other state, district, or
2290 territory of the United States as a certified public accountant or its equivalent under another

2291 title while practicing in this state if:

2292 (i) the person does not qualify for a practice privilege under Subsection (1)(a);

2293 (ii) the practice is incidental to the person's regular practice outside of this state; and

2294 (iii) the person's temporary practice within the state is in conformity with this chapter

2295 and the rules established under this chapter;

2296 (c) an officer, member, partner, or employee of any entity or organization who signs
2297 any statement or report in reference to the financial affairs of the entity or organization with a
2298 designation of that person's position within the entity or organization;

2299 (d) a public official or employee while performing his official duties;

2300 (e) a person using accounting or auditing skills, including the preparation of tax
2301 returns, management advisory services, and the preparation of financial statements without the
2302 issuance of reports; or

2303 (f) an employee of a CPA firm registered under this chapter or an assistant to a person
2304 licensed under this chapter, working under the supervision of a licensee, if:

2305 (i) neither the employee or assistant nor the licensed employer or registered CPA firm
2306 represents that the unlicensed person is a certified public accountant; and

2307 (ii) no accounting or financial statements are issued over the unlicensed person's name.

2308 (2) (a) Notwithstanding any other provision of law, a person who qualifies under
2309 Subsection (1)(a) has all the privileges of a licensee of this state and may engage in acts
2310 included within the definition of the practice of public accountancy, whether in person or by
2311 mail, telephone, or electronic means, based on a practice privilege in this state, and no notice,
2312 fee, or other submission shall be provided by that person.

2313 (b) The division may revoke, suspend, or restrict an exemption granted under
2314 Subsection (1)(a) or (b), or place on probation or issue a public or private reprimand to a
2315 person exempted under those subsections for the reasons set forth in Subsection 58-1-401(2).

2316 Section 37. Section 58-26a-306 is amended to read:

2317 **58-26a-306. Examination requirements.**

2318 (1) Before taking the qualifying examinations, an applicant shall:

2319 (a) submit an application in a form approved by the division;

2320 (b) pay a fee determined by the department under Section 63J-1-504;

2321 (c) demonstrate completion of at least 120 semester hours or 180 quarter hours of the

education requirement described in Subsection ~~[58-26a-302(1)(d)]~~ 58-26a-302(1)(c); and

(d) be approved by the board, or an organization designated by the board, to take the qualifying examinations.

(2) A person must sit for and meet the conditioning requirements of the AICPA Uniform CPA Examination as established by the AICPA.

Section 38. Section **58-28-301** is amended to read:

58-28-301. Licensure required.

(1) (a) A license is required to engage in the practice of veterinary medicine, except as specifically provided in Sections 58-1-307 and 58-28-307.

(b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be licensed under this chapter as a veterinary intern in order to engage in a program of indirectly supervised clinical training with a veterinarian licensed under this chapter, and as necessary to meet licensing requirements under Subsection ~~[58-28-302(1)(d)]~~ 58-28-302(1)(c).

(2) The division shall issue to a person who qualifies under this chapter a license in the classification of:

(a) veterinarian; or

(b) veterinarian intern.

Section 39. Section **58-28-302** is amended to read:

58-28-302. License qualifications.

(1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry shall:

~~[(a) be of good moral character as it relates to the functions and duties of a licensed veterinarian;]~~

~~[(b)]~~ (a) pass an examination approved by the board on the theory and practice of the science of veterinary medicine, surgery, dentistry, and other subjects determined by the board, knowledge of which is generally required of veterinarians;

~~[(c)]~~ (b) (i) graduate from a veterinary college accredited by the AVMA; or

(ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary Graduates issued by the AVMA;

~~[(d)]~~ (c) (i) have practiced under the supervision of a veterinarian licensed to practice in this state for a period of at least six months;

(ii) have participated in veterinary investigational, educational, or sanitary control work of a nature and duration as to be the equivalent of the experience of Subsection ~~[(1)(d)(i)]~~ (1)(c)(i);

(iii) have practiced as a licensed veterinarian outside Utah for a period of at least six months; or

(iv) have practiced as a veterinarian while employed by the United States government, its agencies, or the state or its political subdivisions for a period of at least six months; and

~~[(e)]~~ (d) pay a fee to the Department of Commerce determined ~~[by it pursuant to]~~ in accordance with Section 63J-1-504 for the examination, for an initial license, and for a renewal license.

(2) (a) An applicant for licensure as a veterinary intern shall comply with the provisions of ~~[Subsections (1)(a) and (c)]~~ Subsection (1)(b).

(b) An applicant's license as a veterinary intern is limited to the period of time necessary to complete clinical training as described in Subsection ~~[(1)(d)]~~ (1)(c) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a veterinarian, but the period of time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised clinical training has been completed.

Section 40. Section **58-28-304** is amended to read:

58-28-304. Temporary license -- License reciprocity.

(1) The division may issue a temporary license to practice veterinary medicine, surgery, and dentistry to any person not qualified for licensure under Subsection (4) who meets all requirements of Section 58-28-302 with the exception of Subsections ~~[58-28-302(1)(b) and (d)]~~ 58-28-302(1)(a) and (c), except that the temporary license shall by its terms expire at the date examination results are available for the examination next following the date of the issuance of the temporary license.

(2) The temporary license shall permit the holder to practice under the indirect supervision of a veterinarian licensed to practice in this state.

(3) The division may extend the expiration date of the temporary license until the

2384 following examination date if:

2385 (a) the applicant shows to the board good cause for failing to take or pass the
2386 examination; and

2387 (b) the majority of the board members recommend the extension.

2388 (4) Upon the recommendation of the board, the division may issue a license without
2389 examination to a person who:

2390 (a) has been licensed or registered to practice veterinary medicine, surgery, and
2391 dentistry in any state, district, or territory of the United States or in any foreign country, whose
2392 educational, examination, and experience requirements are or were at the time the license was
2393 issued equal to those of this state;

2394 (b) has engaged in the practice of veterinary medicine, dentistry, and surgery while
2395 licensed by another jurisdiction for at least two years;

2396 (c) obtained the license in another jurisdiction after passing an examination component
2397 acceptable to the division and the board;

2398 (d) produces satisfactory evidence of having practiced veterinary medicine competently
2399 and in accordance with the standards and ethics of the profession while practicing in another
2400 jurisdiction; and

2401 (e) produces satisfactory evidence of identity and good moral character as it relates to
2402 the applicant's functions and practice as a licensed veterinarian.

2403 Section 41. Section **58-31b-502** is amended to read:

2404 **58-31b-502. Unprofessional conduct.**

2405 (1) "Unprofessional conduct" includes:

2406 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
2407 diagnosis, personal effects, or any other matter about which the licensee is privileged to know
2408 because of the licensee's or person with a certification's position or practice as a nurse or
2409 practice as a medication aide certified;

2410 (b) failure to provide nursing service or service as a medication aide certified in a
2411 manner that demonstrates respect for the patient's human dignity and unique personal character
2412 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
2413 status, age, sex, or the nature of the patient's health problem;

2414 (c) engaging in sexual relations with a patient during any:

2415 (i) period when a generally recognized professional relationship exists between the
2416 person licensed or certified under this chapter and the patient; or

2417 (ii) extended period when a patient has reasonable cause to believe a professional
2418 relationship exists between the person licensed or certified under the provisions of this chapter
2419 and the patient;

2420 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using
2421 information about a patient or exploiting the licensee's or the person with a certification's
2422 professional relationship between the licensee or holder of a certification under this chapter and
2423 the patient; or

2424 (ii) exploiting the patient by use of the licensee's or person with a certification's
2425 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

2426 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

2427 (f) unauthorized taking or personal use of nursing supplies from an employer;

2428 (g) unauthorized taking or personal use of a patient's personal property;

2429 (h) knowingly entering into any medical record any false or misleading information or
2430 altering a medical record in any way for the purpose of concealing an act, omission, or record
2431 of events, medical condition, or any other circumstance related to the patient and the medical or
2432 nursing care provided;

2433 (i) unlawful or inappropriate delegation of nursing care;

2434 (j) failure to exercise appropriate supervision of persons providing patient care services
2435 under supervision of the licensed nurse;

2436 ~~[(k) employing or aiding and abetting the employment of an unqualified or unlicensed~~
2437 ~~person to practice as a nurse;]~~

2438 ~~[(t)]~~ (k) failure to file or record any medical report as required by law, impeding or
2439 obstructing the filing or recording of such a report, or inducing another to fail to file or record
2440 such a report;

2441 ~~[(m)]~~ (l) breach of a statutory, common law, regulatory, or ethical requirement of
2442 confidentiality with respect to a person who is a patient, unless ordered by a court;

2443 ~~[(n)]~~ (m) failure to pay a penalty imposed by the division;

2444 ~~[(o)]~~ (n) prescribing a Schedule II controlled substance without complying with the
2445 requirements in Section 58-31b-803, if applicable;

2446 ~~[(p)]~~ (o) violating Section [58-31b-801](#);

2447 ~~[(q)]~~ (p) violating the dispensing requirements of Section [58-17b-309](#) or Chapter 17b,
2448 Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy,
2449 if applicable; and

2450 ~~[(r)]~~ (q) establishing or operating a pain clinic without a consultation and referral plan
2451 for Schedule II or III controlled substances.

2452 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
2453 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
2454 is defined in Section [26-61a-102](#), recommending the use of medical cannabis.

2455 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
2456 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2457 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

2458 Section 42. Section **58-31b-803** is amended to read:

2459 **58-31b-803. Limitations on prescriptive authority for advanced practice**
2460 **registered nurses.**

2461 (1) This section does not apply to an advanced practice registered nurse specializing as
2462 a certified registered nurse anesthetist under Subsection [58-31b-102](#)(14)(d).

2463 (2) Except as provided in Subsections (3) and ~~[[58-31b-502](#)(1)(r)]~~ [58-31b-502](#)(1)(q), an
2464 advanced practice registered nurse may prescribe or administer a Schedule II controlled
2465 substance without a consultation and referral plan.

2466 (3) An advanced practice registered nurse described in Subsection (4) may not
2467 prescribe or administer a Schedule II controlled substance unless the advanced practice
2468 registered nurse prescribes or administers Schedule II controlled substances in accordance with
2469 a consultation and referral plan.

2470 (4) Subsection (3) applies to an advanced practice registered nurse who:

2471 (a) (i) is engaged in independent solo practice; and

2472 (ii) (A) has been licensed as an advanced practice registered nurse for less than one
2473 year; or

2474 (B) has less than 2,000 hours of experience practicing as a licensed advanced practice
2475 registered nurse; or

2476 (b) owns or operates a pain clinic.

(5) Notwithstanding Subsection 58-31b-102(5), an advanced practice registered nurse with at least three years of experience as a licensed advanced practice registered nurse may supervise a consultation and referral plan for an advanced practice registered nurse described in Subsection (4)(a).

Section 43. Section 58-37f-203 is amended to read:

58-37f-203. Submission, collection, and maintenance of data.

(1) (a) The division shall implement on a statewide basis, including non-resident pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to submit information:

(i) real-time submission of the information required to be submitted under this part to the controlled substance database; and

(ii) 24-hour daily or next business day, whichever is later, batch submission of the information required to be submitted under this part to the controlled substance database.

(b) ~~[(i) On and after January 1, 2016, a]~~ A pharmacist shall comply with either:

~~[(A)]~~ (i) the submission time requirements established by the division under Subsection (1)(a)(i); or

~~[(B)]~~ (ii) the submission time requirements established by the division under Subsection (1)(a)(ii).

~~[(ii) Prior to January 1, 2016, a pharmacist may submit information using either option under this Subsection (1).]~~

(c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

(2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a controlled substance is dispensed shall submit the data described in this section to the division in accordance with:

(i) the requirements of this section;

(ii) the procedures established by the division;

(iii) additional types of information or data fields established by the division; and

(iv) the format established by the division.

(b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with the provisions of this section and the dispensing medical practitioner shall assume the duties of

2508 the pharmacist under this chapter.

2509 (3) (a) The pharmacist-in-charge and the pharmacist described in Subsection (2)~~[(b)]~~(a)
2510 shall, for each controlled substance dispensed by a pharmacist under the pharmacist's
2511 supervision other than those dispensed for an inpatient at a health care facility, submit to the
2512 division any type of information or data field established by the division by rule in accordance
2513 with Subsection (6) regarding:

2514 (i) each controlled substance that is dispensed by the pharmacist or under the
2515 pharmacist's supervision; and

2516 (ii) each noncontrolled substance that is:

2517 (A) designated by the division under Subsection (8)(a); and

2518 (B) dispensed by the pharmacist or under the pharmacist's supervision.

2519 (b) Subsection (3)(a) does not apply to a drug that is dispensed for an inpatient at a
2520 health care facility.

2521 (4) An individual whose records are in the database may obtain those records upon
2522 submission of a written request to the division.

2523 (5) (a) A patient whose record is in the database may contact the division in writing to
2524 request correction of any of the patient's database information that is incorrect. ~~[The patient~~
2525 ~~shall provide a postal address for the division's response.]~~

2526 (b) The division shall grant or deny the request within 30 days from receipt of the
2527 request and shall advise the requesting patient of its decision ~~[by mail postmarked]~~ within 35
2528 days of receipt of the request.

2529 (c) If the division denies a request under this Subsection (5) or does not respond within
2530 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days
2531 after the ~~[postmark date of the patient's letter making a]~~ patient's written request for a
2532 correction under this Subsection (5).

2533 (6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2534 Administrative Rulemaking Act, to establish submission requirements under this part,
2535 including:

2536 (a) electronic format;

2537 (b) submission procedures; and

2538 (c) required information and data fields.

(7) The division shall ensure that the database system records and maintains for reference:

(a) the identification of each individual who requests or receives information from the database;

(b) the information provided to each individual; and

(c) the date and time that the information is requested or provided.

(8) (a) The division, in collaboration with the Utah Controlled Substance Advisory Committee created in Section 58-38a-201, shall designate a list of noncontrolled substances described in Subsection (8)(b) by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

(b) To determine whether a prescription drug should be designated in the schedules of controlled substances under this chapter, the division may collect information about a prescription drug as defined in Section 58-17b-102 that is not designated in the schedules of controlled substances under this chapter.

Section 44. Section 58-37f-301 is amended to read:

58-37f-301. Access to database.

(1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

(a) effectively enforce the limitations on access to the database as described in this part; and

(b) establish standards and procedures to ensure accurate identification of individuals requesting information or receiving information without request from the database.

(2) The division shall make information in the database and information obtained from other state or federal prescription monitoring programs by means of the database available only to the following individuals, in accordance with the requirements of this chapter and division rules:

(a) (i) personnel of the division specifically assigned to conduct investigations related to controlled substance laws under the jurisdiction of the division; and

(ii) the following law enforcement officers, but the division may only provide nonidentifying information, limited to gender, year of birth, and postal ZIP code, regarding individuals for whom a controlled substance has been prescribed or to whom a controlled

2570 substance has been dispensed:

2571 (A) a law enforcement agency officer who is engaged in a joint investigation with the
2572 division; and

2573 (B) a law enforcement agency officer to whom the division has referred a suspected
2574 criminal violation of controlled substance laws;

2575 (b) authorized division personnel engaged in analysis of controlled substance
2576 prescription information as a part of the assigned duties and responsibilities of their
2577 employment;

2578 (c) a board member if:

2579 (i) the board member is assigned to monitor a licensee on probation; and

2580 (ii) the board member is limited to obtaining information from the database regarding
2581 the specific licensee on probation;

2582 (d) a member of a diversion committee established in accordance with Subsection
2583 58-1-404(2) if:

2584 (i) the diversion committee member is limited to obtaining information from the
2585 database regarding the person whose conduct is the subject of the committee's consideration;
2586 and

2587 (ii) the conduct that is the subject of the committee's consideration includes a violation
2588 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another relevant
2589 violation or potential violation under this title;

2590 (e) in accordance with a written agreement entered into with the department,
2591 employees of the Department of Health:

2592 (i) whom the director of the Department of Health assigns to conduct scientific studies
2593 regarding the use or abuse of controlled substances, if the identity of the individuals and
2594 pharmacies in the database are confidential and are not disclosed in any manner to any
2595 individual who is not directly involved in the scientific studies;

2596 (ii) when the information is requested by the Department of Health in relation to a
2597 person or provider whom the Department of Health suspects may be improperly obtaining or
2598 providing a controlled substance; or

2599 (iii) in the medical examiner's office;

2600 (f) in accordance with a written agreement entered into with the department, a designee

2601 of the director of the Department of Health, who is not an employee of the Department of
2602 Health, whom the director of the Department of Health assigns to conduct scientific studies
2603 regarding the use or abuse of controlled substances pursuant to an application process
2604 established in rule by the Department of Health, if:

- 2605 (i) the designee provides explicit information to the Department of Health regarding
2606 the purpose of the scientific studies;
- 2607 (ii) the scientific studies to be conducted by the designee:
 - 2608 (A) fit within the responsibilities of the Department of Health for health and welfare;
 - 2609 (B) are reviewed and approved by an Institutional Review Board that is approved for
2610 human subject research by the United States Department of Health and Human Services; and
 - 2611 (C) are not conducted for profit or commercial gain; and
 - 2612 (D) are conducted in a research facility, as defined by division rule, that is associated
2613 with a university or college accredited by one or more regional or national accrediting agencies
2614 recognized by the United States Department of Education;
- 2615 (iii) the designee protects the information as a business associate of the Department of
2616 Health; and
- 2617 (iv) the identity of the prescribers, patients, and pharmacies in the database are
2618 de-identified, confidential, not disclosed in any manner to the designee or to any individual
2619 who is not directly involved in the scientific studies;
- 2620 (g) in accordance with the written agreement entered into with the department and the
2621 Department of Health, authorized employees of a managed care organization, as defined in 42
2622 C.F.R. Sec. 438, if:
 - 2623 (i) the managed care organization contracts with the Department of Health under the
2624 provisions of Section 26-18-405 and the contract includes provisions that:
 - 2625 (A) require a managed care organization employee who will have access to information
2626 from the database to submit to a criminal background check; and
 - 2627 (B) limit the authorized employee of the managed care organization to requesting
2628 either the division or the Department of Health to conduct a search of the database regarding a
2629 specific Medicaid enrollee and to report the results of the search to the authorized employee;
2630 and
 - 2631 (ii) the information is requested by an authorized employee of the managed care

2632 organization in relation to a person who is enrolled in the Medicaid program with the managed
2633 care organization, and the managed care organization suspects the person may be improperly
2634 obtaining or providing a controlled substance;

2635 (h) a licensed practitioner having authority to prescribe controlled substances, to the
2636 extent the information:

2637 (i) (A) relates specifically to a current or prospective patient of the practitioner; and

2638 (B) is provided to or sought by the practitioner for the purpose of:

2639 (I) prescribing or considering prescribing any controlled substance to the current or
2640 prospective patient;

2641 (II) diagnosing the current or prospective patient;

2642 (III) providing medical treatment or medical advice to the current or prospective
2643 patient; or

2644 (IV) determining whether the current or prospective patient:

2645 (Aa) is attempting to fraudulently obtain a controlled substance from the practitioner;

2646 or

2647 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
2648 substance from the practitioner;

2649 (ii) (A) relates specifically to a former patient of the practitioner; and

2650 (B) is provided to or sought by the practitioner for the purpose of determining whether
2651 the former patient has fraudulently obtained, or has attempted to fraudulently obtain, a
2652 controlled substance from the practitioner;

2653 (iii) relates specifically to an individual who has access to the practitioner's Drug
2654 Enforcement Administration identification number, and the practitioner suspects that the
2655 individual may have used the practitioner's Drug Enforcement Administration identification
2656 number to fraudulently acquire or prescribe a controlled substance;

2657 (iv) relates to the practitioner's own prescribing practices, except when specifically
2658 prohibited by the division by administrative rule;

2659 (v) relates to the use of the controlled substance database by an employee of the
2660 practitioner, described in Subsection (2)(i); or

2661 (vi) relates to any use of the practitioner's Drug Enforcement Administration
2662 identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a

2663 controlled substance;

2664 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in

2665 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:

2666 (i) the employee is designated by the practitioner as an individual authorized to access

2667 the information on behalf of the practitioner;

2668 (ii) the practitioner provides written notice to the division of the identity of the

2669 employee; and

2670 (iii) the division:

2671 (A) grants the employee access to the database; and

2672 (B) provides the employee with a password that is unique to that employee to access

2673 the database in order to permit the division to comply with the requirements of Subsection

2674 [58-37f-203](#)(5) with respect to the employee;

2675 (j) an employee of the same business that employs a licensed practitioner under

2676 Subsection (2)(h) if:

2677 (i) the employee is designated by the practitioner as an individual authorized to access

2678 the information on behalf of the practitioner;

2679 (ii) the practitioner and the employing business provide written notice to the division of

2680 the identity of the designated employee; and

2681 (iii) the division:

2682 (A) grants the employee access to the database; and

2683 (B) provides the employee with a password that is unique to that employee to access

2684 the database in order to permit the division to comply with the requirements of Subsection

2685 [58-37f-203](#)(5) with respect to the employee;

2686 (k) a licensed pharmacist having authority to dispense a controlled substance to the

2687 extent the information is provided or sought for the purpose of:

2688 (i) dispensing or considering dispensing any controlled substance; or

2689 (ii) determining whether a person:

2690 (A) is attempting to fraudulently obtain a controlled substance from the pharmacist; or

2691 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled

2692 substance from the pharmacist;

2693 (l) in accordance with Subsection (3)(a), a licensed pharmacy technician and pharmacy

2694 intern who is an employee of a pharmacy as defined in Section 58-17b-102, for the purposes
2695 described in Subsection ~~[(2)(j)]~~ (2)(k)(i) or (ii), if:

2696 (i) the employee is designated by the pharmacist-in-charge as an individual authorized
2697 to access the information on behalf of a licensed pharmacist employed by the pharmacy;

2698 (ii) the pharmacist-in-charge provides written notice to the division of the identity of
2699 the employee; and

2700 (iii) the division:

2701 (A) grants the employee access to the database; and

2702 (B) provides the employee with a password that is unique to that employee to access
2703 the database in order to permit the division to comply with the requirements of Subsection
2704 58-37f-203(5) with respect to the employee;

2705 (m) pursuant to a valid search warrant, federal, state, and local law enforcement
2706 officers and state and local prosecutors who are engaged in an investigation related to:

2707 (i) one or more controlled substances; and

2708 (ii) a specific person who is a subject of the investigation;

2709 (n) subject to Subsection (7), a probation or parole officer, employed by the
2710 Department of Corrections or by a political subdivision, to gain access to database information
2711 necessary for the officer's supervision of a specific probationer or parolee who is under the
2712 officer's direct supervision;

2713 (o) employees of the Office of Internal Audit and Program Integrity within the
2714 Department of Health who are engaged in their specified duty of ensuring Medicaid program
2715 integrity under Section 26-18-2.3;

2716 (p) a mental health therapist, if:

2717 (i) the information relates to a patient who is:

2718 (A) enrolled in a licensed substance abuse treatment program; and

2719 (B) receiving treatment from, or under the direction of, the mental health therapist as
2720 part of the patient's participation in the licensed substance abuse treatment program described
2721 in Subsection (2)(p)(i)(A);

2722 (ii) the information is sought for the purpose of determining whether the patient is
2723 using a controlled substance while the patient is enrolled in the licensed substance abuse
2724 treatment program described in Subsection (2)(p)(i)(A); and

2725 (iii) the licensed substance abuse treatment program described in Subsection
2726 (2)(p)(i)(A) is associated with a practitioner who:
2727 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
2728 pharmacist; and
2729 (B) is available to consult with the mental health therapist regarding the information
2730 obtained by the mental health therapist, under this Subsection (2)(p), from the database;
2731 (q) an individual who is the recipient of a controlled substance prescription entered into
2732 the database, upon providing evidence satisfactory to the division that the individual requesting
2733 the information is in fact the individual about whom the data entry was made;
2734 (r) an individual under Subsection (2)(q) for the purpose of obtaining a list of the
2735 persons and entities that have requested or received any information from the database
2736 regarding the individual, except if the individual's record is subject to a pending or current
2737 investigation as authorized under this Subsection (2);
2738 (s) the inspector general, or a designee of the inspector general, of the Office of
2739 Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in
2740 Title 63A, Chapter 13, Part 2, Office and Powers;
2741 (t) the following licensed physicians for the purpose of reviewing and offering an
2742 opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter
2743 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:
2744 (i) a member of the medical panel described in Section [34A-2-601](#);
2745 (ii) a physician employed as medical director for a licensed workers' compensation
2746 insurer or an approved self-insured employer; or
2747 (iii) a physician offering a second opinion regarding treatment; and
2748 (u) members of Utah's Opioid Fatality Review Committee, for the purpose of
2749 reviewing a specific fatality due to opioid use and recommending policies to reduce the
2750 frequency of opioid use fatalities.

2751 (3) (a) (i) A practitioner described in Subsection (2)(h) may designate one or more
2752 employees to access information from the database under Subsection (2)(i), (2)(j), or (4)(c).
2753 (ii) A pharmacist described in Subsection (2)(k) who is a pharmacist-in-charge may
2754 designate up to five employees to access information from the database under Subsection (2)(l).
2755 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah

2756 Administrative Rulemaking Act, to:

2757 (i) establish background check procedures to determine whether an employee
2758 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the database;
2759 and

2760 (ii) establish the information to be provided by an emergency department employee
2761 under Subsection (4); and

2762 (iii) facilitate providing controlled substance prescription information to a third party
2763 under Subsection (5).

2764 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
2765 (4)(c) access to the database, unless the division determines, based on a background check, that
2766 the employee poses a security risk to the information contained in the database.

2767 (4) (a) An individual who is employed in the emergency department of a hospital may
2768 exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if
2769 the individual is designated under Subsection (4)(c) and the licensed practitioner:

2770 (i) is employed in the emergency department;

2771 (ii) is treating an emergency department patient for an emergency medical condition;

2772 and

2773 (iii) requests that an individual employed in the emergency department and designated
2774 under Subsection (4)(c) obtain information regarding the patient from the database as needed in
2775 the course of treatment.

2776 (b) The emergency department employee obtaining information from the database
2777 shall, when gaining access to the database, provide to the database the name and any additional
2778 identifiers regarding the requesting practitioner as required by division administrative rule
2779 established under Subsection (3)(b).

2780 (c) An individual employed in the emergency department under this Subsection (4)
2781 may obtain information from the database as provided in Subsection (4)(a) if:

2782 (i) the employee is designated by the practitioner as an individual authorized to access
2783 the information on behalf of the practitioner;

2784 (ii) the practitioner and the hospital operating the emergency department provide
2785 written notice to the division of the identity of the designated employee; and

2786 (iii) the division:

2787 (A) grants the employee access to the database; and

2788 (B) provides the employee with a password that is unique to that employee to access
2789 the database in order to permit the division to comply with the requirements of Subsection
2790 58-37f-203(5) with respect to the employee.

2791 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a
2792 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to pay for the
2793 costs incurred by the division to conduct the background check and make the determination
2794 described in Subsection (3)(b).

2795 (5) (a) (i) An individual may request that the division provide the information under
2796 Subsection (5)(b) to a third party who is designated by the individual each time a controlled
2797 substance prescription for the individual is dispensed.

2798 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise
2799 the individual in writing that the individual may direct the division to discontinue providing the
2800 information to a third party and that notice of the individual's direction to discontinue will be
2801 provided to the third party.

2802 (b) The information the division shall provide under Subsection (5)(a) is:

2803 (i) the fact a controlled substance has been dispensed to the individual, but without
2804 identifying the controlled substance; and

2805 (ii) the date the controlled substance was dispensed.

2806 (c) (i) An individual who has made a request under Subsection (5)(a) may direct that
2807 the division discontinue providing information to the third party.

2808 (ii) The division shall:

2809 (A) notify the third party that the individual has directed the division to no longer
2810 provide information to the third party; and

2811 (B) discontinue providing information to the third party.

2812 (6) (a) An individual who is granted access to the database based on the fact that the
2813 individual is a licensed practitioner or a mental health therapist shall be denied access to the
2814 database when the individual is no longer licensed.

2815 (b) An individual who is granted access to the database based on the fact that the
2816 individual is a designated employee of a licensed practitioner shall be denied access to the
2817 database when the practitioner is no longer licensed.

(7) A probation or parole officer is not required to obtain a search warrant to access the database in accordance with Subsection (2)(n).

(8) The division shall review and adjust the database programming which automatically logs off an individual who is granted access to the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

- (a) to protect patient privacy;
- (b) to reduce inappropriate access; and
- (c) to make the database more useful and helpful to a person accessing the database under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations such as an emergency department.

Section 45. Section **58-37f-302** is amended to read:

58-37f-302. Other restrictions on access to database.

(1) A person who is a relative of a deceased individual is not entitled to access information from the database relating to the deceased individual based on the fact or claim that the person is:

- (a) related to the deceased individual; or
- (b) subrogated to the rights of the deceased individual.

(2) Except as provided in ~~[Subsection]~~ Subsections (3) and (4), data provided to, maintained in, or accessed from the database that may be identified to, or with, a particular person is not subject to discovery, subpoena, or similar compulsory process in any civil, judicial, administrative, or legislative proceeding, nor shall any individual or organization with lawful access to the data be compelled to testify with regard to the data.

(3) The restrictions described in Subsection (2) do not apply to a civil, judicial, or administrative action brought to enforce the provisions of this chapter.

(4) (a) Subject to the requirements of this Subsection (4), in a state criminal proceeding a court may:

(i) order the release of information contained in the database if the court determines good cause has been shown in accordance with Rule 16, Utah Rules of Criminal Procedure; and

(ii) at any time order that information released under this Subsection (4) be restricted, limited, or restrained from further dissemination as the court determines is appropriate.

(b) Upon the motion of a defendant, a court may only issue an order compelling the production of database information under this Subsection (4) that pertains to a victim if the court finds upon notice as provided in Subsection (4)(c), and after a hearing, that the defendant is entitled to production of the information under applicable state and federal law.

(c) A motion by a defendant for database information pertaining to a victim shall be served by the defendant on:

(i) the prosecutor and on counsel for the victim or victim's representative; or

(ii) the prosecutor if the victim is unrepresented by counsel.

(d) Upon a defendant's motion for database information pertaining to a victim, if the court determines that good cause exists to order release of database information pertaining to the victim, the court shall conduct an in camera review of the database information and may only disclose to the defense and prosecution those portions of database information that are relevant to the state criminal proceeding.

Section 46. Section **58-37f-303** is amended to read:

58-37f-303. Access to opioid prescription information via an electronic data system.

(1) As used in this section:

(a) "Dispense" means the same as that term is defined in Section **58-17b-102**.

(b) "EDS user":

(i) means:

(A) a prescriber;

(B) a pharmacist; or

(C) an individual granted access to the database under Subsection **58-37f-301(3)(c)**;

and

(ii) does not mean an individual whose access to the database has been revoked by the division pursuant to Subsection **58-37f-301(5)[(b)](c)**.

(c) "Electronic data system" means a software product or an electronic service used by:

(i) a prescriber to manage electronic health records; or

(ii) a pharmacist to manage the dispensing of prescription drugs.

(d) "Opioid" means any substance listed in Subsection **58-37-4(2)(b)(i)** or **(2)(b)(ii)**.

(e) "Pharmacist" means the same as that term is defined in Section **58-17b-102**.

2880 (f) "Prescriber" means a practitioner, as that term is defined in Section 58-37-2, who is
2881 licensed under Section 58-37-6 to prescribe an opioid.

2882 (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

2883 (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division
2884 shall make opioid prescription information in the database available to an EDS user via the
2885 user's electronic data system.

2886 (3) An electronic data system may be used to make opioid prescription information in
2887 the database available to an EDS user only if the electronic data system complies with rules
2888 established by the division under Subsection (4).

2889 (4) (a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2890 Administrative Rulemaking Act, specifying:

2891 (i) an electronic data system's:

2892 (A) allowable access to and use of opioid prescription information in the database; and

2893 (B) minimum actions that must be taken to ensure that opioid prescription information
2894 accessed from the database is protected from inappropriate disclosure or use; and

2895 (ii) an EDS user's:

2896 (A) allowable access to opioid prescription information in the database via an
2897 electronic data system; and

2898 (B) allowable use of the information.

2899 (b) The rules shall establish:

2900 (i) minimum user identification requirements that in substance are the same as the
2901 database identification requirements in Section 58-37f-301;

2902 (ii) user access restrictions that in substance are the same as the database identification
2903 requirements in Section 58-37f-301; and

2904 (iii) any other requirements necessary to ensure that in substance the provisions of
2905 Sections 58-37f-301 and 58-37f-302 apply to opioid prescription information in the database
2906 that has been made available to an EDS user via an electronic data system.

2907 (5) The division may not make opioid prescription information in the database
2908 available to an EDS user via the user's electronic data system if:

2909 (a) the electronic data system does not comply with the rules established by the
2910 division under Subsection (4); or

2911 (b) the EDS user does not comply with the rules established by the division under
2912 Subsection (4).

2913 (6) (a) The division shall periodically audit the use of opioid prescription information
2914 made available to an EDS user via the user's electronic data system.

2915 (b) The audit shall review compliance by:

2916 (i) the electronic data system with rules established by the division under Subsection
2917 (4); and

2918 (ii) the EDS user with rules established by the division under Subsection (4).

2919 (c) (i) If the division determines by audit or other means that an electronic data system
2920 is not in compliance with rules established by the division under Subsection (4), the division
2921 shall immediately suspend or revoke the electronic data system's access to opioid prescription
2922 information in the database.

2923 (ii) If the division determines by audit or other means that an EDS user is not in
2924 compliance with rules established by the division under Subsection (4), the division shall
2925 immediately suspend or revoke the EDS user's access to opioid prescription information in the
2926 database via an electronic data system.

2927 (iii) If the division suspends or revokes access to opioid prescription information in the
2928 database under Subsection (6)(c)(i) or (6)(c)(ii), the division shall also take any other
2929 appropriate corrective or disciplinary action authorized by this chapter or title.

2930 Section 47. Section **58-40-302** is amended to read:

2931 **58-40-302. Qualifications for licensure.**

2932 (1) An applicant for licensure under this chapter shall:

2933 (a) submit an application in a form prescribed by the division; and

2934 (b) pay a fee determined by the department under Section ~~63J-1-504~~ 63J-1-504 ~~;~~ and.

2935 ~~[(c) be of good moral character.]~~

2936 (2) In addition to the requirements of Subsection (1), an applicant for licensure as a
2937 master therapeutic recreation specialist under this chapter shall as defined by division rule:

2938 (a) complete an approved graduate degree;

2939 (b) complete 4,000 qualifying hours of paid experience as:

2940 (i) a licensed therapeutic recreation specialist if completed in the state; or

2941 (ii) a certified therapeutic recreation specialist certified by the National Council for

2942 Therapeutic Recreation Certification if completed outside of the state; and
2943 (c) pass an approved examination.

2944 (3) In addition to the requirements of Subsection (1), an applicant for licensure as a
2945 therapeutic recreation specialist under this chapter shall, as defined by division rule:

2946 (a) complete an approved:

2947 (i) bachelor's degree in therapeutic recreation or recreational therapy;

2948 (ii) bachelor's degree with an approved emphasis, option, or concentration in
2949 therapeutic recreation or recreational therapy; or

2950 (iii) graduate degree;

2951 (b) complete an approved practicum; and

2952 (c) pass an approved examination.

2953 (4) In addition to the requirements of Subsection (1), an applicant for licensure as a
2954 therapeutic recreation technician under this chapter shall, as defined by division rule:

2955 (a) have a high school diploma or GED equivalent;

2956 (b) complete an approved:

2957 (i) educational course in therapeutic recreation taught by a licensed master therapeutic
2958 recreation specialist; or

2959 (ii) six semester hours or nine quarter hours in therapeutic recreation or recreational
2960 therapy from an accredited college or university;

2961 (c) complete an approved practicum under the supervision of:

2962 (i) a licensed master therapeutic recreation specialist; or

2963 (ii) an on-site, full-time, employed therapeutic recreation specialist;

2964 (d) pass an approved examination; and

2965 (e) complete a minimum of two hours of training in suicide prevention via a course that
2966 the division designates as approved.

2967 Section 48. Section **58-40-501** is amended to read:

2968 **58-40-501. Unlawful conduct.**

2969 "Unlawful conduct" includes:

2970 (1) providing, leading, facilitating, teaching, or offering to provide or teach recreational
2971 therapy services unless licensed under this chapter or exempted from licensure under Section
2972 [58-1-307](#) or [58-40-305](#); and

(2) using the initials MTRS, TRS, or TRT, or other abbreviation, term, title, or sign relating to the practice of recreational therapy services unless licensed under this chapter~~[-and].~~
~~[(3) employing or aiding and abetting the employment of an unqualified or unlicensed person to:]~~

~~[(a) practice as a recreational therapist; or]~~
~~[(b) provide recreational therapy services.]~~

Section 49. Section **58-41-5** is amended to read:

58-41-5. Licensure requirements.

(1) To obtain and maintain a license as an audiologist beginning July 1, 2010, an applicant must:

(a) submit a completed application in the form and content prescribed by the division and pay a fee to the department in accordance with Section [63J-1-504](#);

~~[(b) be of good moral character;]~~

~~[(c)]~~ (b) provide the committee with verification that the applicant is the legal holder of a clinical doctor's degree or AuD, in audiology, from an accredited university or college, based on a program of studies primarily in the field of audiology;

~~[(d)]~~ (c) be in compliance with the regulations of conduct and codes of ethics for the profession of audiology;

~~[(e)]~~ (d) submit to the board certified evidence of having completed at least one year of professional experience, at least 30 hours per week for an academic year, of direct clinical experience in treatment and management of patients, supervised and attested to by one holding an audiologist license under this chapter, the CCC, or their full equivalent; and

~~[(f)]~~ (e) pass a nationally standardized examination in audiology which is the same as or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards, and the board may require the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed audiologists appointed by the board.

(2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an applicant shall:

(a) comply with Subsections (1)(a), ~~[(b), (d), (e), and (f)]~~ (c), (d), and (e); and

(b) provide the committee with verification that the applicant has received at least a

master's degree in the area of audiology from an accredited university or college, based on a program of studies primarily in the field of audiology, and holds the CCC or its full equivalent.

(3) An individual who, prior to July 1, 2010, is licensed as an audiologist under this chapter is, on or after July 1, 2010, considered to hold a current license under this chapter as an audiologist and is subject to this chapter.

(4) To obtain and maintain a license as a speech-language pathologist, an applicant must:

(a) comply with ~~Subsections (1)(a) and (b)~~ Subsection (1)(a);

(b) provide the committee with verification that the applicant has received at least a master's degree in speech-language pathology from an accredited university or college, based on a program of studies primarily in the field of speech-language pathology;

(c) be in compliance with the regulations of conduct and code of ethics for the profession of speech-language pathology;

(d) comply with Subsection ~~(1)(c)~~ (1)(b), except that the supervision and attestation requirement shall be from a licensed speech-language pathologist rather than a licensed audiologist; and

(e) pass a nationally standardized examination in speech-language pathology which is the same as or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to current ASHA standards, and the board may require the applicant to pass an acceptable practical demonstration of clinical skills to an examining committee of licensed speech-language pathologists appointed by the board.

Section 50. Section **58-42a-302** is amended to read:

58-42a-302. Qualifications for licensure.

(1) An applicant for licensure as an occupational therapist shall:

(a) submit an application in a form as prescribed by the division;

(b) pay a fee as determined by the department under Section **63J-1-504**;

~~[(c) be of good moral character as it relates to the functions and responsibilities of the practice of occupational therapy;]~~

~~[(d)]~~ (c) graduate with a bachelor's or graduate degree for the practice of occupational therapy from an education program accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, a predecessor

organization, or an equivalent organization as determined by division rule;

~~[(e)]~~ (d) if applying for licensure on or after July 1, 2015, complete a minimum of 24 weeks of supervised fieldwork experience; and

~~[(f)]~~ (e) pass an examination approved by the division in consultation with the board and administered by the National Board for Certification in Occupational Therapy, or by another nationally recognized credentialing body as approved by division rule, to demonstrate knowledge of the practice, skills, theory, and professional ethics related to occupational therapy.

(2) All applicants for licensure as an occupational therapy assistant shall:

(a) submit an application in a form as prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

~~[(c)] be of good moral character as it relates to the functions and responsibilities of the practice of occupational therapy;~~

~~[(d)]~~ (c) graduate from an educational program for the practice of occupational therapy as an occupational therapy assistant that is accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, a predecessor organization, or an equivalent organization as determined by division rule;

~~[(e)]~~ (d) if applying for licensure on or after July 1, 2015, complete a minimum of 16 weeks of supervised fieldwork experience; and

~~[(f)]~~ (e) pass an examination approved by the division in consultation with the board and administered by the National Board for Certification in Occupational Therapy, or by another nationally recognized credentialing body as approved by division rule, to demonstrate knowledge of the practice, skills, theory, and professional ethics related to occupational therapy.

(3) Notwithstanding the other requirements of this section, the division may issue a license as an occupational therapist or as an occupational therapy assistant to an applicant who:

(a) meets the requirements of receiving a license by endorsement under Section 58-1-302; or

(b) has been licensed in a state, district, or territory of the United States, or in a foreign country, where the education, experience, or examination requirements are not substantially equal to the requirements of this state, if the applicant passes the applicable examination

described in Subsection ~~[(1)(f) or (2)(f)]~~ (1)(e) or (2)(e).

Section 51. Section **58-42a-501** is amended to read:

58-42a-501. Unlawful conduct.

"Unlawful conduct," as defined in Section **58-1-501** and as may be further defined by division rule, includes:

(1) engaging or offering to engage in the practice of occupational therapy unless licensed under this chapter or exempted from licensure under Section **58-1-307** or **58-42a-304**;

(2) using the title occupational therapist or occupational therapy assistant unless licensed under this chapter; and

~~[(3) employing or aiding and abetting an unqualified or unlicensed person to engage or offer to engage in the practice of occupational therapy unless the person is exempted from licensure under Section **58-1-307** or **58-42a-304**; and]~~

~~[(4)]~~ (3) obtaining a license under this chapter by means of fraud, misrepresentation, or concealment of a material fact.

Section 52. Section **58-46a-302** is amended to read:

58-46a-302. Qualifications for licensure.

(1) Each applicant for licensure as a hearing instrument specialist shall:

(a) submit to the division an application in a form prescribed by the division;

(b) pay a fee as determined by the division pursuant to Section **63J-1-504**;

~~[(c) be of good moral character;]~~

~~[(d)]~~ (c) have qualified for and currently hold board certification by the National Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved by the division in collaboration with the board;

~~[(e)]~~ (d) have passed the Utah Law and Rules Examination for Hearing Instrument Specialists; and

~~[(f)]~~ (e) if the applicant holds a hearing instrument intern license, surrender the hearing instrument intern license at the time of licensure as a hearing instrument specialist.

(2) Each applicant for licensure as a hearing instrument intern shall:

(a) submit to the division an application in a form prescribed by the division;

(b) pay a fee as determined by the division pursuant to Section **63J-1-504**;

~~[(c) be of good moral character;]~~

3097 ~~[(d)]~~ (c) have passed the Utah Law and Rules Examination for Hearing Instrument
3098 Specialists; and

3099 ~~[(e)]~~ (d) present evidence acceptable to the division and the board that the applicant,
3100 when licensed, will practice as a hearing instrument intern only under the supervision of a
3101 supervising hearing instrument specialist in accordance with:

3102 (i) Section [58-46a-302.5](#); and

3103 (ii) the supervision requirements for obtaining board certification by the National
3104 Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved
3105 by the division in collaboration with the board.

3106 Section 53. Section **58-47b-302** is amended to read:

3107 **58-47b-302. License classifications -- Qualifications for licensure.**

3108 (1) The division shall issue licenses under this chapter in the classifications of:

3109 (a) massage therapist; and

3110 (b) massage apprentice.

3111 (2) Each applicant for licensure as a massage therapist shall:

3112 (a) submit an application in a form prescribed by the division;

3113 (b) pay a fee determined by the department under Section [63J-1-504](#);

3114 ~~[(c) be of good moral character;]~~

3115 ~~[(d)]~~ (c) be 18 years of age or older;

3116 ~~[(e)]~~ (d) have either:

3117 (i) (A) graduated from a school of massage having a curriculum which meets standards
3118 established by division rule made in collaboration with the board; or

3119 (B) completed equivalent education and training in compliance with division rule; or

3120 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000
3121 hours of supervised training over a minimum of 12 months and in accordance with standards
3122 established by the division by rule made in collaboration with the board; and

3123 ~~[(f)]~~ (e) pass examinations established by rule by the division in collaboration with the
3124 board.

3125 (3) Each applicant for licensure as a massage apprentice shall:

3126 (a) submit an application in a form prescribed by the division;

3127 (b) pay a fee determined by the department under Section [63J-1-504](#);

3128 ~~[(c) be of good moral character;]~~
3129 ~~[(d)]~~ (c) be 18 years of age or older;
3130 ~~[(e)]~~ (d) provide satisfactory evidence to the division that the individual will practice as
3131 a massage apprentice only under the direct supervision of a licensed massage therapist in good
3132 standing and who has engaged in the lawful practice of massage therapy as a licensed massage
3133 therapist for not less than 6,000 hours; and

3134 ~~[(f)]~~ (e) successfully complete an examination as required by division rule.

3135 (4) (a) Any new massage therapist or massage apprentice applicant shall submit
3136 fingerprint cards in a form acceptable to the division at the time the license application is filed
3137 and shall consent to a fingerprint background check by the Utah Bureau of Criminal
3138 Identification and the Federal Bureau of Investigation regarding the application.

3139 (b) The division shall request the Department of Public Safety to complete a Federal
3140 Bureau of Investigation criminal background check for each new massage therapist or
3141 apprentice applicant through the national criminal history system (NCIC) or any successor
3142 system.

3143 (c) The cost of the background check and the fingerprinting shall be borne by the
3144 applicant.

3145 (5) (a) Any new massage therapist or massage apprentice license issued under this
3146 section shall be conditional, pending completion of the criminal background check. If the
3147 criminal background check discloses the applicant has failed to accurately disclose a criminal
3148 history, the license shall be immediately and automatically revoked.

3149 (b) Any person whose conditional license has been revoked under Subsection (5)(a)
3150 shall be entitled to a post-revocation hearing to challenge the revocation. The hearing shall be
3151 conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

3152 (6) An applicant who successfully completes a fingerprint background check under
3153 Subsection (4) may not be required by any other state or local government body to submit to a
3154 second fingerprint background check as a condition of lawfully practicing massage therapy in
3155 this state.

3156 Section 54. Section ~~58-49-4~~ is amended to read:

3157 **~~58-49-4. Qualifications for certification -- Fee.~~**

3158 Each applicant for certification under this chapter shall provide proof satisfactory to the

3159 division that the applicant:

3160 ~~[(1) is of good moral character as it relates to the practice of dietetics;]~~

3161 ~~[(2)]~~ (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or
3162 university approved by the division at the time the degree was conferred with a major course of
3163 study in the sciences of food, dietetics, food systems management, or an equivalent major
3164 course of study;

3165 ~~[(3)]~~ (2) has completed an internship or preplanned professional baccalaureate or
3166 post-baccalaureate experience in a dietetic program under the supervision of a certified
3167 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of
3168 another state or territory of the United States;

3169 ~~[(4)]~~ (3) has satisfactorily passed a competency examination, approved by or given at
3170 the direction of the board in collaboration with the division; and

3171 ~~[(5)]~~ (4) has paid the appropriate fees determined by the Department of Commerce.
3172 The fee assessed by the Department of Commerce shall be fair and reasonable and shall reflect
3173 the cost of services provided.

3174 Section 55. Section **58-49-5** is amended to read:

3175 **58-49-5. Certification of persons currently qualified.**

3176 The requirements of Subsections ~~[58-49-4(2), (3), and (4)]~~ 58-49-4(1), (2), and (3) are
3177 waived and a certificate shall be issued by the division upon application and payment of the
3178 appropriate fees by any person who, ~~[prior to]~~ before December 31, 1986, has provided to the
3179 division proof that on May 1, 1985, ~~[he]~~ the person was and is currently registered by the
3180 Commission on Dietetic Registration.

3181 Section 56. Section **58-49-9** is amended to read:

3182 **58-49-9. Use of titles by uncertified person.**

3183 No person, without first being certified under this chapter may:

3184 (1) assume or use the title or designation "dietitian," ~~["dietician,"]~~ "certified dietitian,"
3185 "registered dietitian," "registered dietitian nutritionist," the letters "C.D.," the letter "D.," or any
3186 other title, words, letters, abbreviations, or insignia indicating or implying that the person is a
3187 certified dietitian, including by using any of the preceding terms with the alternative spelling
3188 "dietician"; or

3189 (2) represent in any way, whether orally, in writing, in print, or by signature, directly or

3190 by implication, that ~~[he]~~ the person is a certified dietitian.

3191 Section 57. Section **58-54-302** is amended to read:

3192 **58-54-302. Requirements for licensure.**

3193 (1) Each applicant for licensure as a radiologic technologist, radiology assistant, or
3194 radiology practical technician shall:

3195 (a) submit an application in a form prescribed by the division in collaboration with the
3196 board; and

3197 (b) pay a fee as determined by the department pursuant to Section 63J-1-504~~[-and]~~.

3198 ~~[(c) be of good moral character.]~~

3199 (2) Each applicant for licensure as a radiologic technologist shall, in addition to the
3200 requirements of Subsection (1):

3201 (a) be a graduate of an accredited educational program in radiologic technology or
3202 certified by the American Registry of Radiologic Technologists or any equivalent educational
3203 program approved by the division in collaboration with the board; and

3204 (b) have passed an examination approved by the division in collaboration with the
3205 board.

3206 (3) Each applicant for licensure as a radiology practical technician shall, in addition to
3207 the requirements of Subsection (1), have passed a basic examination and one or more specialty
3208 examinations that are competency based, using a task analysis of the scope of practice of
3209 radiology practical technicians in the state. The basic examination and the specialty
3210 examination shall be approved by the division in collaboration with the board and the licensing
3211 board of the profession within which the radiology practical technician will be practicing.

3212 (4) The division shall provide for administration of the radiology practical technician
3213 examination not less than monthly at offices designated by the division and located:

3214 (a) in Salt Lake City; and

3215 (b) within each local health department jurisdictional area.

3216 (5) (a) Except as provided in Subsection (5)(b), each applicant for licensure as a
3217 radiologist assistant shall:

3218 (i) meet the requirements of Subsections (1) and (2);

3219 (ii) have a Bachelor of Science degree; and

3220 (iii) be certified as:

3221 (A) a radiologist assistant by the American Registry of Radiologic Technologists; or

3222 (B) a radiology practitioner assistant by the Certification Board of Radiology

3223 Practitioner Assistants.

3224 (b) An individual who meets the requirements of Subsections (5)(a)(i) and (iii), but not
3225 Subsection (5)(a)(ii), may be licensed as a radiologist assistant under this chapter until May 31,
3226 2013, at which time, the individual must have completed the Bachelor of Science degree in
3227 order to retain the license of radiologist assistant.

3228 Section 58. Section **58-55-103** is amended to read:

3229 **58-55-103. Construction Services Commission created -- Functions --**

3230 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses -- Meetings**

3231 **-- Concurrence.**

3232 (1) (a) There is created within the division the Construction Services Commission.

3233 (b) The commission shall:

3234 (i) with the concurrence of the director, make reasonable rules under Title 63G,
3235 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which
3236 are consistent with this chapter including:

3237 (A) licensing of various licensees;

3238 (B) examination requirements and administration of the examinations, to include
3239 approving and establishing a passing score for applicant examinations;

3240 (C) standards of supervision for students or persons in training to become qualified to
3241 obtain a license in the trade they represent; and

3242 (D) standards of conduct for various licensees;

3243 (ii) approve or disapprove fees adopted by the division under Section [63J-1-504](#);

3244 (iii) except where the boards conduct them, conduct all administrative hearings not
3245 delegated to an administrative law judge relating to the licensing of any applicant;

3246 (iv) except as otherwise provided in Sections [38-11-207](#) and [58-55-503](#), with the
3247 concurrence of the director, impose sanctions against licensees and certificate holders with the
3248 same authority as the division under Section [58-1-401](#);

3249 (v) advise the director on the administration and enforcement of any matters affecting
3250 the division and the construction industry;

3251 (vi) advise the director on matters affecting the division budget;

(vii) advise and assist trade associations in conducting construction trade seminars and industry education and promotion; and

(viii) perform other duties as provided by this chapter.

(2) (a) Initially the commission shall be comprised of the five members of the Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.

(b) The terms of office of the commission members who are serving on the Contractors Licensing Board shall continue as they serve on the commission.

(c) Beginning July 1, 2004, the commission shall be comprised of nine members appointed by the executive director with the approval of the governor from the following groups:

(i) one member shall be a licensed general engineering contractor;

(ii) one member shall be a licensed general building contractor;

(iii) two members shall be licensed residential and small commercial contractors;

(iv) three members shall be the three chair persons from the Plumbers Licensing Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board; and

(v) two members shall be from the general public~~[- provided, however that the certified public accountant on the Contractors Licensing Board will continue to serve until the current term expires, after which both members under this Subsection (2)(c)(v) shall be appointed from the general public].~~

(3) (a) Except as required by Subsection (3)(b), as terms of current commission members expire, the executive director with the approval of the governor shall appoint each new member or reappointed member to a four-year term ending June 30.

(b) Notwithstanding the requirements of Subsection (3)(a), the executive director with the approval of the governor shall, at the time of appointment or reappointment, adjust the length of terms to stagger the terms of commission members so that approximately 1/2 of the commission members are appointed every two years.

(c) A commission member may not serve more than two consecutive terms.

(4) The commission shall elect annually one of its members as chair, for a term of one year.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be

3283 appointed for the unexpired term.

3284 (6) A member may not receive compensation or benefits for the member's service, but
3285 may receive per diem and travel expenses in accordance with:

3286 (a) Section 63A-3-106;

3287 (b) Section 63A-3-107; and

3288 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3289 63A-3-107.

3290 (7) (a) The commission shall meet at least monthly unless the director determines
3291 otherwise.

3292 (b) The director may call additional meetings at the director's discretion, upon the
3293 request of the chair, or upon the written request of four or more commission members.

3294 (8) (a) Five members constitute a quorum for the transaction of business.

3295 (b) If a quorum is present when a vote is taken, the affirmative vote of commission
3296 members present is the act of the commission.

3297 (9) The commission shall comply with the procedures and requirements of Title 13,
3298 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures
3299 Act, in all of its adjudicative proceedings.

3300 (10) (a) For purposes of this Subsection (10), "concurrence" means the entities given a
3301 concurring role must jointly agree for the action to be taken.

3302 (b) If a provision of this chapter requires concurrence between the director or division
3303 and the commission and no concurrence can be reached, the director or division has final
3304 authority.

3305 (c) When this chapter requires concurrence between the director or division and the
3306 commission:

3307 (i) the director or division shall report to and update the commission on a regular basis
3308 related to matters requiring concurrence; and

3309 (ii) the commission shall review the report submitted by the director or division under
3310 this Subsection (10)(c) and concur with the report, or:

3311 (A) provide a reason for not concurring with the report; and

3312 (B) provide recommendations to the director or division.

3313 Section 59. Section 58-55-106 is amended to read:

58-55-106. Surcharge fee.

(1) In addition to any other fees authorized by this chapter or by the division in accordance with Section 63J-1-504, the division shall require each applicant for an initial license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1 surcharge fee.

(2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be used by the division to provide each licensee under this chapter with access to an electronic reference library that provides web-based access to national, state, and local building codes and standards.

Section 60. Section 58-55-302 is amended to read:

58-55-302. Qualifications for licensure.

(1) Each applicant for a license under this chapter shall:

(a) submit an application prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

(c) meet the examination requirements established by this section and by rule by the commission with the concurrence of the director, which requirements include:

(i) for licensure as an apprentice electrician, apprentice plumber, or specialty contractor, no division-administered examination is required;

(ii) for licensure as a general building contractor, general engineering contractor, residential and small commercial contractor, general plumbing contractor, residential plumbing contractor, general electrical contractor, or residential electrical contractor, the only required division-administered examination is a division-administered examination that covers information from the 25-hour course described in Subsection (1)(e)(iii), which course may have been previously completed as part of applying for any other license under this chapter, and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law course described in Subsection (1)(e)(iv); and

(iii) if required in Section 58-55-304, an individual qualifier must pass the required division-administered examination if the applicant is a business entity;

(d) if an apprentice, identify the proposed supervisor of the apprenticeship;

(e) if an applicant for a contractor's license:

(i) produce satisfactory evidence of financial responsibility, except for a construction

3345 trades instructor for whom evidence of financial responsibility is not required;
3346 (ii) produce satisfactory evidence of:
3347 (A) except as provided in Subsection (2)(a), and except that no employment experience
3348 is required for licensure as a specialty contractor, two years full-time paid employment
3349 experience in the construction industry, which employment experience, unless more
3350 specifically described in this section, may be related to any contracting classification and does
3351 not have to include supervisory experience; and
3352 (B) knowledge of the principles of the conduct of business as a contractor, reasonably
3353 necessary for the protection of the public health, safety, and welfare;
3354 (iii) except as otherwise provided by rule by the commission with the concurrence of
3355 the director, complete a 25-hour course established by rule by the commission with the
3356 concurrence of the director, which is taught by an approved prelicensure course provider, and
3357 which course may include:
3358 (A) construction business practices;
3359 (B) bookkeeping fundamentals;
3360 (C) mechanics lien fundamentals;
3361 (D) other aspects of business and construction principles considered important by the
3362 commission with the concurrence of the director; and
3363 (E) for no additional fee, a provider-administered examination at the end of the
3364 25-hour course;
3365 (iv) complete a five-hour business and law course established by rule by the
3366 commission with the concurrence of the director, which is taught by an approved prelicensure
3367 course provider, if an applicant for licensure as a general building contractor, general
3368 engineering contractor, residential and small commercial contractor, general plumbing
3369 contractor, residential plumbing contractor, general electrical contractor, or residential
3370 electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was
3371 completed before July 1, 2019, the applicant does not need to take the business and law course;
3372 (v) (A) be a licensed master electrician if an applicant for an electrical contractor's
3373 license or a licensed master residential electrician if an applicant for a residential electrical
3374 contractor's license;
3375 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or

3376 a licensed master residential plumber if an applicant for a residential plumbing contractor's
3377 license; or

3378 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years
3379 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

3380 (vi) when the applicant is an unincorporated entity, provide a list of the one or more
3381 individuals who hold an ownership interest in the applicant as of the day on which the
3382 application is filed that includes for each individual:

3383 (A) the individual's name, address, birth date, and social security number; and

3384 (B) whether the individual will engage in a construction trade; and

3385 (f) if an applicant for a construction trades instructor license, satisfy any additional
3386 requirements established by rule.

3387 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a
3388 building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory
3389 evidence of two years full-time paid employment experience as a building inspector, which
3390 shall include at least one year full-time experience as a licensed combination inspector.

3391 (b) ~~[After approval of an applicant for a contractor's license by the applicable board~~
3392 ~~and the division, the]~~ The applicant shall file the following with the division before the division
3393 issues the license:

3394 (i) proof of workers' compensation insurance which covers employees of the applicant
3395 in accordance with applicable Utah law;

3396 (ii) proof of public liability insurance in coverage amounts and form established by rule
3397 except for a construction trades instructor for whom public liability insurance is not required;
3398 and

3399 (iii) proof of registration as required by applicable law with the:

3400 (A) Department of Commerce;

3401 (B) Division of Corporations and Commercial Code;

3402 (C) Unemployment Insurance Division in the Department of Workforce Services, for
3403 purposes of Title 35A, Chapter 4, Employment Security Act;

3404 (D) State Tax Commission; and

3405 (E) Internal Revenue Service.

3406 (3) In addition to the general requirements for each applicant in Subsection (1),

3407 applicants shall comply with the following requirements to be licensed in the following
3408 classifications:

3409 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

3410 (A) has been a licensed journeyman plumber for at least two years and had two years of
3411 supervisory experience as a licensed journeyman plumber in accordance with division rule;

3412 (B) has received at least an associate of applied science degree or similar degree
3413 following the completion of a course of study approved by the division and had one year of
3414 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

3415 (C) meets the qualifications for expedited licensure as established by rules made by the
3416 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3417 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3418 and skills to be a licensed master plumber.

3419 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at
3420 least four years of practical experience as a licensed apprentice under the supervision of a
3421 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect
3422 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current
3423 master plumber license under this chapter, and satisfies the requirements of this Subsection
3424 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

3425 (iii) An individual holding a valid plumbing contractor's license or residential
3426 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
3427 2008:

3428 (A) considered to hold a current master plumber license under this chapter if licensed
3429 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
3430 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
3431 58-55-303; and

3432 (B) considered to hold a current residential master plumber license under this chapter if
3433 licensed as a residential plumbing contractor and a residential journeyman plumber, and
3434 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of
3435 that license under Section 58-55-303.

3436 (b) A master residential plumber applicant shall produce satisfactory evidence that the
3437 applicant:

(i) has been a licensed residential journeyman plumber for at least two years and had two years of supervisory experience as a licensed residential journeyman plumber in accordance with division rule; or

(ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master residential plumber.

(c) A journeyman plumber applicant shall produce satisfactory evidence of:

(i) successful completion of the equivalent of at least four years of full-time training and instruction as a licensed apprentice plumber under supervision of a licensed master plumber or journeyman plumber and in accordance with a planned program of training approved by the division;

(ii) at least eight years of full-time experience approved by the division in collaboration with the Plumbers Licensing Board; or

(iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber.

(d) A residential journeyman plumber shall produce satisfactory evidence of:

(i) completion of the equivalent of at least three years of full-time training and instruction as a licensed apprentice plumber under the supervision of a licensed residential master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in accordance with a planned program of training approved by the division;

(ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or

(iii) meeting the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman plumber.

(e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance with the following:

(i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under the immediate supervision of a licensed master plumber, licensed residential master plumber, licensed journeyman plumber, or licensed residential journeyman plumber;

(ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed apprentice plumber may work without supervision for a period not to exceed eight hours in any 24-hour period; and

(iii) rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor.

(f) A master electrician applicant shall produce satisfactory evidence that the applicant:

(i) is a graduate electrical engineer of an accredited college or university approved by the division and has one year of practical electrical experience as a licensed apprentice electrician;

(ii) is a graduate of an electrical trade school, having received an associate of applied sciences degree following successful completion of a course of study approved by the division, and has two years of practical experience as a licensed journeyman electrician;

(iii) has four years of practical experience as a journeyman electrician; or

(iv) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed master electrician.

(g) A master residential electrician applicant shall produce satisfactory evidence that the applicant:

(i) has at least two years of practical experience as a residential journeyman electrician; or

(ii) meets the qualifications for expedited licensure as established by rules made by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a master residential electrician.

3500 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
3501 applicant:

3502 (i) has successfully completed at least four years of full-time training and instruction as
3503 a licensed apprentice electrician under the supervision of a master electrician or journeyman
3504 electrician and in accordance with a planned training program approved by the division;

3505 (ii) has at least eight years of full-time experience approved by the division in
3506 collaboration with the Electricians Licensing Board; or

3507 (iii) meets the qualifications for expedited licensure as established by rules made by the
3508 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3509 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3510 and skills to be a licensed journeyman electrician.

3511 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
3512 that the applicant:

3513 (i) has successfully completed two years of training in an electrical training program
3514 approved by the division;

3515 (ii) has four years of practical experience in wiring, installing, and repairing electrical
3516 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
3517 journeyman, residential master, or residential journeyman electrician; or

3518 (iii) meets the qualifications for expedited licensure as established by rules made by the
3519 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3520 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3521 and skills to be a licensed residential journeyman electrician.

3522 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall
3523 be in accordance with the following:

3524 (i) A licensed apprentice electrician shall be under the immediate supervision of a
3525 licensed master, journeyman, residential master, or residential journeyman electrician;

3526 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed
3527 apprentice electrician may work without supervision for a period not to exceed eight hours in
3528 any 24-hour period;

3529 (iii) rules made by the commission, with the concurrence of the director, in accordance
3530 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of

3531 apprentices allowed under the immediate supervision of a licensed supervisor, including the
3532 ratio of apprentices in their fourth year of training or later that are allowed to be under the
3533 immediate supervision of a licensed supervisor; and

3534 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a
3535 residential project, or more if established by rules made by the commission, in concurrence
3536 with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3537 Act.

3538 (k) An alarm company applicant shall:

3539 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
3540 the applicant who:

3541 (A) demonstrates 6,000 hours of experience in the alarm company business;

3542 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
3543 company business or in a construction business; and

3544 (C) passes an examination component established by rule by the commission with the
3545 concurrence of the director;

3546 (ii) if a corporation, provide:

3547 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3548 of all corporate officers, directors, and those responsible management personnel employed
3549 within the state or having direct responsibility for managing operations of the applicant within
3550 the state; and

3551 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3552 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
3553 shall not be required if the stock is publicly listed and traded;

3554 (iii) if a limited liability company, provide:

3555 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3556 of all company officers, and those responsible management personnel employed within the
3557 state or having direct responsibility for managing operations of the applicant within the state;
3558 and

3559 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3560 of all individuals owning 5% or more of the equity of the company;

3561 (iv) if a partnership, provide the names, addresses, dates of birth, social security

3562 numbers, and fingerprint cards of all general partners, and those responsible management
3563 personnel employed within the state or having direct responsibility for managing operations of
3564 the applicant within the state;

3565 (v) if a proprietorship, provide the names, addresses, dates of birth, social security
3566 numbers, and fingerprint cards of the proprietor, and those responsible management personnel
3567 employed within the state or having direct responsibility for managing operations of the
3568 applicant within the state;

3569 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and
3570 fingerprint cards of the trustee, and those responsible management personnel employed within
3571 the state or having direct responsibility for managing operations of the applicant within the
3572 state;

3573 (vii) be of good moral character in that officers, directors, shareholders described in
3574 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel
3575 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other
3576 crime that when considered with the duties and responsibilities of an alarm company is
3577 considered by the board to indicate that the best interests of the public are served by granting
3578 the applicant a license;

3579 (viii) document that none of the applicant's officers, directors, shareholders described
3580 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management
3581 personnel have been declared by any court of competent jurisdiction incompetent by reason of
3582 mental defect or disease and not been restored;

3583 (ix) document that none of the applicant's officers, directors, shareholders described in
3584 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are
3585 currently suffering from habitual drunkenness or from drug addiction or dependence;

3586 (x) file and maintain with the division evidence of:

3587 (A) comprehensive general liability insurance in form and in amounts to be established
3588 by rule by the commission with the concurrence of the director;

3589 (B) workers' compensation insurance that covers employees of the applicant in
3590 accordance with applicable Utah law; and

3591 (C) registration as is required by applicable law with the:

3592 (I) Division of Corporations and Commercial Code;

3593 (II) Unemployment Insurance Division in the Department of Workforce Services, for
3594 purposes of Title 35A, Chapter 4, Employment Security Act;

3595 (III) State Tax Commission; and

3596 (IV) Internal Revenue Service; and

3597 (xi) meet with the division and board.

3598 (l) Each applicant for licensure as an alarm company agent shall:

3599 (i) submit an application in a form prescribed by the division accompanied by
3600 fingerprint cards;

3601 (ii) pay a fee determined by the department under Section 63J-1-504;

3602 (iii) be of good moral character in that the applicant has not been convicted of a felony,
3603 a misdemeanor involving moral turpitude, or any other crime that when considered with the
3604 duties and responsibilities of an alarm company agent is considered by the board to indicate
3605 that the best interests of the public are served by granting the applicant a license;

3606 (iv) not have been declared by any court of competent jurisdiction incompetent by
3607 reason of mental defect or disease and not been restored;

3608 (v) not be currently suffering from habitual drunkenness or from drug addiction or
3609 dependence; and

3610 (vi) meet with the division and board if requested by the division or the board.

3611 (m) (i) Each applicant for licensure as an elevator mechanic shall:

3612 (A) provide documentation of experience and education credits of not less than three
3613 years work experience in the elevator industry, in construction, maintenance, or service and
3614 repair; and

3615 (B) satisfactorily complete a written examination administered by the division
3616 established by rule under Section 58-1-203; or

3617 (C) provide certificates of completion of an apprenticeship program for elevator
3618 mechanics, having standards substantially equal to those of this chapter and registered with the
3619 United States Department of Labor Bureau Apprenticeship and Training or a state
3620 apprenticeship council.

3621 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
3622 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
3623 repairing, or maintaining an elevator, the contractor may:

3624 (I) notify the division of the unavailability of licensed personnel; and

3625 (II) request the division issue a temporary elevator mechanic license to an individual
3626 certified by the contractor as having an acceptable combination of documented experience and
3627 education to perform the work described in this Subsection (3)(m)(ii)(A).

3628 (B) (I) The division may issue a temporary elevator mechanic license to an individual
3629 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by
3630 the appropriate fee as determined by the department under Section [63J-1-504](#).

3631 (II) The division shall specify the time period for which the license is valid and may
3632 renew the license for an additional time period upon its determination that a shortage of
3633 licensed elevator mechanics continues to exist.

3634 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3635 division may make rules establishing when Federal Bureau of Investigation records shall be
3636 checked for applicants as an alarm company or alarm company agent.

3637 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and
3638 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the
3639 Department of Public Safety with the division's request to:

3640 (a) conduct a search of records of the Department of Public Safety for criminal history
3641 information relating to each applicant for licensure as an alarm company or alarm company
3642 agent and each applicant's officers, directors, shareholders described in Subsection
3643 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

3644 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
3645 requiring a check of records of the Federal Bureau of Investigation for criminal history
3646 information under this section.

3647 (6) The Department of Public Safety shall send to the division:

3648 (a) a written record of criminal history, or certification of no criminal history record, as
3649 contained in the records of the Department of Public Safety in a timely manner after receipt of
3650 a fingerprint card from the division and a request for review of Department of Public Safety
3651 records; and

3652 (b) the results of the Federal Bureau of Investigation review concerning an applicant in
3653 a timely manner after receipt of information from the Federal Bureau of Investigation.

3654 (7) (a) The division shall charge each applicant for licensure as an alarm company or

3655 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of
3656 performing the records reviews under this section.

3657 (b) The division shall pay the Department of Public Safety the costs of all records
3658 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the
3659 costs of records reviews under this section.

3660 (8) Information obtained by the division from the reviews of criminal history records of
3661 the Department of Public Safety and the Federal Bureau of Investigation shall be used or
3662 disseminated by the division only for the purpose of determining if an applicant for licensure as
3663 an alarm company or alarm company agent is qualified for licensure.

3664 (9) (a) An application for licensure under this chapter shall be denied if:

3665 (i) the applicant has had a previous license, which was issued under this chapter,
3666 suspended or revoked within two years before the date of the applicant's application;

3667 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

3668 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
3669 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
3670 status, performing similar functions, or directly or indirectly controlling the applicant has
3671 served in any similar capacity with any person or entity which has had a previous license,
3672 which was issued under this chapter, suspended or revoked within two years before the date of
3673 the applicant's application;

3674 (iii) (A) the applicant is an individual or sole proprietorship; and

3675 (B) any owner or agent acting as a qualifier has served in any capacity listed in
3676 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under
3677 this chapter, suspended or revoked within two years before the date of the applicant's
3678 application; or

3679 (iv) (A) the applicant includes an individual who was an owner, director, or officer of
3680 an unincorporated entity at the time the entity's license under this chapter was revoked; and

3681 (B) the application for licensure is filed within 60 months after the revocation of the
3682 unincorporated entity's license.

3683 (b) An application for licensure under this chapter shall be reviewed by the appropriate
3684 licensing board prior to approval if:

3685 (i) the applicant has had a previous license, which was issued under this chapter,

suspended or revoked more than two years before the date of the applicant's application;

(ii) (A) the applicant is a partnership, corporation, or limited liability company; and

(B) any corporate officer, director, shareholder holding 25% or more of the stock in the applicant, partner, member, agent acting as a qualifier, or any person occupying a similar status, performing similar functions, or directly or indirectly controlling the applicant has served in any similar capacity with any person or entity which has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application; or

(iii) (A) the applicant is an individual or sole proprietorship; and

(B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked more than two years before the date of the applicant's application.

(10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status report with the division every 30 days after the day on which the license is issued if the licensee has more than five owners who are individuals who:

(A) own an interest in the contractor that is an unincorporated entity;

(B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the unincorporated entity; and

(C) engage, or will engage, in a construction trade in the state as owners of the contractor described in Subsection (10)(a)(i)(A).

(ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the licensee shall provide the ownership status report with an application for renewal of licensure.

(b) An ownership status report required under this Subsection (10) shall:

(i) specify each addition or deletion of an owner:

(A) for the first ownership status report, after the day on which the unincorporated entity is licensed under this chapter; and

(B) for a subsequent ownership status report, after the day on which the previous ownership status report is filed;

(ii) be in a format prescribed by the division that includes for each owner, regardless of

3717 the owner's percentage ownership in the unincorporated entity, the information described in
3718 Subsection(1)(e)(vi);
3719 (iii) list the name of:
3720 (A) each officer or manager of the unincorporated entity; and
3721 (B) each other individual involved in the operation, supervision, or management of the
3722 unincorporated entity; and
3723 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504
3724 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).
3725 (c) The division may, at any time, audit an ownership status report under this
3726 Subsection (10):
3727 (i) to determine if financial responsibility has been demonstrated or maintained as
3728 required under Section 58-55-306; and
3729 (ii) to determine compliance with Subsection 58-55-501(23), (24), [~~(25)~~, or ~~(27)~~] or
3730 (26) or Subsection 58-55-502(8) or (9).
3731 (11) (a) An unincorporated entity that provides labor to an entity licensed under this
3732 chapter by providing an individual who owns an interest in the unincorporated entity to engage
3733 in a construction trade in Utah shall file with the division:
3734 (i) before the individual who owns an interest in the unincorporated entity engages in a
3735 construction trade in Utah, a current list of the one or more individuals who hold an ownership
3736 interest in the unincorporated entity that includes for each individual:
3737 (A) the individual's name, address, birth date, and social security number; and
3738 (B) whether the individual will engage in a construction trade; and
3739 (ii) every 30 days after the day on which the unincorporated entity provides the list
3740 described in Subsection (11)(a)(i), an ownership status report containing the information that
3741 would be required under Subsection (10) if the unincorporated entity were a licensed
3742 contractor.
3743 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership
3744 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by
3745 the division in accordance with Section 63J-1-504.
3746 (12) This chapter may not be interpreted to create or support an express or implied
3747 independent contractor relationship between an unincorporated entity described in Subsection

(10) or (11) and the owners of the unincorporated entity for any purpose, including income tax withholding.

(13) A social security number provided under Subsection (1)(e)(vi) is a private record under Subsection 63G-2-302(1)(i).

Section 61. Section 58-55-305 is amended to read:

58-55-305. Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts or practices included within the practice of construction trades, subject to the stated circumstances and limitations, without being licensed under this chapter:

(a) an authorized representative of the United States government or an authorized employee of the state or any of its political subdivisions when working on construction work of the state or the subdivision, and when acting within the terms of the person's trust, office, or employment;

(b) a person engaged in construction or operation incidental to the construction and repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation districts, and drainage districts or construction and repair relating to farming, dairying, agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction sites, and lumbering;

(c) public utilities operating under the rules of the Public Service Commission on work incidental to their own business;

(d) a sole [owners] owner of property engaged in building:

(i) no more than one residential structure per year on the sole owner's property and no more than three residential structures per five years on ~~[their]~~ the sole owner's property for ~~[their own]~~ the sole owner's noncommercial, nonpublic use ~~[; except]~~, except that a person other than the property owner or ~~[individuals]~~ a person described in Subsection (1)(e), who engages in building ~~[the]~~ a residential structure must be licensed under this chapter if the person is otherwise required to be licensed under this chapter; or

(ii) structures on ~~[their]~~ the sole owner's property for ~~[their own]~~ the sole owner's noncommercial, nonpublic use ~~[which]~~ that are incidental to a residential structure on the property, including ~~[sheds, carports, or detached garages]~~ a shed, carport, or detached garage;

3779 (e) (i) a person engaged in construction or renovation of a residential building for
3780 noncommercial, nonpublic use if that person:

3781 (A) works without compensation other than token compensation that is not considered
3782 salary or wages; and

3783 (B) works under the direction of the property owner who engages in building the
3784 structure; and

3785 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
3786 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
3787 exempted from licensure under this Subsection (1)(e), that is:

3788 (A) minimal in value when compared with the fair market value of the services
3789 provided by the person;

3790 (B) not related to the fair market value of the services provided by the person; and

3791 (C) is incidental to the providing of services by the person including paying for or
3792 providing meals or refreshment while services are being provided, or paying reasonable
3793 transportation costs incurred by the person in travel to the site of construction;

3794 (f) a person engaged in the sale or merchandising of personal property that by its design
3795 or manufacture may be attached, installed, or otherwise affixed to real property who has
3796 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or
3797 attach that property;

3798 (g) a contractor submitting a bid on a federal aid highway project, if, before
3799 undertaking construction under that bid, the contractor is licensed under this chapter;

3800 (h) (i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a
3801 person engaged in the alteration, repair, remodeling, or addition to or improvement of a
3802 building with a contracted or agreed value of less than \$3,000, including both labor and
3803 materials, and including all changes or additions to the contracted or agreed upon work; and

3804 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
3805 section:

3806 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
3807 any six month period of time:

3808 (I) must be performed by a licensed electrical or plumbing contractor, if the project
3809 involves an electrical or plumbing system; and

3810 (II) may be performed by a licensed journeyman electrician or plumber or an individual
3811 referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system
3812 such as a faucet, toilet, fixture, device, outlet, or electrical switch;

3813 (B) installation, repair, or replacement of a residential or commercial gas appliance or a
3814 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
3815 received certification under Subsection 58-55-308(2) except as otherwise provided in
3816 Subsection 58-55-308(2)(d) or 58-55-308(3);

3817 (C) installation, repair, or replacement of water-based fire protection systems on a
3818 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems
3819 contractor or a licensed journeyman plumber;

3820 (D) work as an alarm business or company or as an alarm company agent shall be
3821 performed by a licensed alarm business or company or a licensed alarm company agent, except
3822 as otherwise provided in this chapter;

3823 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
3824 project must be performed by a licensed alarm business or company or a licensed alarm
3825 company agent;

3826 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
3827 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
3828 licensed by the division;

3829 (G) installation, repair, or replacement of a radon mitigation system or a soil
3830 depressurization system must be performed by a licensed contractor; and

3831 (H) if the total value of the project is greater than \$1,000, the person shall file with the
3832 division a one-time affirmation, subject to periodic reaffirmation as established by division
3833 rule, that the person has:

3834 (I) public liability insurance in coverage amounts and form established by division
3835 rule; and

3836 (II) if applicable, workers compensation insurance which would cover an employee of
3837 the person if that employee worked on the construction project;

3838 (i) a person practicing a specialty contractor classification or construction trade which
3839 the director does not classify by administrative rule as significantly impacting the public's
3840 health, safety, and welfare;

(j) owners and lessees of property and persons regularly employed for wages by owners or lessees of property or their agents for the purpose of maintaining the property, are exempt from this chapter when doing work upon the property;

(k) (i) a person engaged in minor plumbing work that is incidental, as defined by the division by rule, to the replacement or repair of a fixture or an appliance in a residential or small commercial building, or structure used for agricultural use, as defined in Section 15A-1-202, provided that no modification is made to:

(A) existing culinary water, soil, waste, or vent piping; or

(B) a gas appliance or combustion system; and

(ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or an appliance is not included in the exemption provided under Subsection (1)(k)(i);

(l) a person who ordinarily would be subject to the plumber licensure requirements under this chapter when installing or repairing a water conditioner or other water treatment apparatus if the conditioner or apparatus:

(i) meets the appropriate state construction codes or local plumbing standards; and

(ii) is installed or repaired under the direction of a person authorized to do the work under an appropriate specialty contractor license;

(m) a person who ordinarily would be subject to the electrician licensure requirements under this chapter when employed by:

(i) railroad corporations, telephone corporations or their corporate affiliates, elevator contractors or constructors, or street railway systems; or

(ii) public service corporations, rural electrification associations, or municipal utilities who generate, distribute, or sell electrical energy for light, heat, or power;

(n) a person involved in minor electrical work incidental to a mechanical or service installation, including the outdoor installation of an above-ground, prebuilt hot tub;

(o) a person who ordinarily would be subject to the electrician licensure requirements under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty contractor license for the electrical work associated with the installation, repair, or maintenance of solar energy panels, may continue the limited electrical work for solar energy panels under a specialty contractor license;

(p) a student participating in construction trade education and training programs

approved by the commission with the concurrence of the director under the condition that:

(i) all work intended as a part of a finished product on which there would normally be an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed building inspector; and

(ii) a licensed contractor obtains the necessary building permits;

(q) a delivery person when replacing any of the following existing equipment with a new gas appliance, provided there is an existing gas shutoff valve at the appliance:

(i) gas range;

(ii) gas dryer;

(iii) outdoor gas barbeque; or

(iv) outdoor gas patio heater;

(r) a person performing maintenance on an elevator as defined in Section 58-55-102, if the maintenance is not related to the operating integrity of the elevator; and

(s) an apprentice or helper of an elevator mechanic licensed under this chapter when working under the general direction of the licensed elevator mechanic.

(2) A compliance agency as defined in Section 15A-1-202 that issues a building permit to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall notify the division, in writing or through electronic transmission, of the issuance of the permit.

Section 62. Section 58-55-308 is amended to read:

58-55-308. Scope of practice -- Installation, repair, maintenance, or replacement of gas appliance, combustion system, or automatic fire sprinkler system -- Rules.

(1) (a) The commission, with the concurrence of the director, may adopt reasonable rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define and limit the scope of practice and operating standards of the classifications and subclassifications licensed under this chapter in a manner consistent with established practice in the relevant industry.

(b) The commission and the director may limit the field and scope of operations of a licensee under this chapter in accordance with the rules and the public health, safety, and welfare, based on the licensee's education, training, experience, knowledge, and financial responsibility.

(2) (a) The work and scope of practice covered by this Subsection (2) and Subsection

(3) is the installation, repair, maintenance, cleaning, or replacement of a residential or commercial gas appliance or combustion system.

(b) The provisions of this Subsection (2) apply to any:

(i) licensee under this chapter whose license authorizes the licensee to perform the work described in Subsection (2)(a); and

(ii) person exempt from licensure under Subsection 58-55-305~~[(1)(b)]~~.

(c) Any person described in Subsection (2)(b) that performs work described in Subsection (2)(a):

(i) must first receive training and certification as specified in rules adopted by the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(ii) shall ensure that any employee authorized under other provisions of this chapter to perform work described in Subsection (2)(a) has first received training and certification as specified in rules adopted by the division.

(d) The division may exempt from the training requirements adopted under Subsection (2)(c) a person that has adequate experience, as determined by the division.

(3) The division may exempt the following individuals from the certification requirements adopted under Subsection (2)(c):

(a) a person who has passed a test equivalent to the level of testing required by the division for certification, or has completed an apprenticeship program that teaches the installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship Training; and

(b) a person working under the immediate one-to-one supervision of a certified natural gas technician or a person exempt from certification.

(4) (a) The work and scope of practice covered by this Subsection (4) is the installation, repair, maintenance, or replacement of an automatic fire sprinkler system.

(b) The provisions of this Subsection (4) apply to an individual acting as a qualifier for a business entity in accordance with Section 58-55-304, where the business entity seeks to perform the work described in Subsection (4)(a).

(c) Before a business entity described in Subsection (4)(b) may perform the work described in Subsection (4)(a), the qualifier for the business entity shall:

- 3934 (i) be a licensed general building contractor; or
3935 (ii) obtain a certification in fire sprinkler fitting from the division by providing
3936 evidence to the division that the qualifier has met the following requirements:
- 3937 (A) completing a Department of Labor federally approved apprentice training program
3938 or completing two-years experience under the immediate supervision of a licensee who has
3939 obtained a certification in fire sprinkler fitting; and
- 3940 (B) passing the Star fire sprinklerfitting mastery examination offered by the National
3941 Inspection Testing and Certification Corporation or an equivalent examination approved by the
3942 division.
- 3943 (d) The division may also issue a certification in fire sprinkler fitting to a qualifier for a
3944 business entity who has received training and experience equivalent to the requirements of
3945 Subsection (4)(c), as specified in rules adopted by the commission, with the concurrence of the
3946 director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 3947 (5) This section does not prohibit a licensed specialty contractor from accepting and
3948 entering into a contract involving the use of two or more crafts or trades if the performance of
3949 the work in the crafts or trades, other than that in which the contractor is licensed, is incidental
3950 and supplemental to the work for which the contractor is licensed.
- 3951 Section 63. Section **58-55-401** is amended to read:
- 3952 **58-55-401. Grounds for denial of license and disciplinary proceedings.**
- 3953 (1) In accordance with Section **58-1-401**, the division may:
- 3954 (a) refuse to issue a license to an applicant;
3955 (b) refuse to renew the license of a licensee;
3956 (c) revoke the right of a licensee to recover from the Residence Lien Recovery Fund
3957 created by Section **38-11-201**;
- 3958 (d) revoke, suspend, restrict, or place on probation the license of a licensee;
3959 (e) issue a public or private reprimand to a licensee; and
3960 (f) issue a cease and desist order.
- 3961 (2) In addition to an action taken under Subsection (1), the division may take an action
3962 described in Subsection **58-1-401**(2) in relation to a license as a contractor, if:
- 3963 (a) the applicant or licensee is an unincorporated entity; and
3964 (b) an individual who holds an ownership interest in or is the qualifier under Section

3965 [58-55-304](#) of the applicant or licensee engages in:

3966 (i) unlawful conduct as described in Section [58-55-501](#); or

3967 (ii) unprofessional conduct as described in Section [58-55-502](#).

3968 Section 64. Section **58-55-501** is amended to read:

3969 **58-55-501. Unlawful conduct.**

3970 Unlawful conduct includes:

3971 (1) engaging in a construction trade, acting as a contractor, an alarm business or
3972 company, or an alarm company agent, or representing oneself to be engaged in a construction
3973 trade or to be acting as a contractor in a construction trade requiring licensure, unless the
3974 person doing any of these is appropriately licensed or exempted from licensure under this
3975 chapter;

3976 (2) acting in a construction trade, as an alarm business or company, or as an alarm
3977 company agent beyond the scope of the license held;

3978 (3) hiring or employing a person who is not licensed under this chapter to perform
3979 work on a project, unless the person:

3980 (a) is an employee of a person licensed under this chapter for wages; and

3981 (b) is not required to be licensed under this chapter;

3982 (4) applying for or obtaining a building permit either for oneself or another when not
3983 licensed or exempted from licensure as a contractor under this chapter;

3984 (5) issuing a building permit to any person for whom there is no evidence of a current
3985 license or exemption from licensure as a contractor under this chapter;

3986 (6) applying for or obtaining a building permit for the benefit of or on behalf of any
3987 other person who is required to be licensed under this chapter but who is not licensed or is
3988 otherwise not entitled to obtain or receive the benefit of the building permit;

3989 (7) failing to obtain a building permit when required by law or rule;

3990 (8) submitting a bid for any work for which a license is required under this chapter by a
3991 person not licensed or exempted from licensure as a contractor under this chapter;

3992 (9) willfully or deliberately misrepresenting or omitting a material fact in connection
3993 with an application to obtain or renew a license under this chapter;

3994 (10) allowing one's license to be used by another except as provided by statute or rule;

3995 (11) doing business under a name other than the name appearing on the license, except

3996 as permitted by statute or rule;

3997 (12) if licensed as a contractor in the electrical trade or plumbing trade, journeyman
3998 plumber, residential journeyman plumber, journeyman electrician, master electrician, or
3999 residential electrician, failing to directly supervise an apprentice under one's supervision or
4000 exceeding the number of apprentices one is allowed to have under the contractor's supervision;

4001 (13) if licensed as a contractor or representing oneself to be a contractor, receiving any
4002 funds in payment for a specific project from an owner or any other person, which funds are to
4003 pay for work performed or materials and services furnished for that specific project, and after
4004 receiving the funds to exercise unauthorized control over the funds by failing to pay the full
4005 amounts due and payable to persons who performed work or furnished materials or services
4006 within a reasonable period of time;

4007 (14) employing an unlicensed alarm business or company or an unlicensed individual
4008 as an alarm company agent, except as permitted under the exemption from licensure provisions
4009 under Section 58-1-307;

4010 (15) if licensed as an alarm company or alarm company agent, filing with the division
4011 fingerprint cards for an applicant which are not those of the applicant, or are in any other way
4012 false or fraudulent and intended to mislead the division in its consideration of the applicant for
4013 licensure;

4014 (16) if licensed under this chapter, willfully or deliberately disregarding or violating:

4015 (a) the building or construction laws of this state or any political subdivision;

4016 (b) the safety and labor laws applicable to a project;

4017 (c) any provision of the health laws applicable to a project;

4018 (d) the workers' compensation insurance laws of the state applicable to a project;

4019 (e) the laws governing withholdings for employee state and federal income taxes,

4020 unemployment taxes, Social Security payroll taxes, or other required withholdings; or

4021 (f) reporting, notification, and filing laws of this state or the federal government;

4022 ~~[(17) aiding or abetting any person in evading the provisions of this chapter or rules~~
4023 ~~established under the authority of the division to govern this chapter;]~~

4024 ~~[(18)]~~ (17) engaging in the construction trade or as a contractor for the construction of
4025 residences of up to two units when not currently registered or exempt from registration as a
4026 qualified beneficiary under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery

4027 Fund Act;

4028 ~~[(19)]~~ (18) failing, as an original contractor, as defined in Section 38-11-102, to

4029 include in a written contract the notification required in Section 38-11-108;

4030 ~~[(20)]~~ (19) wrongfully filing a preconstruction or construction lien in violation of

4031 Section 38-1a-308;

4032 ~~[(21)]~~ (20) if licensed as a contractor, not completing the approved continuing

4033 education required under Section 58-55-302.5;

4034 ~~[(22)]~~ (21) an alarm company allowing an employee with a temporary license under

4035 Section 58-55-312 to engage in conduct on behalf of the company outside the scope of the

4036 temporary license, as provided in Subsection 58-55-312(3)(a)(ii);

4037 ~~[(23)]~~ (22) an alarm company agent under a temporary license under Section 58-55-312

4038 engaging in conduct outside the scope of the temporary license, as provided in Subsection

4039 58-55-312(3)(a)(ii);

4040 ~~[(24)]~~ (23) (a) an unincorporated entity licensed under this chapter having an individual

4041 who owns an interest in the unincorporated entity engage in a construction trade in Utah while

4042 not lawfully present in the United States; or

4043 (b) an unincorporated entity providing labor to an entity licensed under this chapter by

4044 providing an individual who owns an interest in the unincorporated entity to engage in a

4045 construction trade in Utah while not lawfully present in the United States;

4046 ~~[(25)]~~ (24) an unincorporated entity failing to provide the following for an individual

4047 who engages, or will engage, in a construction trade in Utah for the unincorporated entity, or

4048 for an individual who engages, or will engage, in a construction trade in Utah for a separate

4049 entity for which the unincorporated entity provides the individual as labor:

4050 (a) workers' compensation coverage:

4051 (i) to the extent required by Title 34A, Chapter 2, Workers' Compensation Act, and

4052 Title 34A, Chapter 3, Utah Occupational Disease Act; or

4053 (ii) that would be required under the chapters listed in Subsection ~~[(25)]~~ (24)(a)(i) if

4054 the unincorporated entity were licensed under this chapter; and

4055 (b) unemployment compensation in accordance with Title 35A, Chapter 4,

4056 Employment Security Act, for an individual who owns, directly or indirectly, less than an 8%

4057 interest in the unincorporated entity, as defined by rule made by the division in accordance with

4058 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4059 ~~[(26)]~~ (25) the failure of a sign installation contractor or nonelectrical outdoor
4060 advertising sign contractor, as classified and defined in division rules, to:

4061 (a) display the contractor's license number prominently on a vehicle that:

4062 (i) the contractor uses; and

4063 (ii) displays the contractor's business name; or

4064 (b) carry a copy of the contractor's license in any other vehicle that the contractor uses
4065 at a job site, whether or not the vehicle is owned by the contractor;

4066 ~~[(27)]~~ (26) (a) an unincorporated entity licensed under this chapter having an individual
4067 who owns an interest in the unincorporated entity engage in a construction trade in the state
4068 while the individual is using a Social Security number that does not belong to that individual;
4069 or

4070 (b) an unincorporated entity providing labor to an entity licensed under this chapter by
4071 providing an individual, who owns an interest in the unincorporated entity, to engage in a
4072 construction trade in the state while the individual is using a Social Security number that does
4073 not belong to that individual;

4074 ~~[(28)]~~ (27) a contractor failing to comply with a requirement imposed by a political
4075 subdivision, state agency, or board of education under Section 58-55-310; or

4076 ~~[(29)]~~ (28) failing to timely comply with the requirements described in Section
4077 58-55-605.

4078 Section 65. Section 58-55-503 is amended to read:

4079 **58-55-503. Penalty for unlawful conduct -- Citations.**

4080 (1) (a) (i) A person who violates Subsection 58-55-308(2), Subsection 58-55-501(1),
4081 (2), (3), (4), (5), (6), (7), (9), (10), (12), (14), (15), (21), (22), (23), (24), (25), (26), (27), or
4082 (28), ~~[or (29)]~~, or Subsection 58-55-504(2), or who fails to comply with a citation issued under
4083 this section after it is final, is guilty of a class A misdemeanor.

4084 (ii) As used in this section in reference to Subsection 58-55-504(2), "person" means an
4085 individual and does not include a sole proprietorship, joint venture, corporation, limited
4086 liability company, association, or organization of any type.

4087 (b) A person who violates the provisions of Subsection 58-55-501(8) may not be
4088 awarded and may not accept a contract for the performance of the work.

(2) A person who violates the provisions of Subsection 58-55-501(13) is guilty of an infraction unless the violator did so with the intent to deprive the person to whom money is to be paid of the money received, in which case the violator is guilty of theft, as classified in Section 76-6-412.

(3) Grounds for immediate suspension of a licensee's license by the division and the commission include:

(a) the issuance of a citation for violation of Subsection 58-55-308(2), Section 58-55-501, or Subsection 58-55-504(2); and

(b) the failure by a licensee to make application to, report to, or notify the division with respect to any matter for which application, notification, or reporting is required under this chapter or rules adopted under this chapter, including:

(i) applying to the division for a new license to engage in a new specialty classification or to do business under a new form of organization or business structure;

(ii) filing a current financial statement with the division; and

(iii) notifying the division concerning loss of insurance coverage or change in qualifier.

(4) (a) If upon inspection or investigation, the division concludes that a person has violated the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), ~~[(19)]~~ (18), (20), (21), (22), (23), (24), (25), (26), (27), or (28), ~~[or (29);]~~ Subsection 58-55-504(2), or any rule or order issued with respect to these subsections, and that disciplinary action is appropriate, the director or the director's designee from within the division shall promptly issue a citation to the person according to this chapter and any pertinent rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

(i) A person who is in violation of the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), ~~[(19)]~~ (18), (20), (21), (22), (23), (24), (25), (26), (27), or (28), ~~[or (29);]~~ or Subsection 58-55-504(2), as evidenced by an uncontested citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may be assessed a fine pursuant to this Subsection (4) and may, in addition to or in lieu of, be ordered to cease and desist from violating Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), (19), (21), (24), (25), (26), (27), (28), or (29), or Subsection 58-55-504(2).

- 4120 (ii) Except for a cease and desist order, the licensure sanctions cited in Section
4121 58-55-401 may not be assessed through a citation.
- 4122 (b) (i) A citation shall be in writing and describe with particularity the nature of the
4123 violation, including a reference to the provision of the chapter, rule, or order alleged to have
4124 been violated.
- 4125 (ii) A citation shall clearly state that the recipient must notify the division in writing
4126 within 20 calendar days of service of the citation if the recipient wishes to contest the citation
4127 at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.
- 4128 (iii) A citation shall clearly explain the consequences of failure to timely contest the
4129 citation or to make payment of any fines assessed by the citation within the time specified in
4130 the citation.
- 4131 (c) A citation issued under this section, or a copy of a citation, may be served upon a
4132 person upon whom a summons may be served:
- 4133 (i) in accordance with the Utah Rules of Civil Procedure;
- 4134 (ii) personally or upon the person's agent by a division investigator or by a person
4135 specially designated by the director; or
- 4136 (iii) by mail.
- 4137 (d) (i) If within 20 calendar days after the day on which a citation is served, the person
4138 to whom the citation was issued fails to request a hearing to contest the citation, the citation
4139 becomes the final order of the division and is not subject to further agency review.
- 4140 (ii) The period to contest a citation may be extended by the division for cause.
- 4141 (e) The division may refuse to issue or renew, suspend, revoke, or place on probation
4142 the license of a licensee who fails to comply with a citation after it becomes final.
- 4143 (f) The failure of an applicant for licensure to comply with a citation after it becomes
4144 final is a ground for denial of license.
- 4145 (g) A citation may not be issued under this section after the expiration of six months
4146 following the occurrence of a violation.
- 4147 (h) Except as provided in Subsection (5), the director or the director's designee shall
4148 assess a fine in accordance with the following:
- 4149 (i) for a first offense handled pursuant to Subsection (4)(a), a fine of up to \$1,000;
- 4150 (ii) for a second offense handled pursuant to Subsection (4)(a), a fine of up to \$2,000;

4151 and

4152 (iii) for any subsequent offense handled pursuant to Subsection (4)(a), a fine of up to
4153 \$2,000 for each day of continued offense.

4154 (i) (i) For purposes of issuing a final order under this section and assessing a fine under
4155 Subsection (4)(h), an offense constitutes a second or subsequent offense if:

4156 (A) the division previously issued a final order determining that a person committed a
4157 first or second offense in violation of Subsection 58-55-308(2), Subsection 58-55-501(1), (2),
4158 (3), (9), (10), (12), (14), ~~[(19)]~~ (18), (23), (24), (25), (26), (27), or (28), ~~[or (29);]~~ or Subsection
4159 58-55-504(2); or

4160 (B) (I) the division initiated an action for a first or second offense;

4161 (II) a final order has not been issued by the division in the action initiated under
4162 Subsection (4)(i)(i)(B)(I);

4163 (III) the division determines during an investigation that occurred after the initiation of
4164 the action under Subsection (4)(i)(i)(B)(I) that the person committed a second or subsequent
4165 violation of the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),
4166 (10), (12), (14), ~~[(19)]~~ (18), (23), (24), (25), (26), (27), or (28), ~~[or (29);]~~ or Subsection
4167 58-55-504(2); and

4168 (IV) after determining that the person committed a second or subsequent offense under
4169 Subsection (4)(i)(i)(B)(III), the division issues a final order on the action initiated under
4170 Subsection (4)(i)(i)(B)(I).

4171 (ii) In issuing a final order for a second or subsequent offense under Subsection
4172 (4)(i)(i), the division shall comply with the requirements of this section.

4173 (j) In addition to any other licensure sanction or fine imposed under this section, the
4174 division shall revoke the license of a licensee that violates Subsection 58-55-501(23) or (24)
4175 ~~[or (25)]~~ two or more times within a 12-month period, unless, with respect to a violation of
4176 Subsection 58-55-501~~[(24)]~~(23), the licensee can demonstrate that the licensee successfully
4177 verified the federal legal working status of the individual who was the subject of the violation
4178 using a status verification system, as defined in Section 13-47-102.

4179 (k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(23) or (24)
4180 ~~[or (25)]~~ for each individual is considered a separate violation.

4181 (5) If a person violates Section 58-55-501, the division may not treat the violation as a

subsequent violation of a previous violation if the violation occurs five years or more after the day on which the person committed the previous violation.

(6) If, after an investigation, the division determines that a person has committed multiple of the same type of violation of Section 58-55-501, the division may treat each violation as a separate violation of Section 58-55-501 and apply a penalty under this section to each violation.

(7) (a) A penalty imposed by the director under Subsection (4)(h) shall be deposited into the Commerce Service Account created by Section 13-1-2.

(b) A penalty that is not paid may be collected by the director by either referring the matter to a collection agency or bringing an action in the district court of the county in which the person against whom the penalty is imposed resides or in the county where the office of the director is located.

(c) A county attorney or the attorney general of the state shall provide legal assistance and advice to the director in an action to collect a penalty.

(d) In an action brought to collect a penalty, the court shall award reasonable attorney fees and costs to the prevailing party.

Section 66. Section 58-57-4 is amended to read:

58-57-4. Qualifications for a license.

(1) The division shall issue a respiratory care practitioner license to an applicant who meets the requirements specified in this section.

(2) An applicant seeking licensure as a respiratory care practitioner shall:

(a) submit an application on a form prescribed by the division;

(b) pay a fee as determined by the department pursuant to Section 63J-1-504;

~~[(c) show evidence of good moral character;]~~

~~[(d)]~~ (c) possess a high school education or its equivalent, as determined by the division in collaboration with the board;

~~[(e)]~~ (d) have completed a respiratory care practitioner educational program that is accredited by a nationally accredited organization acceptable to the division as defined by rule; and

~~[(f)]~~ (e) pass an examination approved by the division in collaboration with the board.

Section 67. Section 58-60-109 is amended to read:

4213 **58-60-109. Unlawful conduct.**

4214 As used in this chapter, "unlawful conduct" includes:

4215 (1) practice of the following unless licensed in the appropriate classification or
4216 exempted from licensure under this title:

4217 (a) mental health therapy;

4218 (b) clinical social work;

4219 (c) certified social work;

4220 (d) marriage and family therapy;

4221 (e) clinical mental health counselor;

4222 (f) practice as a social service worker; or

4223 (g) substance use disorder counselor;

4224 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
4225 documented to the division the licensed psychologist's completion of the supervised training in
4226 mental health therapy required under Subsection 58-61-304(1)(~~f~~)(e); or

4227 (3) representing oneself as, or using the title of, the following:

4228 (a) unless currently licensed in a license classification under this title:

4229 (i) psychiatrist;

4230 (ii) psychologist;

4231 (iii) registered psychiatric mental health nurse specialist;

4232 (iv) mental health therapist;

4233 (v) clinical social worker;

4234 (vi) certified social worker;

4235 (vii) marriage and family therapist;

4236 (viii) clinical mental health counselor;

4237 (ix) social service worker;

4238 (x) substance use disorder counselor;

4239 (xi) associate clinical mental health counselor; or

4240 (xii) associate marriage and family therapist; or

4241 (b) unless currently in possession of the credentials described in Subsection (4), social
4242 worker.

4243 (4) An individual may represent oneself as a, or use the title of, social worker if the

individual possesses certified transcripts from an accredited institution of higher education, recognized by the division in collaboration with the Social Work Licensing Board, verifying satisfactory completion of an education and an earned degree as follows:

- (a) a bachelor's or master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or
- (b) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203.

Section 68. Section 58-60-115 is amended to read:

58-60-115. License by endorsement.

The division shall issue a license by endorsement under this chapter to a person who:

- (1) submits an application on a form provided by the division;
- (2) pays a fee determined by the department under Section 63J-1-504;
- (3) provides documentation of current licensure in good standing in a state, district, or territory of the United States to practice in the profession for which licensure is being sought;
- (4) except as provided in Subsection (5), provides documentation that the person has engaged in the lawful practice of the profession for which licensure is sought for at least 4,000 hours, of which 1,000 hours are in mental health therapy;
- (5) if applying for a license to practice as a licensed substance use disorder counselor, provides documentation that the person:
 - (a) has engaged in the lawful practice of the profession for at least 4,000 hours; and
 - (b) has passed an examination approved by the division, by rule, to establish proficiency in the profession;
- (6) has passed the profession specific jurisprudence examination if required of a new applicant; and
- (7) is of good ~~moral character and~~ professional standing, and has no disciplinary action pending or in effect against the applicant's license in any jurisdiction.

Section 69. Section 58-60-117 is amended to read:

58-60-117. Externship licenses.

- (1) The division shall issue a temporary license under Part 2, Social Worker Licensing Act, Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health

4275 Counselor Licensing Act, of this chapter to a person who:

4276 (a) submits an application for licensure under Part 2, Social Worker Licensing Act,
4277 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health
4278 Counselor Licensing Act;

4279 (b) pays a fee determined by the department under Section 63J-1-504;

4280 (c) holds an earned doctoral degree or master's degree in a discipline that is a
4281 prerequisite for practice as a mental health therapist;

4282 (d) has a deficiency, as defined by division rule, in course work;

4283 (e) provides mental health therapy as an employee of a public or private organization,
4284 which provides mental health therapy, while under the supervision of a person licensed under
4285 this chapter; and

4286 (f) ~~[is of good moral character and]~~ has no disciplinary action pending or in effect
4287 against the applicant in connection with the practice of mental health therapy, in any
4288 jurisdiction.

4289 (2) A temporary license issued under this section shall expire upon the earlier of:

4290 (a) issuance of the license applied for; or

4291 (b) unless the deadline is extended for good cause as determined by the division, three
4292 years from the date the temporary license was issued.

4293 (3) The temporary license issued under this section is an externship license.

4294 Section 70. Section 58-60-205 is amended to read:

4295 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
4296 **certified social worker, and social service worker.**

4297 (1) An applicant for licensure as a clinical social worker shall:

4298 (a) submit an application on a form provided by the division;

4299 (b) pay a fee determined by the department under Section 63J-1-504;

4300 ~~[(c) be of good moral character;]~~

4301 ~~[(d)]~~ (c) produce certified transcripts from an accredited institution of higher education
4302 recognized by the division in collaboration with the board verifying satisfactory completion of
4303 an education and an earned degree as follows:

4304 (i) a master's degree in a social work program accredited by the Council on Social
4305 Work Education or by the Canadian Association of Schools of Social Work; or

(ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203;

~~[(e)]~~ (d) have completed a minimum of 4,000 hours of clinical social work training as defined by division rule under Section 58-1-203:

- (i) in not less than two years;
- (ii) under the supervision of a supervisor approved by the division in collaboration with the board who is a:
 - (A) clinical mental health counselor;
 - (B) psychiatrist;
 - (C) psychologist;
 - (D) registered psychiatric mental health nurse practitioner;
 - (E) marriage and family therapist; or
 - (F) clinical social worker; and
- (iii) including a minimum of two hours of training in suicide prevention via a course that the division designates as approved;

~~[(f)]~~ (e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection ~~[(1)(d)]~~ (1)(c), which training may be included as part of the 4,000 hours of training in Subsection ~~[(1)(e)]~~ (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision, as defined by rule, of a supervisor described in Subsection ~~[(1)(e)(ii)]~~ (1)(d)(ii);

~~[(g)]~~ (f) have completed a case work, group work, or family treatment course sequence with a clinical practicum in content as defined by rule under Section 58-1-203; and

~~[(h)]~~ (g) pass the examination requirement established by rule under Section 58-1-203.

(2) An applicant for licensure as a certified social worker shall:

- (a) submit an application on a form provided by the division;
- (b) pay a fee determined by the department under Section 63J-1-504;

~~[(c) be of good moral character;]~~

~~[(d)]~~ (c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of

4337 an education and an earned degree as follows:

4338 (i) a master's degree in a social work program accredited by the Council on Social
4339 Work Education or by the Canadian Association of Schools of Social Work; or

4340 (ii) a doctoral degree that contains a clinical social work concentration and practicum
4341 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
4342 Administrative Rulemaking Act, that is consistent with Section 58-1-203; and

4343 ~~[(e)]~~ (d) pass the examination requirement established by rule under Section 58-1-203.

4344 (3) (a) An applicant for certification as a certified social worker intern shall meet the
4345 requirements of Subsections (2)(a), (b), ~~[(c), and (d)]~~ and (c).

4346 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the
4347 examination required under Subsection ~~[(2)(e)]~~ (2)(d) or six months, whichever occurs first.

4348 (c) A certified social worker intern may provide mental health therapy under the
4349 general supervision, as defined by rule, of a supervisor described in Subsection ~~[(1)(e)(ii)]~~
4350 (1)(d)(ii).

4351 (4) An applicant for licensure as a social service worker shall:

4352 (a) submit an application on a form provided by the division;

4353 (b) pay a fee determined by the department under Section 63J-1-504;

4354 ~~[(c) be of good moral character;]~~

4355 ~~[(d)]~~ (c) produce certified transcripts from an accredited institution of higher education
4356 recognized by the division in collaboration with the board verifying satisfactory completion of
4357 an education and an earned degree as follows:

4358 (i) a bachelor's degree in a social work program accredited by the Council on Social
4359 Work Education or by the Canadian Association of Schools of Social Work;

4360 (ii) a master's degree in a field approved by the division in collaboration with the
4361 board;

4362 (iii) a bachelor's degree in any field if the applicant:

4363 (A) has completed at least three semester hours, or the equivalent, in each of the
4364 following areas:

4365 (I) social welfare policy;

4366 (II) human growth and development; and

4367 (III) social work practice methods, as defined by rule; and

(B) provides documentation that the applicant has completed at least 2,000 hours of qualifying experience under the supervision of a mental health therapist, which experience is approved by the division in collaboration with the board, and which is performed after completion of the requirements to obtain the bachelor's degree required under this Subsection (4); or

(iv) successful completion of the first academic year of a Council on Social Work Education approved master's of social work curriculum and practicum; and

~~[(e)]~~ (d) pass the examination requirement established by rule under Section 58-1-203.

(5) The division shall ensure that the rules for an examination described under Subsections ~~[(1)(h), (2)(e), and (4)(e)]~~ (1)(g), (2)(d), and (4)(d) allow additional time to complete the examination if requested by an applicant who is:

(a) a foreign born legal resident of the United States for whom English is a second language; or

(b) an enrolled member of a federally recognized Native American tribe.

Section 71. Section 58-60-207 is amended to read:

58-60-207. Scope of practice -- Limitations.

(1) (a) A clinical social worker may engage in all acts and practices defined as the practice of clinical social work without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(b) A clinical social worker may not supervise more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.

(2) To the extent an individual is professionally prepared by the education and training track completed while earning a master's or doctor of social work degree, a licensed certified social worker may engage in all acts and practices defined as the practice of certified social work consistent with the licensee's education, clinical training, experience, and competence:

(a) under supervision of an individual described in Subsection 58-60-205(1)~~[(e)]~~(d)(ii) and as an employee of another person when engaged in the practice of mental health therapy;

(b) without supervision and in private and independent practice or as an employee of another person, if not engaged in the practice of mental health therapy;

4399 (c) including engaging in the private, independent, unsupervised practice of social
 4400 work as a self-employed individual, in partnership with other mental health therapists, as a
 4401 professional corporation, or in any other capacity or business entity, so long as he does not
 4402 practice unsupervised psychotherapy; and

4403 (d) supervising social service workers as provided by division rule.

4404 Section 72. Section **58-60-305** is amended to read:

4405 **58-60-305. Qualifications for licensure.**

4406 (1) All applicants for licensure as marriage and family therapists shall:

4407 (a) submit an application on a form provided by the division;

4408 (b) pay a fee determined by the department under Section [63J-1-504](#);

4409 ~~[(c) be of good moral character;]~~

4410 ~~[(d)]~~ (c) produce certified transcripts evidencing completion of a masters or doctorate
 4411 degree in marriage and family therapy from:

4412 (i) a program accredited by the Commission on Accreditation for Marriage and Family
 4413 Therapy Education; or

4414 (ii) an accredited institution meeting criteria for approval established by rule under
 4415 Section [58-1-203](#);

4416 ~~[(e)]~~ (d) have completed a minimum of 4,000 hours of marriage and family therapy
 4417 training as defined by division rule under Section [58-1-203](#):

4418 (i) in not less than two years;

4419 (ii) under the supervision of a mental health therapist supervisor who meets the
 4420 requirements of Section [58-60-307](#);

4421 (iii) obtained after completion of the education requirement in Subsection ~~[(1)(d)]~~
 4422 (1)(c); and

4423 (iv) including a minimum of two hours of training in suicide prevention via a course
 4424 that the division designates as approved;

4425 ~~[(f)]~~ (e) document successful completion of not less than 1,000 hours of supervised
 4426 training in mental health therapy obtained after completion of the education requirement
 4427 described in Subsection ~~[(1)(d)(i) or (1)(d)(ii)]~~ (1)(c)(i) or (1)(c)(ii), which training may be
 4428 included as part of the 4,000 hours of training described in Subsection ~~[(1)(e)]~~ (1)(d), and of
 4429 which documented evidence demonstrates not less than 100 of the supervised hours were

obtained during direct, personal supervision, as defined by rule, by a mental health therapist supervisor qualified under Section 58-60-307; and

~~[(g)]~~ (f) pass the examination requirement established by division rule under Section 58-1-203.

(2) (a) All applicants for licensure as an associate marriage and family therapist shall comply with the provisions of Subsections ~~[(1)(a), (b), (c), and (d)]~~ (1)(a), (b), and (c).

(b) An individual's license as an associate marriage and family therapist is limited to the period of time necessary to complete clinical training as described in Subsections ~~[(1)(c) and (f)]~~ (1)(d) and (e) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the appropriate board that the individual is making reasonable progress toward passing of the qualifying examination for that profession or is otherwise on a course reasonably expected to lead to licensure, but the period of time under this Subsection (2)(b) may not exceed two years past the date the minimum supervised clinical training requirement has been completed.

Section 73. Section 58-60-305.5 is amended to read:

58-60-305.5. Qualification for licensure before May 1, 2000.

(1) A person who was licensed under this chapter as of May 1, 2000, may apply for renewal of licensure without being required to fulfill the educational requirements described in Subsection 58-60-305(1)~~[(d)]~~(c).

(2) A person who seeks licensure under this chapter before July 1, 2002, need comply only with the licensure requirements in effect before May 1, 2000.

Section 74. Section 58-60-308 is amended to read:

58-60-308. Scope of practice -- Limitations.

(1) A licensed marriage and family therapist may engage in all acts and practices defined as the practice of marriage and family therapy without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(2) (a) To the extent an individual has completed the educational requirements of Subsection 58-60-305(1)~~[(d)]~~(c), a licensed associate marriage and family therapist may engage in all acts and practices defined as the practice of marriage and family therapy if the practice is:

4461 (i) within the scope of employment as a licensed associate marriage and family
4462 therapist with a public agency or a private clinic as defined by division rule; and
4463 (ii) under the supervision of a licensed mental health therapist who is qualified as a
4464 supervisor under Section 58-60-307.

4465 (b) A licensed associate marriage and family therapist may not engage in the
4466 independent practice of marriage and family therapy.

4467 Section 75. Section 58-60-405 is amended to read:

4468 **58-60-405. Qualifications for licensure.**

4469 (1) An applicant for licensure as a clinical mental health counselor shall:

4470 (a) submit an application on a form provided by the division;

4471 (b) pay a fee determined by the department under Section 63J-1-504;

4472 ~~[(c) be of good moral character;]~~

4473 ~~[(d)]~~ (c) produce certified transcripts from an accredited institution of higher education
4474 recognized by the division in collaboration with the board verifying satisfactory completion of:

4475 (i) an education and degree in an education program in counseling with a core
4476 curriculum defined by division rule under Section 58-1-203 preparing one to competently
4477 engage in mental health therapy; and

4478 (ii) an earned doctoral or master's degree resulting from that education program;

4479 ~~[(e)]~~ (d) have completed a minimum of 4,000 hours of clinical mental health counselor
4480 training as defined by division rule under Section 58-1-203:

4481 (i) in not less than two years;

4482 (ii) under the supervision of a clinical mental health counselor, psychiatrist,
4483 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or
4484 marriage and family therapist supervisor approved by the division in collaboration with the
4485 board;

4486 (iii) obtained after completion of the education requirement in Subsection (1)~~[(d)]~~(c);

4487 and

4488 (iv) including a minimum of two hours of training in suicide prevention via a course
4489 that the division designates as approved;

4490 ~~[(f)]~~ (e) document successful completion of not less than 1,000 hours of supervised
4491 training in mental health therapy obtained after completion of the education requirement in

Subsection ~~[(1)(d)]~~ (1)(c), which training may be included as part of the 4,000 hours of training in Subsection ~~[(1)(e)]~~ (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision of a mental health therapist, as defined by rule; and

~~[(g)]~~ (f) pass the examination requirement established by division rule under Section [58-1-203](#).

(2) (a) An applicant for licensure as an associate clinical mental health counselor shall comply with the provisions of Subsections ~~[(1)(a), (b), (c), and (d)]~~ (1)(a), (b), and (c).

(b) Except as provided under Subsection (2)(c), an individual's licensure as an associate clinical mental health counselor is limited to the period of time necessary to complete clinical training as described in Subsections ~~[(1)(e) and (f)]~~ (1)(d) and (e) and extends not more than one year from the date the minimum requirement for training is completed.

(c) The time period under Subsection (2)(b) may be extended to a maximum of two years past the date the minimum supervised clinical training requirement has been completed, if the applicant presents satisfactory evidence to the division and the appropriate board that the individual is:

(i) making reasonable progress toward passing of the qualifying examination for that profession; or

(ii) otherwise on a course reasonably expected to lead to licensure.

Section 76. Section ~~58-60-407~~ is amended to read:

~~58-60-407~~. Scope of practice -- Limitations.

(1) (a) A licensed clinical mental health counselor may engage in all acts and practices defined as the practice of clinical mental health counseling without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.

(b) A licensed clinical mental health counselor may not supervise more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.

(2) (a) To the extent an individual has completed the educational requirements of Subsection [58-60-305](#)(1)~~[(d)]~~(c), a licensed associate clinical mental health counselor may engage in all acts and practices defined as the practice of clinical mental health counseling if

4523 the practice is:

4524 (i) within the scope of employment as a licensed clinical mental health counselor with
4525 a public agency or private clinic as defined by division rule; and

4526 (ii) under supervision of a qualified licensed mental health therapist as defined in
4527 Section 58-60-102.

4528 (b) A licensed associate clinical mental health counselor may not engage in the
4529 independent practice of clinical mental health counseling.

4530 Section 77. Section 58-60-506 is amended to read:

4531 **58-60-506. Qualifications for licensure.**

4532 (1) An applicant for licensure under this part on and after July 1, 2012, must meet the
4533 following qualifications:

4534 (a) submit an application in a form prescribed by the division;

4535 (b) pay a fee determined by the department under Section 63J-1-504;

4536 ~~[(c) be of good moral character;]~~

4537 ~~[(d)]~~ (c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively;

4538 and

4539 ~~[(e)]~~ (d) except for licensure as a certified substance use disorder counselor intern and a
4540 certified advanced substance use disorder counselor intern, satisfy the examination requirement
4541 established by division rule under Section 58-1-203.

4542 (2) In accordance with division rules, an applicant for licensure as an advanced
4543 substance use disorder counselor shall produce:

4544 (a) certified transcripts from an accredited institution of higher education that:

4545 (i) meet division standards;

4546 (ii) verify the satisfactory completion of a baccalaureate or graduate degree; and

4547 (iii) verify the completion of prerequisite courses established by division rules;

4548 (b) documentation of the applicant's completion of a substance use disorder education
4549 program that includes:

4550 (i) at least 300 hours of substance use disorder related education, of which 200 hours
4551 may have been obtained while qualifying for a substance use disorder counselor license; and

4552 (ii) a supervised practicum of at least 350 hours, of which 200 hours may have been
4553 obtained while qualifying for a substance use disorder counselor license; and

(c) documentation of the applicant's completion of at least 4,000 hours of supervised experience in substance use disorder treatment, of which 2,000 hours may have been obtained while qualifying for a substance use disorder counselor license, that:

(i) meets division standards; and

(ii) is performed within a four-year period after the applicant's completion of the substance use disorder education program described in Subsection (2)(b), unless, as determined by the division after consultation with the board, the time for performance is extended due to an extenuating circumstance.

(3) An applicant for licensure as a certified advanced substance use disorder counselor shall meet the requirements in Subsections (2)(a) and (b).

(4) (a) An applicant for licensure as a certified advanced substance use disorder counselor intern shall meet the requirements in Subsections (2)(a) and (b).

(b) A certified advanced substance use disorder counselor intern license expires at the earlier of:

(i) the licensee passing the examination required for licensure as a certified advanced substance use disorder counselor; or

(ii) six months after the certified advanced substance use disorder counselor intern license is issued.

(5) In accordance with division rules, an applicant for licensure as a substance use disorder counselor shall produce:

(a) certified transcripts from an accredited institution that:

(i) meet division standards;

(ii) verify satisfactory completion of an associate's degree or equivalent as defined by the division in rule; and

(iii) verify the completion of prerequisite courses established by division rules;

(b) documentation of the applicant's completion of a substance use disorder education program that includes:

(i) completion of at least 200 hours of substance use disorder related education;

(ii) included in the 200 hours described in Subsection (5)(b)(i), a minimum of two hours of training in suicide prevention via a course that the division designates as approved; and

4585 (iii) completion of a supervised practicum of at least 200 hours; and
4586 (c) documentation of the applicant's completion of at least 2,000 hours of supervised
4587 experience in substance use disorder treatment that:

4588 (i) meets division standards; and

4589 (ii) is performed within a two-year period after the applicant's completion of the
4590 substance use disorder education program described in Subsection (5)(b), unless, as determined
4591 by the division after consultation with the board, the time for performance is extended due to
4592 an extenuating circumstance.

4593 (6) An applicant for licensure as a certified substance use disorder counselor shall meet
4594 the requirements of Subsections (5)(a) and (b).

4595 (7) (a) An applicant for licensure as a certified substance use disorder counselor intern
4596 shall meet the requirements of Subsections (5)(a) and (b).

4597 (b) A certified substance use disorder counselor intern license expires at the earlier of:

4598 (i) the licensee passing the examination required for licensure as a certified substance
4599 use disorder counselor; or

4600 (ii) six months after the certified substance use disorder counselor intern license is
4601 issued.

4602 Section 78. Section **58-61-304** is amended to read:

4603 **58-61-304. Qualifications for licensure by examination or endorsement.**

4604 (1) An applicant for licensure as a psychologist based upon education, clinical training,
4605 and examination shall:

4606 (a) submit an application on a form provided by the division;

4607 (b) pay a fee determined by the department under Section [63J-1-504](#);

4608 ~~[(c) be of good moral character;]~~

4609 ~~[(d)]~~ (c) produce certified transcripts of credit verifying satisfactory completion of a
4610 doctoral degree in psychology that includes specific core course work established by division
4611 rule under Section [58-1-203](#), from an institution of higher education whose doctoral program,
4612 at the time the applicant received the doctoral degree, met approval criteria established by
4613 division rule made in consultation with the board;

4614 ~~[(e)]~~ (d) have completed a minimum of 4,000 hours of psychology training as defined
4615 by division rule under Section [58-1-203](#) in not less than two years and under the supervision of

a psychologist supervisor approved by the division in collaboration with the board;
[~~(f)~~] (e) to be qualified to engage in mental health therapy, document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of a master's level of education in psychology, which training may be included as part of the 4,000 hours of training required in Subsection (1)[~~(e)~~](d), and for which documented evidence demonstrates not less than one hour of supervision for each 40 hours of supervised training was obtained under the direct supervision of a psychologist, as defined by rule;

[~~(g)~~] (f) pass the examination requirement established by division rule under Section [58-1-203](#); [~~and~~]
(g) consent to a criminal background check in accordance with Section [58-61-304.1](#) and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(h) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.

(2) An applicant for licensure as a psychologist by endorsement based upon licensure in another jurisdiction shall:

- (a) submit an application on a form provided by the division;
- (b) pay a fee determined by the department under Section [63J-1-504](#);
- (c) [~~be of good moral character and professional standing, and~~] not have any disciplinary action pending or in effect against the applicant's psychologist license in any jurisdiction;
- (d) have passed the Utah Psychologist Law and Ethics Examination established by division rule;
- (e) provide satisfactory evidence the applicant is currently licensed in another state, district, or territory of the United States, or in any other jurisdiction approved by the division in collaboration with the board;
- (f) provide satisfactory evidence the applicant has actively practiced psychology in that jurisdiction for not less than 2,000 hours or one year, whichever is greater;
- (g) provide satisfactory evidence that:
- (i) the education, supervised experience, examination, and all other requirements for

licensure in that jurisdiction at the time the applicant obtained licensure were substantially equivalent to the licensure requirements for a psychologist in Utah at the time the applicant obtained licensure in the other jurisdiction; or

(ii) the applicant is:

(A) a current holder of Board Certified Specialist status in good standing from the American Board of Professional Psychology;

(B) currently credentialed as a health service provider in psychology by the National Register of Health Service Providers in Psychology; or

(C) currently holds a Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards; ~~and~~

(h) consent to a criminal background check in accordance with Section 58-61-304.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

~~[(h)]~~ (i) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.

(3) (a) An applicant for certification as a psychology resident shall comply with the provisions of Subsections (1)(a), (b), (c), ~~[(d)]~~ (g), and (h).

(b) (i) An individual's certification as a psychology resident is limited to the period of time necessary to complete clinical training as described in Subsections ~~[(1)(c) and (f)]~~ (1)(d) and (e) and extends not more than one year from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the Psychologist Licensing Board that the individual is making reasonable progress toward passing the qualifying examination or is otherwise on a course reasonably expected to lead to licensure as a psychologist.

(ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the date the minimum supervised clinical training requirement has been completed.

Section 79. Section **58-61-304.1** is enacted to read:

58-61-304.1. Criminal background check.

(1) An applicant for licensure under this chapter who requires a criminal background check shall:

(a) submit fingerprint cards in a form acceptable to the division at the time the license

4678 application is filed; and

4679 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
4680 Identification and the Federal Bureau of Investigation regarding the application.

4681 (2) The division shall:

4682 (a) in addition to other fees authorized by this chapter, collect from each applicant
4683 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
4684 Identification is authorized to collect for the services provided under Section 53-10-108 and the
4685 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
4686 obtaining federal criminal history record information;

4687 (b) submit from each applicant the fingerprint card and the fees described in
4688 Subsection (2)(a) to the Bureau of Criminal Identification; and

4689 (c) obtain and retain in division records a signed waiver approved by the Bureau of
4690 Criminal Identification in accordance with Section 53-10-108 for each applicant.

4691 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
4692 Section 53-10-108:

4693 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
4694 and regional criminal records databases;

4695 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
4696 criminal history background check; and

4697 (c) provide the results from the state, regional, and nationwide criminal history
4698 background checks to the division.

4699 (4) For purposes of conducting a criminal background check required under this
4700 section, the division shall have direct access to criminal background information maintained
4701 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

4702 (5) The division may not disseminate outside of the division any criminal history
4703 record information that the division obtains from the Bureau of Criminal Identification or the
4704 Federal Bureau of Investigation under the criminal background check requirements of this
4705 section.

4706 Section 80. Section **58-61-501** is amended to read:

4707 **58-61-501. Unlawful conduct.**

4708 As used in this chapter, "unlawful conduct" includes:

(1) practice of psychology unless licensed as a psychologist or certified psychology resident under this chapter or exempted from licensure under this title;

(2) practice of mental health therapy by a licensed psychologist who has not acceptably documented to the division his completion of the supervised training in psychotherapy required under Subsection [58-61-304\(1\)\(f\)\(e\)](#); or

(3) representing oneself as or using the title of psychologist, or certified psychology resident unless currently licensed under this chapter.

Section 81. Section **58-61-704** is amended to read:

58-61-704. Term of license or registration.

(1) (a) The division shall issue each license under this part with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensed individual shall show satisfactory evidence of renewal requirements as required under this part.

(3) Each license or registration expires on the expiration date shown on the license unless renewed by the licensed individual in accordance with Section [58-1-308](#).

(4) (a) A registration as a registered behavior specialist or a registered assistant behavior specialist:

(i) expires on the day the individual is no longer employed in accordance with Subsection [~~[58-61-705\(5\)\(e\)](#) or [\(6\)\(e\)](#)~~] [58-61-705\(5\)\(d\)](#) or [\(5\)\(e\)](#); and

(ii) may not be renewed.

(b) The Department of Human Services, or an organization contracted with a division of the Department of Human Services, shall notify the Division of Occupational and Professional Licensing when a person registered under this part is no longer employed as a registered behavior specialist or a registered assistant behavior specialist.

Section 82. Section **58-61-705** is amended to read:

58-61-705. Qualifications for licensure -- By examination -- By certification.

(1) An applicant for licensure as a behavior analyst based upon education, supervised experience, and national examination shall:

(a) submit an application on a form provided by the division;

4740 (b) pay a fee determined by the department under Section 63J-1-504;
4741 ~~[(e) be of good moral character;]~~
4742 ~~[(d)]~~ (c) produce certified transcripts of credit verifying satisfactory completion of a
4743 master's or doctoral degree in applied behavior analysis from an accredited institution of higher
4744 education or an equivalent master or doctorate degree as determined by the division by
4745 administrative rule;
4746 ~~[(e)]~~ (d) as defined by the division by administrative rule, have completed at least
4747 1,500 hours of experiential behavior analysis training within a five year period of time with a
4748 qualified supervisor; and
4749 ~~[(f)]~~ (e) pass the examination requirement established by division rule under Section
4750 58-1-203.
4751 (2) An applicant for licensure as a behavior analyst based upon certification shall:
4752 (a) without exception, on or before November 15, 2015, submit to the division an
4753 application on a form provided by the division;
4754 (b) pay a fee determined by the department under Section 63J-1-504; and
4755 ~~[(e) be of good moral character; and]~~
4756 ~~[(d)]~~ (c) provide official verification of current certification as a board certified
4757 behavior analyst from the Behavior Analyst Certification Board.
4758 (3) An applicant for licensure as an assistant behavior analyst based upon education,
4759 supervised experience, and national examination shall:
4760 (a) submit an application on a form provided by the division;
4761 (b) pay a fee determined by the department under Section 63J-1-504;
4762 ~~[(e) be of good moral character;]~~
4763 ~~[(d)]~~ (c) produce certified transcripts of credit verifying satisfactory completion of a
4764 bachelor's degree from an accredited institution of higher education and satisfactory completion
4765 of specific core course work in behavior analysis established under Section 58-1-203 from an
4766 accredited institution of higher education;
4767 ~~[(e)]~~ (d) as defined by the division by administrative rule, have completed at least
4768 1,000 hours of experiential behavior analysis training within a five-year period of time with a
4769 qualified supervisor; and
4770 ~~[(f)]~~ (e) pass the examination requirement established by division rule under Section

4771 58-1-203.

4772 (4) An applicant for licensure as an assistant behavior analyst based upon certification
4773 shall:

4774 (a) without exception, on or before November 15, 2015, submit to the division an
4775 application on a form provided by the division;

4776 (b) pay a fee determined by the department under Section 63J-1-504; and

4777 ~~[(c) be of good moral character; and]~~

4778 ~~[(d)]~~ (c) provide official verification of current certification as a board certified

4779 assistant behavior analyst from the Behavior Analyst Certification Board.

4780 (5) An applicant for registration as a behavior specialist based upon professional
4781 experience in behavior analysis shall:

4782 (a) without exception, on or before November 15, 2015, submit to the division, an
4783 application on a form provided by the division;

4784 (b) pay a fee determined by the department under Section 63J-1-504;

4785 ~~[(c) be of good moral character;]~~

4786 ~~[(d)]~~ (c) have at least five years of experience as a professional engaged in the practice

4787 of behavior analysis on or before May 15, 2015; and

4788 ~~[(e)]~~ (d) be employed as a professional engaging in the practice of behavior analysis

4789 within an organization contracted with a division of the Utah Department of Human Services to

4790 provide behavior analysis on or before July 1, 2015.

4791 (6) An applicant for registration as an assistant behavior specialist based upon
4792 professional experience in behavior analysis shall:

4793 (a) without exception, on or before November 15, 2015, submit to the division, an
4794 application on a form provided by the division;

4795 (b) pay a fee determined by the department under Section 63J-1-504;

4796 ~~[(c) be of good moral character;]~~

4797 ~~[(d)]~~ (c) have at least one year of experience as a professional engaging in the practice

4798 of behavior analysis prior to July 1, 2015; and

4799 ~~[(e)]~~ (d) be employed as a professional engaging in the practice of behavior analysis

4800 within an organization contracted with a division of the Utah Department of Human Services to

4801 provide behavior analysis on or before July 1, 2015.

4802 Section 83. Section **58-63-302** is amended to read:

4803 **58-63-302. Qualifications for licensure.**

4804 (1) Each applicant for licensure as an armored car company or a contract security
4805 company shall:

4806 (a) submit an application in a form prescribed by the division;

4807 (b) pay a fee determined by the department under Section [63J-1-504](#);

4808 (c) have a qualifying agent who:

4809 (i) shall meet with the division and the board and demonstrate that the applicant and
4810 the qualifying agent meet the requirements of this section;

4811 (ii) is a resident of the state and is a corporate officer or owner of the applicant;

4812 (iii) exercises material day-to-day authority in the conduct of the applicant's business
4813 by making substantive technical and administrative decisions and whose primary employment
4814 is with the applicant;

4815 (iv) is not concurrently acting as a qualifying agent or employee of another armored car
4816 company or contract security company and is not engaged in any other employment on a
4817 regular basis;

4818 (v) is not involved in any activity that would conflict with the qualifying agent's duties
4819 and responsibilities under this chapter to ensure that the qualifying agent's and the applicant's
4820 performance under this chapter does not jeopardize the health or safety of the general public;

4821 (vi) is not an employee of a government agency;

4822 (vii) passes an examination component established by rule by the division in
4823 collaboration with the board; and

4824 (viii) (A) demonstrates 6,000 hours of compensated experience as a manager,
4825 supervisor, or administrator of an armored car company or a contract security company; or

4826 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
4827 collaboration with the board with a federal, United States military, state, county, or municipal
4828 law enforcement agency;

4829 (d) if a corporation, provide:

4830 (i) the names, addresses, dates of birth, and social security numbers of all corporate
4831 officers, directors, and those responsible management personnel employed within the state or
4832 having direct responsibility for managing operations of the applicant within the state; and

4833 (ii) the names, addresses, dates of birth, and social security numbers, of all
4834 shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by
4835 the division if the stock is publicly listed and traded;

4836 (e) if a limited liability company, provide:

4837 (i) the names, addresses, dates of birth, and social security numbers of all company
4838 officers, and those responsible management personnel employed within the state or having
4839 direct responsibility for managing operations of the applicant within the state; and

4840 (ii) the names, addresses, dates of birth, and social security numbers of all individuals
4841 owning 5% or more of the equity of the company;

4842 (f) if a partnership, provide the names, addresses, dates of birth, and social security
4843 numbers of all general partners, and those responsible management personnel employed within
4844 the state or having direct responsibility for managing operations of the applicant within the
4845 state;

4846 (g) if a proprietorship, provide the names, addresses, dates of birth, and social security
4847 numbers of the proprietor, and those responsible management personnel employed within the
4848 state or having direct responsibility for managing operations of the applicant within the state;

4849 (h) have good moral character in that officers, directors, shareholders described in
4850 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
4851 been convicted of:

4852 (i) a felony;

4853 (ii) a misdemeanor involving moral turpitude; or

4854 (iii) a crime that when considered with the duties and responsibilities of a contract
4855 security company or an armored car company by the division and the board indicates that the
4856 best interests of the public are not served by granting the applicant a license;

4857 (i) document that none of the applicant's officers, directors, shareholders described in
4858 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

4859 (i) have been declared by a court of competent jurisdiction incompetent by reason of
4860 mental defect or disease and not been restored; and

4861 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

4862 (j) file and maintain with the division evidence of:

4863 (i) comprehensive general liability insurance in a form and in amounts established by

4864 rule by the division in collaboration with the board;

4865 (ii) workers' compensation insurance that covers employees of the applicant in

4866 accordance with applicable Utah law;

4867 (iii) registration with the Division of Corporations and Commercial Code; and

4868 (iv) registration as required by applicable law with the:

4869 (A) Unemployment Insurance Division in the Department of Workforce Services, for

4870 purposes of Title 35A, Chapter 4, Employment Security Act;

4871 (B) State Tax Commission; and

4872 (C) Internal Revenue Service; and

4873 (k) meet with the division and board if requested by the division or board.

4874 (2) Each applicant for licensure as an armed private security officer shall:

4875 (a) submit an application in a form prescribed by the division;

4876 (b) pay a fee determined by the department under Section [63J-1-504](#);

4877 (c) have good moral character in that the applicant has not been convicted of:

4878 (i) a felony;

4879 (ii) a misdemeanor involving moral turpitude; or

4880 (iii) a crime that when considered with the duties and responsibilities of an armed

4881 private security officer by the division and the board indicates that the best interests of the

4882 public are not served by granting the applicant a license;

4883 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.

4884 922(g);

4885 (e) not have been declared incompetent by a court of competent jurisdiction by reason

4886 of mental defect or disease and not been restored;

4887 (f) not be currently suffering from habitual drunkenness or from drug addiction or

4888 dependence;

4889 (g) successfully complete basic education and training requirements established by rule

4890 by the division in collaboration with the board, which shall include a minimum of eight hours

4891 of classroom or online curriculum;

4892 (h) successfully complete firearms training requirements established by rule by the

4893 division in collaboration with the board, which shall include a minimum of 12 hours of

4894 training;

4895 (i) pass the examination requirement established by rule by the division in
4896 collaboration with the board; and

4897 (j) meet with the division and board if requested by the division or the board.

4898 (3) Each applicant for licensure as an unarmed private security officer shall:

4899 (a) submit an application in a form prescribed by the division;

4900 (b) pay a fee determined by the department under Section 63J-1-504;

4901 (c) have good moral character in that the applicant has not been convicted of:

4902 (i) a felony;

4903 (ii) a misdemeanor involving moral turpitude; or

4904 (iii) a crime that when considered with the duties and responsibilities of an unarmed
4905 private security officer by the division and the board indicates that the best interests of the
4906 public are not served by granting the applicant a license;

4907 (d) not have been declared incompetent by a court of competent jurisdiction by reason
4908 of mental defect or disease and not been restored;

4909 (e) not be currently suffering from habitual drunkenness or from drug addiction or
4910 dependence;

4911 (f) successfully complete basic education and training requirements established by rule
4912 by the division in collaboration with the board, which shall include a minimum of eight hours
4913 of classroom or online curriculum;

4914 (g) pass the examination requirement established by rule by the division in
4915 collaboration with the board; and

4916 (h) meet with the division and board if requested by the division or board.

4917 (4) Each applicant for licensure as an armored car security officer shall:

4918 (a) submit an application in a form prescribed by the division;

4919 (b) pay a fee determined by the department under Section 63J-1-504;

4920 (c) have good moral character in that the applicant has not been convicted of:

4921 (i) a felony;

4922 (ii) a misdemeanor involving moral turpitude; or

4923 (iii) a crime that when considered with the duties and responsibilities of an armored car
4924 security officer by the division and the board indicates that the best interests of the public are
4925 not served by granting the applicant a license;

4926 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
4927 922(g);

4928 (e) not have been declared incompetent by a court of competent jurisdiction by reason
4929 of mental defect or disease and not been restored;

4930 (f) not be currently suffering from habitual drunkenness or from drug addiction or
4931 dependence;

4932 (g) successfully complete basic education and training requirements established by rule
4933 by the division in collaboration with the board;

4934 (h) successfully complete firearms training requirements established by rule by the
4935 division in collaboration with the board;

4936 (i) pass the examination requirements established by rule by the division in
4937 collaboration with the board; and

4938 (j) meet with the division and board if requested by the division or the board.

4939 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
4940 division may make a rule establishing when the division shall request a Federal Bureau of
4941 Investigation records' review for an applicant who is applying for licensure or licensure renewal
4942 under this chapter.

4943 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
4944 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint
4945 cards to the Department of Public Safety with the division's request to:

4946 (a) conduct a search of records of the Department of Public Safety for criminal history
4947 information relating to each applicant for licensure under this chapter and each applicant's
4948 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and
4949 responsible management personnel; and

4950 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
4951 requiring a check of records of the FBI for criminal history information under this section.

4952 (7) The Department of Public Safety shall send the division:

4953 (a) a written record of criminal history, or certification of no criminal history record, as
4954 contained in the records of the Department of Public Safety in a timely manner after receipt of
4955 a fingerprint card from the division and a request for review of Department of Public Safety
4956 records; and

(b) the results of the FBI review concerning an applicant in a timely manner after receipt of information from the FBI.

(8) (a) The division shall charge each applicant a fee, in accordance with Section 63J-1-504, equal to the cost of performing the records reviews under this section.

(b) The division shall pay the Department of Public Safety the costs of all records reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews under this chapter.

(9) The division shall use or disseminate the information it obtains from the reviews of criminal history records of the Department of Public Safety and the FBI only to determine if an applicant for licensure or licensure renewal under this chapter is qualified for licensure.

Section 84. Section 58-63-306 is amended to read:

58-63-306. Replacement of qualifying agent.

If the qualifying agent of an armored car company or a contract security company ceases to perform the agent's duties on a regular basis, the licensee shall:

(1) notify the division in writing within 15 days [~~by registered or certified mail~~]; and

(2) replace the qualifying agent within 60 days after the time required for notification to the division.

Section 85. Section 58-64-302 is amended to read:

58-64-302. Qualifications for licensure.

(1) Each applicant for licensure as a deception detection examiner:

(a) shall submit an application in a form prescribed by the division;

(b) shall pay a fee determined by the department under Section 63J-1-504;

(c) [~~shall be of good moral character in that the applicant has not~~] may not have been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime [~~which~~] that when considered with the duties and responsibilities of a deception detection examiner is considered by the division and the board to indicate that the best interests of the public will not be served by granting the applicant a license;

(d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;

- 4988 (f) shall have completed one of the following:
- 4989 (i) have earned a bachelor's degree from a four year university or college meeting
- 4990 standards established by the division by rule in collaboration with the board;
- 4991 (ii) have completed not less than 8,000 hours of investigation experience approved by
- 4992 the division in collaboration with the board; or
- 4993 (iii) have completed a combination of university or college education and investigation
- 4994 experience, as defined by rule by the division in collaboration with the board as being
- 4995 equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);
- 4996 (g) shall have successfully completed a training program in deception deception
- 4997 meeting criteria established by rule by the division in collaboration with the board; and
- 4998 (h) shall have performed satisfactorily as a licensed deception detection intern for a
- 4999 period of not less than one year and shall have satisfactorily conducted not less than 100
- 5000 deception detection examinations under the supervision of a licensed deception detection
- 5001 examiner.
- 5002 (2) Each applicant for licensure as a deception detection intern:
- 5003 (a) shall submit an application in a form prescribed by the division;
- 5004 (b) shall pay a fee determined by the department under Section [63J-1-504](#);
- 5005 (c) ~~[shall be of good moral character in that the applicant has not]~~ may not have been
- 5006 convicted of a felony, a misdemeanor involving moral turpitude, or any other crime ~~[which]~~
- 5007 that when considered with the duties and responsibilities of a deception detection intern is
- 5008 considered by the division and the board to indicate that the best interests of the public will not
- 5009 be served by granting the applicant a license;
- 5010 (d) may not have been declared by any court of competent jurisdiction incompetent by
- 5011 reason of mental defect or disease and not been restored;
- 5012 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
- 5013 dependence;
- 5014 (f) shall have completed one of the following:
- 5015 (i) have earned a bachelor's degree from a four year university or college meeting
- 5016 standards established by the division by rule in collaboration with the board;
- 5017 (ii) have completed not less than 8,000 hours of investigation experience approved by
- 5018 the division in collaboration with the board; or

(iii) have completed a combination of university or college education and investigation experience, as defined by rule by the division in collaboration with the board as being equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);

(g) shall have successfully completed a training program in deception detection meeting criteria established by rule by the division in collaboration with the board; and

(h) shall provide the division with an intern supervision agreement in a form prescribed by the division under which:

(i) a licensed deception detection examiner agrees to supervise the intern; and

(ii) the applicant agrees to be supervised by that licensed deception detection examiner.

(3) Each applicant for licensure as a deception detection examination administrator:

(a) shall submit an application in a form prescribed by the division;

(b) shall pay a fee determined by the department under Section 63J-1-504;

(c) ~~[shall be of good moral character in that the applicant has not]~~ may not have been convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when considered with the duties and responsibilities of a deception detection examination administrator is considered by the division and the board to indicate that the best interests of the public will not be served by granting the applicant a license;

(d) may not have been declared by a court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;

(e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;

(f) shall have earned an associate degree from a state-accredited university or college or have an equivalent number of years' work experience; and

(g) shall have successfully completed a training program and have obtained certification in deception detection examination administration provided by the manufacturer of a scientific or technology-based software application solution that is approved by the director.

(4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c), or (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the Department of Public Safety with the division's request to:

(a) conduct a search of records of the Department of Public Safety for criminal history

5050 information relating to each applicant for licensure under this chapter; and

5051 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
5052 requiring a check of records of the F.B.I. for criminal history information under this section.

5053 (5) The Department of Public Safety shall send to the division:

5054 (a) a written record of criminal history, or certification of no criminal history record, as
5055 contained in the records of the Department of Public Safety in a timely manner after receipt of
5056 a fingerprint card from the division and a request for review of Department of Public Safety
5057 records; and

5058 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
5059 receipt of information from the F.B.I.

5060 (6) (a) The division shall charge each applicant a fee, in accordance with Section
5061 63J-1-504, equal to the cost of performing the records reviews under this section.

5062 (b) The division shall pay the Department of Public Safety the costs of all records
5063 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
5064 under this chapter.

5065 (7) Information obtained by the division from the reviews of criminal history records of
5066 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
5067 only for the purpose of determining if an applicant for licensure under this chapter is qualified
5068 for licensure.

5069 Section 86. Section **58-67-302** is amended to read:

5070 **58-67-302. Qualifications for licensure.**

5071 (1) An applicant for licensure as a physician and surgeon, except as set forth in
5072 Subsection (2), shall:

5073 (a) submit an application in a form prescribed by the division, which may include:

5074 (i) submissions by the applicant of information maintained by practitioner data banks,
5075 as designated by division rule, with respect to the applicant;

5076 (ii) a record of professional liability claims made against the applicant and settlements
5077 paid by or on behalf of the applicant; and

5078 (iii) authorization to use a record coordination and verification service approved by the
5079 division in collaboration with the board;

5080 (b) pay a fee determined by the department under Section 63J-1-504;

5081 ~~[(e) be of good moral character;]~~
5082 ~~[(d)]~~ (c) if the applicant is applying to participate in the Interstate Medical Licensure
5083 Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a criminal
5084 background check in accordance with Section 58-67-302.1 and any requirements established by
5085 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
5086 ~~[(e)]~~ (d) provide satisfactory documentation of having successfully completed a
5087 program of professional education preparing an individual as a physician and surgeon, as
5088 evidenced by:
5089 (i) having received an earned degree of doctor of medicine from an LCME accredited
5090 medical school or college; or
5091 (ii) if the applicant graduated from a medical school or college located outside the
5092 United States or its territories, submitting a current certification by the Educational
5093 Commission for Foreign Medical Graduates or any successor organization approved by the
5094 division in collaboration with the board;
5095 ~~[(f)]~~ (e) satisfy the division and board that the applicant:
5096 (i) has successfully completed 24 months of progressive resident training in a program
5097 approved by the ACGME, the Royal College of Physicians and Surgeons, the College of
5098 Family Physicians of Canada, or any similar body in the United States or Canada approved by
5099 the division in collaboration with the board; or
5100 (ii) (A) has successfully completed 12 months of resident training in an ACGME
5101 approved program after receiving a degree of doctor of medicine as required under Subsection
5102 (1)~~[(e)]~~(d);
5103 (B) has been accepted in and is successfully participating in progressive resident
5104 training in an ACGME approved program within Utah, in the applicant's second or third year
5105 of postgraduate training; and
5106 (C) has agreed to surrender to the division the applicant's license as a physician and
5107 surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act,
5108 and has agreed the applicant's license as a physician and surgeon will be automatically revoked
5109 by the division if the applicant fails to continue in good standing in an ACGME approved
5110 progressive resident training program within the state;
5111 ~~[(g)]~~ (f) pass the licensing examination sequence required by division rule made in

5112 collaboration with the board;

5113 ~~[(h)]~~ (g) be able to read, write, speak, understand, and be understood in the English
5114 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

5115 ~~[(i)]~~ (h) meet with the board and representatives of the division, if requested, for the
5116 purpose of evaluating the applicant's qualifications for licensure;

5117 ~~[(j)]~~ (i) designate:

5118 (i) a contact person for access to medical records in accordance with the federal Health
5119 Insurance Portability and Accountability Act; and

5120 (ii) an alternate contact person for access to medical records, in the event the original
5121 contact person is unable or unwilling to serve as the contact person for access to medical
5122 records; and

5123 ~~[(k)]~~ (j) establish a method for notifying patients of the identity and location of the
5124 contact person and alternate contact person, if the applicant will practice in a location with no
5125 other persons licensed under this chapter.

5126 (2) An applicant for licensure as a physician and surgeon by endorsement who is
5127 currently licensed to practice medicine in any state other than Utah, a district or territory of the
5128 United States, or Canada shall:

5129 (a) be currently licensed with a full unrestricted license in good standing in any state,
5130 district, or territory of the United States, or Canada;

5131 (b) have been actively engaged in the legal practice of medicine in any state, district, or
5132 territory of the United States, or Canada for not less than 6,000 hours during the five years
5133 immediately preceding the date of application for licensure in Utah;

5134 (c) comply with the requirements for licensure under Subsections (1)(a) through ~~[(e)]~~
5135 (d), (1)~~[(f)]~~(e)(i), and (1)~~[(h)]~~(g) through ~~[(k)]~~ (j);

5136 (d) have passed the licensing examination sequence required in Subsection ~~[(1)(f)]~~
5137 (1)(e) or another medical licensing examination sequence in another state, district or territory of
5138 the United States, or Canada that the division in collaboration with the board by rulemaking
5139 determines is equivalent to its own required examination;

5140 (e) not have any investigation or action pending against any health care license of the
5141 applicant, not have a health care license that was suspended or revoked in any state, district or
5142 territory of the United States, or Canada, and not have surrendered a health care license in lieu

5143 of a disciplinary action, unless:

5144 (i) the license was subsequently reinstated as a full unrestricted license in good
5145 standing; or

5146 (ii) the division in collaboration with the board determines to its satisfaction, after full
5147 disclosure by the applicant, that:

5148 (A) the conduct has been corrected, monitored, and resolved; or

5149 (B) a mitigating circumstance exists that prevents its resolution, and the division in
5150 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
5151 would be reinstated;

5152 (f) submit to a records review, a practice history review, and comprehensive
5153 assessments, if requested by the division in collaboration with the board; and

5154 (g) produce satisfactory evidence that the applicant meets the requirements of this
5155 Subsection (2) to the satisfaction of the division in collaboration with the board.

5156 (3) An applicant for licensure by endorsement may engage in the practice of medicine
5157 under a temporary license while the applicant's application for licensure is being processed by
5158 the division, provided:

5159 (a) the applicant submits a complete application required for temporary licensure to the
5160 division;

5161 (b) the applicant submits a written document to the division from:

5162 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
5163 Licensing and Inspection Act, stating that the applicant is practicing under the:

5164 (A) invitation of the health care facility; and

5165 (B) the general supervision of a physician practicing at the facility; or

5166 (ii) two individuals licensed under this chapter, whose license is in good standing and
5167 who practice in the same clinical location, both stating that:

5168 (A) the applicant is practicing under the invitation and general supervision of the
5169 individual; and

5170 (B) the applicant will practice at the same clinical location as the individual;

5171 (c) the applicant submits a signed certification to the division that the applicant meets
5172 the requirements of Subsection (2);

5173 (d) the applicant does not engage in the practice of medicine until the division has

5174 issued a temporary license;

5175 (e) the temporary license is only issued for and may not be extended or renewed
5176 beyond the duration of one year from issuance; and

5177 (f) the temporary license expires immediately and prior to the expiration of one year
5178 from issuance, upon notification from the division that the applicant's application for licensure
5179 by endorsement is denied.

5180 (4) The division shall issue a temporary license under Subsection (3) within 15
5181 business days after the applicant satisfies the requirements of Subsection (3).

5182 (5) The division may not require the following requirements for licensure:

5183 (a) a post-residency board certification; or

5184 (b) a cognitive test when the physician reaches a specified age, unless:

5185 (i) the screening is based on evidence of cognitive changes associated with aging that
5186 are relevant to physician performance;

5187 (ii) the screening is based on principles of medical ethics;

5188 (iii) physicians are involved in the development of standards for assessing competency;

5189 (iv) guidelines, procedures, and methods of assessment, which may include cognitive
5190 screening, are relevant to physician practice and to the physician's ability to perform the tasks
5191 specifically required in the physician's practice environment;

5192 (v) the primary driver for establishing assessment results is the ethical obligation of the
5193 profession to the health of the public and patient safety;

5194 (vi) the goal of the assessment is to optimize physician competency and performance
5195 through education, remediation, and modifications to a physician's practice environment or
5196 scope;

5197 (vii) a credentialing committee determines that public health or patient safety is
5198 directly threatened, the screening permits a physician to retain the right to modify the
5199 physician's practice environment to allow the physician to continue to provide safe and
5200 effective care;

5201 (viii) guidelines, procedures, and methods of assessment are transparent to physicians
5202 and physicians' representatives, if requested by a physician or a physician's representative, and
5203 physicians are made aware of the specific methods used, performance expectations and
5204 standards against which performance will be judged, and the possible outcomes of the

5205 screening or assessment;

5206 (ix) education or remediation practices that result from screening or assessment

5207 procedures are:

5208 (A) supportive of physician wellness;

5209 (B) ongoing; and

5210 (C) proactive; and

5211 (x) procedures and screening mechanisms that are distinctly different from for cause

5212 assessments do not result in undue cost or burden to senior physicians providing patient care.

5213 Section 87. Section **58-67-302.5** is amended to read:

5214 **58-67-302.5. Licensing of graduates of foreign medical schools.**

5215 (1) Notwithstanding any other provision of law to the contrary, an individual enrolled

5216 in a medical school outside the United States, its territories, the District of Columbia, or

5217 Canada is eligible for licensure as a physician and surgeon in this state if the individual has

5218 satisfied the following requirements:

5219 (a) meets all the requirements of Subsection **58-67-302**(1), except for Subsection

5220 **58-67-302**(1)(~~e~~)(d);

5221 (b) has studied medicine in a medical school located outside the United States which is

5222 recognized by an organization approved by the division;

5223 (c) has completed all of the formal requirements of the foreign medical school except

5224 internship or social service;

5225 (d) has attained a passing score on the educational commission for foreign medical

5226 graduates examination or other qualifying examinations such as the United States Medical

5227 Licensing Exam parts I and II, which are approved by the division or a medical school

5228 approved by the division;

5229 (e) has satisfactorily completed one calendar year of supervised clinical training under

5230 the direction of a United States medical education setting accredited by the liaison committee

5231 for graduate medical education and approved by the division;

5232 (f) has completed the postgraduate hospital training required by Subsection

5233 **58-67-302**(1)(~~f~~)(i)(e); and

5234 (g) has passed the examination required by the division of all applicants for licensure.

5235 (2) Satisfaction of the requirements of Subsection (1) is in lieu of:

5236 (a) the completion of any foreign internship or social service requirements; and

5237 (b) the certification required by Subsection 58-67-302(1)(~~e~~)(d).

5238 (3) Individuals who satisfy the requirements of Subsections (1)(a) through (g) shall be
5239 eligible for admission to graduate medical education programs within the state, including
5240 internships and residencies, which are accredited by the liaison committee for graduate medical
5241 education.

5242 (4) A document issued by a medical school located outside the United States shall be
5243 considered the equivalent of a degree of doctor of medicine for the purpose of licensure as a
5244 physician and surgeon in this state if:

5245 (a) the foreign medical school is recognized by an organization approved by the
5246 division;

5247 (b) the document granted by the foreign medical school is issued after the completion
5248 of all formal requirements of the medical school except internship or social service; and

5249 (c) the foreign medical school certifies that the person to whom the document was
5250 issued has satisfactorily completed the requirements of Subsection (1)(c).

5251 (5) The division may not require as a requirement for licensure a cognitive test when
5252 the physician reaches a specified age, unless the test reflects the standards described in
5253 Subsections 58-67-302(5)(b)(i) through (x).

5254 (6) The provisions for licensure under this section shall be known as the "fifth pathway
5255 program."

5256 Section 88. Section 58-67-302.7 is amended to read:

5257 **58-67-302.7. Licensing of physician-educators.**

5258 (1) As used in this section:

5259 (a) "Foreign country" means a country other than the United States, its territories, or
5260 Canada.

5261 (b) "Foreign medical school" means a medical school that is outside the United States,
5262 its territories, and Canada.

5263 (2) Notwithstanding any provision of law to the contrary, an individual may receive a
5264 type I foreign teaching license if the individual:

5265 (a) submits an application in a form prescribed by the division, which may include:

5266 (i) submission by the applicant of information maintained in a practitioner data bank,

5267 as designated by division rule, with respect to the applicant;

5268 (ii) a record of professional liability claims made against the applicant and settlements

5269 paid by or on behalf of the applicant; and

5270 (iii) the applicant's curriculum vitae;

5271 (b) is a graduate of a foreign medical school that is accepted for certification by the

5272 Educational Commission for Foreign Medical Graduates;

5273 (c) is licensed in good standing in a foreign country, the United States, its territories, or

5274 Canada;

5275 (d) does not have an investigation or action pending against the physician's healthcare

5276 license, does not have a healthcare license that was suspended or revoked, and has not

5277 surrendered a healthcare license in lieu of disciplinary action, unless:

5278 (i) the license was subsequently reinstated in good standing; or

5279 (ii) the division in collaboration with the board determines to its satisfaction, after full

5280 disclosure by the applicant and full consideration by the division in collaboration with the

5281 board, that:

5282 (A) the conduct has been corrected, monitored, and resolved; or

5283 (B) a mitigating circumstance exists that prevents resolution, and the division in

5284 collaboration with the board is satisfied that but for the mitigating circumstance, the license

5285 would be reinstated;

5286 (e) submits documentation of legal status to work in the United States;

5287 (f) meets at least three of the following qualifications:

5288 (i) (A) published original results of clinical research, within 10 years before the day on

5289 which the application is submitted, in a medical journal listed in the Index Medicus or an

5290 equivalent scholarly publication; and

5291 (B) submits the publication to the Board in English or in a foreign language with a

5292 verifiable, certified English translation;

5293 (ii) held an appointment at a medical school approved by the LCME or at any medical

5294 school listed in the World Health Organization directory at the level of associate or full

5295 professor, or its equivalent, for at least five years;

5296 (iii) (A) developed a treatment modality, surgical technique, or other verified original

5297 contribution to the field of medicine within 10 years before the day on which the application is

5298 submitted; and

5299 (B) has the treatment modality, surgical technique, or other verified original

5300 contribution attested to by the dean of an LCME accredited school of medicine in Utah;

5301 (iv) actively practiced medicine cumulatively for 10 years; or

5302 (v) is board certified in good standing of a board of the American Board of Medical

5303 Specialities or equivalent specialty board;

5304 ~~[(g) is of good moral character;]~~

5305 ~~[(h)]~~ (g) is able to read, write, speak, understand, and be understood in the English

5306 language and demonstrates proficiency to the satisfaction of the division in collaboration with

5307 the board, if requested;

5308 ~~[(i)]~~ (h) is invited by an LCME accredited medical school in Utah to serve as a

5309 full-time member of the medical school's academic faculty, as evidenced by written

5310 certification from:

5311 (i) the dean of the medical school, stating that the applicant has been appointed to a

5312 full-time faculty position, that because the applicant has unique expertise in a specific field of

5313 medicine the medical school considers the applicant to be a valuable member of the faculty,

5314 and that the applicant is qualified by knowledge, skill, and ability to practice medicine in the

5315 state; and

5316 (ii) the head of the department to which the applicant is to be appointed, stating that the

5317 applicant will be under the direction of the head of the department and will be permitted to

5318 practice medicine only as a necessary part of the applicant's duties, providing detailed evidence

5319 of the applicant's qualifications and competence, including the nature and location of the

5320 applicant's proposed responsibilities, reasons for any limitations of the applicant's practice

5321 responsibilities, and the degree of supervision, if any, under which the applicant will function;

5322 ~~[(j)]~~ (i) pays a licensing fee set by the division under Section 63J-1-504; and

5323 ~~[(k)]~~ (j) has practiced medicine for at least 10 years as an attending physician.

5324 (3) Notwithstanding any provision of law to the contrary, an individual may receive a

5325 type II foreign teaching license if the individual:

5326 (a) satisfies the requirements of Subsections (2)(a) through (e) and (g) through ~~[(f)]~~ (i);

5327 (b) has delivered clinical care to patients cumulatively for five years after graduation

5328 from medical school; and

(c) (i) will be completing a clinical fellowship while employed at the medical school described in Subsection (2)(f)(h); or

(ii) has already completed a medical residency accredited by the Royal College of Physicians and Surgeons of Canada, the United Kingdom, Australia, or New Zealand, or a comparable accreditation organization as determined by the division in collaboration with the board.

(4) After an initial term of one year, a type I license may be renewed for periods of two years if the licensee continues to satisfy the requirements described in Subsection (2) and completes the division's continuing education renewal requirements established under Section 58-67-303.

(5) A type II license may be renewed on an annual basis, up to four times, if the licensee continues to satisfy the requirements described in Subsection (3) and completes the division's continuing education renewal requirements established under Section 58-67-303.

(6) A license issued under this section:

(a) authorizes the licensee to practice medicine:

(i) within the scope of the licensee's employment at the medical school described in Subsection (2)(f)(h) and the licensee's academic position; and

(ii) at a hospital or clinic affiliated with the medical school described in Subsection (2)(f)(h) for the purpose of teaching, clinical care, or pursuing research;

(b) shall list the limitations described in Subsection (6)(a); and

(c) shall expire on the earlier of:

(i) one year after the day on which the type I or type II license is initially issued, unless the license is renewed;

(ii) for a type I license, two years after the day on which the license is renewed;

(iii) for a type II license, one year after the day on which the license is renewed; or

(iv) the day on which employment at the medical school described in Subsection (2)(f)(h) ends.

(7) A person who holds a type I license for five consecutive years may apply for licensure as a physician and surgeon in this state and shall be licensed if the individual satisfies the requirements described in Subsection (8). If the person fails to obtain licensure as a physician and surgeon in this state, the person may apply for a renewal of the type I license

5360 under Subsection (2).

5361 (8) An individual who holds a type I or type II license for five consecutive years is
5362 eligible for licensure as a physician and surgeon in this state if the individual:

5363 (a) worked an average of at least 40 hours per month at the level of an attending
5364 physician during the time the individual held the type I or type II license;

5365 (b) holds the rank of associate professor or higher at the medical school described in
5366 Subsection (2)~~[(f)]~~(h);

5367 (c) obtains certification from the Educational Commission for Foreign Medical
5368 Graduates or any successor organization approved by the division in collaboration with the
5369 board;

5370 (d) spent a cumulative 20 hours per year while holding a type I or type II license:

5371 (i) teaching or lecturing to medical students or house staff;

5372 (ii) participating in educational department meetings or conferences that are not
5373 certified to meet the continuing medical education license renewal requirement; or

5374 (iii) attending continuing medical education classes in addition to the requirements for
5375 continuing education described in Subsections (4) and (5);

5376 (e) obtains a passing score on the final step of the licensing examination sequence
5377 required by division rule made in collaboration with the board; and

5378 (f) satisfies the requirements described in Subsections ~~58-67-302~~(1)(a) through ~~[(f)]~~;
5379 ~~(i), and (j)]~~ (c), (h), and (i).

5380 (9) If a person who holds a type II license fails to obtain licensure as a physician and
5381 surgeon in this state after applying under the procedures described in Subsection (8), the person
5382 may not:

5383 (a) reapply for or renew a type II license; or

5384 (b) apply for a type I license.

5385 (10) The division or the board may require an applicant for licensure under this section
5386 to meet with the board and representatives of the division for the purpose of evaluating the
5387 applicant's qualifications for licensure.

5388 (11) The division in collaboration with the board may withdraw a license under this
5389 section at any time for material misrepresentation or unlawful or unprofessional conduct.

5390 Section 89. Section ~~58-67-302~~**8** is amended to read:

58-67-302.8. Restricted licensing of an associate physician.

(1) An individual may apply for a restricted license as an associate physician if the individual:

(a) meets the requirements described in Subsections [58-67-302\(1\)\(a\)](#) through ~~[(d), (1)(e)(i), and (1)(h) through (k)]~~ (c), (1)(d)(i), and (1)(g) through (j);

(b) successfully completes Step 1 and Step 2 of the United States Medical Licensing Examination or the equivalent steps of another board-approved medical licensing examination:

(i) within three years after the day on which the applicant graduates from a program described in Subsection [58-67-302](#)~~[(1)(e)(i)]~~ (1)(d)(i); and

(ii) within two years before applying for a restricted license as an associate physician; and

(c) is not currently enrolled in and has not completed a residency program.

(2) Before a licensed associate physician may engage in the practice of medicine as described in Subsection (3), the licensed associate physician shall:

(a) enter into a collaborative practice arrangement described in Section [58-67-807](#) within six months after the associate physician's initial licensure; and

(b) receive division approval of the collaborative practice arrangement.

(3) An associate physician's scope of practice is limited to primary care services to medically underserved populations or in medically underserved areas within the state.

Section 90. Section **58-67-304** is amended to read:

58-67-304. License renewal requirements.

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:

(a) complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule made in collaboration with the board;

(b) appoint a contact person for access to medical records and an alternate contact person for access to medical records in accordance with Subsection [58-67-302\(1\)\(j\)\(i\)](#);

(c) if the licensee practices medicine in a location with no other persons licensed under this chapter, provide some method of notice to the licensee's patients of the identity and location of the contact person and alternate contact person for the licensee; and

5422 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
5423 successfully complete the educational methods and programs described in Subsection
5424 58-67-807(4).

5425 (2) If a renewal period is extended or shortened under Section 58-67-303, the
5426 continuing education hours required for license renewal under this section are increased or
5427 decreased proportionally.

5428 (3) An application to renew a license under this chapter shall:

5429 (a) require a physician to answer the following question: "Do you perform elective
5430 abortions in Utah in a location other than a hospital?"; and

5431 (b) immediately following the question, contain the following statement: "For purposes
5432 of the immediately preceding question, elective abortion means an abortion other than one of
5433 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5434 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5435 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5436 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5437 the woman is pregnant as a result of rape or incest."

5438 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
5439 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
5440 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
5441 division shall, within 30 days after the day on which it renews the physician's license under this
5442 chapter, inform the Department of Health in writing:

5443 (a) of the name and business address of the physician; and

5444 (b) that the physician responded positively to the question described in Subsection
5445 (3)(a).

5446 (5) The division shall accept and apply toward the hour requirement in Subsection
5447 (1)(a) any continuing education that a physician completes in accordance with Sections
5448 26-61a-106, 26-61a-403, and 26-61a-602.

5449 Section 91. Section 58-67-403 is amended to read:

5450 **58-67-403. Revocation of license -- Nondisciplinary.**

5451 Revocation by the division of a license under Subsection 58-67-302(1)[~~(f)~~](e) for
5452 failure to continue on a resident training program for reasons other than unprofessional or

5453 unlawful conduct is a nondisciplinary action and may not be reported by the division as a
5454 disciplinary action against the licensee.

5455 Section 92. Section **58-68-302** is amended to read:

5456 **58-68-302. Qualifications for licensure.**

5457 (1) An applicant for licensure as an osteopathic physician and surgeon, except as set
5458 forth in Subsection (2), shall:

5459 (a) submit an application in a form prescribed by the division, which may include:

5460 (i) submissions by the applicant of information maintained by practitioner data banks,
5461 as designated by division rule, with respect to the applicant;

5462 (ii) a record of professional liability claims made against the applicant and settlements
5463 paid by or on behalf of the applicant; and

5464 (iii) authorization to use a record coordination and verification service approved by the
5465 division in collaboration with the board;

5466 (b) pay a fee determined by the department under Section 63J-1-504;

5467 ~~[(c) be of good moral character;]~~

5468 ~~[(d)]~~ (c) if the applicant is applying to participate in the Interstate Medical Licensure
5469 Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a criminal
5470 background check in accordance with Section 58-68-302.1 and any requirements established by
5471 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

5472 ~~[(e)]~~ (d) provide satisfactory documentation of having successfully completed a
5473 program of professional education preparing an individual as an osteopathic physician and
5474 surgeon, as evidenced by:

5475 (i) having received an earned degree of doctor of osteopathic medicine from an AOA
5476 approved medical school or college; or

5477 (ii) submitting a current certification by the Educational Commission for Foreign
5478 Medical Graduates or any successor organization approved by the division in collaboration
5479 with the board, if the applicant is graduated from an osteopathic medical school or college
5480 located outside of the United States or its territories which at the time of the applicant's
5481 graduation, met criteria for accreditation by the AOA;

5482 ~~[(f)]~~ (e) satisfy the division and board that the applicant:

5483 (i) has successfully completed 24 months of progressive resident training in an

5484 ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine
5485 required under Subsection (1)~~(f)~~(d); or

5486 (ii) (A) has successfully completed 12 months of resident training in an ACGME or
5487 AOA approved program after receiving a degree of doctor of osteopathic medicine as required
5488 under Subsection (1)~~(f)~~(d);

5489 (B) has been accepted in and is successfully participating in progressive resident
5490 training in an ACGME or AOA approved program within Utah, in the applicant's second or
5491 third year of postgraduate training; and

5492 (C) has agreed to surrender to the division the applicant's license as an osteopathic
5493 physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative
5494 Procedures Act, and has agreed the applicant's license as an osteopathic physician and surgeon
5495 will be automatically revoked by the division if the applicant fails to continue in good standing
5496 in an ACGME or AOA approved progressive resident training program within the state;

5497 ~~(g)~~ (f) pass the licensing examination sequence required by division rule, as made in
5498 collaboration with the board;

5499 ~~(h)~~ (g) be able to read, write, speak, understand, and be understood in the English
5500 language and demonstrate proficiency to the satisfaction of the board, if requested by the board;

5501 ~~(i)~~ (h) meet with the board and representatives of the division, if requested for the
5502 purpose of evaluating the applicant's qualifications for licensure;

5503 ~~(j)~~ (i) designate:

5504 (i) a contact person for access to medical records in accordance with the federal Health
5505 Insurance Portability and Accountability Act; and

5506 (ii) an alternate contact person for access to medical records, in the event the original
5507 contact person is unable or unwilling to serve as the contact person for access to medical
5508 records; and

5509 ~~(k)~~ (j) establish a method for notifying patients of the identity and location of the
5510 contact person and alternate contact person, if the applicant will practice in a location with no
5511 other persons licensed under this chapter.

5512 (2) An applicant for licensure as an osteopathic physician and surgeon by endorsement
5513 who is currently licensed to practice osteopathic medicine in any state other than Utah, a
5514 district or territory of the United States, or Canada shall:

(a) be currently licensed with a full unrestricted license in good standing in any state, district or territory of the United States, or Canada;

(b) have been actively engaged in the legal practice of osteopathic medicine in any state, district or territory of the United States, or Canada for not less than 6,000 hours during the five years immediately preceding the day on which the applicant applied for licensure in Utah;

(c) comply with the requirements for licensure under Subsections (1)(a) through ~~[(e), (f), (g), (h), and (i)]~~ (d), (1)(e)(i), and (1)(g) through (j);

(d) have passed the licensing examination sequence required in Subsection (1)~~[(g)]~~(f) or another medical licensing examination sequence in another state, district or territory of the United States, or Canada that the division in collaboration with the board by rulemaking determines is equivalent to its own required examination;

(e) not have any investigation or action pending against any health care license of the applicant, not have a health care license that was suspended or revoked in any state, district or territory of the United States, or Canada, and not have surrendered a health care license in lieu of a disciplinary action, unless:

(i) the license was subsequently reinstated as a full unrestricted license in good standing; or

(ii) the division in collaboration with the board determines, after full disclosure by the applicant, that:

(A) the conduct has been corrected, monitored, and resolved; or

(B) a mitigating circumstance exists that prevents its resolution, and the division in collaboration with the board is satisfied that, but for the mitigating circumstance, the license would be reinstated;

(f) submit to a records review, a practice review history, and physical and psychological assessments, if requested by the division in collaboration with the board; and

(g) produce evidence that the applicant meets the requirements of this Subsection (2) to the satisfaction of the division in collaboration with the board.

(3) An applicant for licensure by endorsement may engage in the practice of medicine under a temporary license while the applicant's application for licensure is being processed by the division, provided:

5546 (a) the applicant submits a complete application required for temporary licensure to the
5547 division;

5548 (b) the applicant submits a written document to the division from:

5549 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility

5550 Licensing and Inspection Act, stating that the applicant is practicing under the:

5551 (A) invitation of the health care facility; and

5552 (B) the general supervision of a physician practicing at the health care facility; or

5553 (ii) two individuals licensed under this chapter, whose license is in good standing and

5554 who practice in the same clinical location, both stating that:

5555 (A) the applicant is practicing under the invitation and general supervision of the
5556 individual; and

5557 (B) the applicant will practice at the same clinical location as the individual;

5558 (c) the applicant submits a signed certification to the division that the applicant meets
5559 the requirements of Subsection (2);

5560 (d) the applicant does not engage in the practice of medicine until the division has
5561 issued a temporary license;

5562 (e) the temporary license is only issued for and may not be extended or renewed
5563 beyond the duration of one year from issuance; and

5564 (f) the temporary license expires immediately and prior to the expiration of one year
5565 from issuance, upon notification from the division that the applicant's application for licensure
5566 by endorsement is denied.

5567 (4) The division shall issue a temporary license under Subsection (3) within 15
5568 business days after the applicant satisfies the requirements of Subsection (3).

5569 (5) The division may not require a:

5570 (a) post-residency board certification[-]; or

5571 (b) a cognitive test when the physician reaches a specified age, unless the test reflects
5572 the standards described in Subsections 58-67-302(5)(b)(i) through (x).

5573 Section 93. Section 58-68-302.5 is amended to read:

5574 **58-68-302.5. Restricted licensing of an associate physician.**

5575 (1) An individual may apply for a restricted license as an associate physician if the
5576 individual:

5577 (a) meets the requirements described in Subsections [58-68-302\(1\)\(a\)](#) through ~~[(d);~~
 5578 ~~(1)(e)(i), and (1)(h) through (k)]~~ (c), (1)(d)(i), and (1)(g) through (j);

5579 (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing
 5580 Examination or the equivalent steps of another board-approved medical licensing examination:

5581 (i) within three years after the day on which the applicant graduates from a program
 5582 described in Subsection [58-68-302\(1\)](#)~~[(e)(i)]~~(d)(i); and

5583 (ii) within two years before applying for a restricted license as an associate physician;
 5584 and

5585 (c) is not currently enrolled in and has not completed a residency program.

5586 (2) Before a licensed associate physician may engage in the practice of medicine as
 5587 described in Subsection (3), the licensed associate physician shall:

5588 (a) enter into a collaborative practice arrangement described in Section [58-68-807](#)
 5589 within six months after the associate physician's initial licensure; and

5590 (b) receive division approval of the collaborative practice arrangement.

5591 (3) An associate physician's scope of practice is limited to primary care services to
 5592 medically underserved populations or in medically underserved areas within the state.

5593 Section 94. Section **58-68-304** is amended to read:

5594 **58-68-304. License renewal requirements.**

5595 (1) As a condition precedent for license renewal, each licensee shall, during each
 5596 two-year licensure cycle or other cycle defined by division rule:

5597 (a) complete qualified continuing professional education requirements in accordance
 5598 with the number of hours and standards defined by division rule in collaboration with the
 5599 board;

5600 (b) appoint a contact person for access to medical records and an alternate contact
 5601 person for access to medical records in accordance with Subsection [58-68-302\(1\)](#)~~[(j)]~~(i);

5602 (c) if the licensee practices osteopathic medicine in a location with no other persons
 5603 licensed under this chapter, provide some method of notice to the licensee's patients of the
 5604 identity and location of the contact person and alternate contact person for access to medical
 5605 records for the licensee in accordance with Subsection [58-68-302\(1\)](#)~~[(k)]~~(j); and

5606 (d) if the licensee is an associate physician licensed under Section [58-68-302.5](#),
 5607 successfully complete the educational methods and programs described in Subsection

5608 58-68-807(4).

5609 (2) If a renewal period is extended or shortened under Section 58-68-303, the
5610 continuing education hours required for license renewal under this section are increased or
5611 decreased proportionally.

5612 (3) An application to renew a license under this chapter shall:

5613 (a) require a physician to answer the following question: "Do you perform elective
5614 abortions in Utah in a location other than a hospital?"; and

5615 (b) immediately following the question, contain the following statement: "For purposes
5616 of the immediately preceding question, elective abortion means an abortion other than one of
5617 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5618 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5619 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5620 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5621 the woman is pregnant as a result of rape or incest."

5622 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
5623 to the licensing of an abortion clinic, if a physician responds positively to the question
5624 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
5625 renews the physician's license under this chapter, inform the Department of Health in writing:

5626 (a) of the name and business address of the physician; and

5627 (b) that the physician responded positively to the question described in Subsection
5628 (3)(a).

5629 (5) The division shall accept and apply toward the hour requirement in Subsection
5630 (1)(a) any continuing education that a physician completes in accordance with Sections
5631 26-61a-106, 26-61a-403, and 26-61a-602.

5632 Section 95. Section 58-68-403 is amended to read:

5633 **58-68-403. Revocation of license -- Nondisciplinary.**

5634 Revocation by the division of a license under Subsection 58-68-302(1)(~~ff~~)(e) for
5635 failure to continue on a resident training program for reasons other than unprofessional or
5636 unlawful conduct is a nondisciplinary action and may not be reported by the division as a
5637 disciplinary action against the licensee.

5638 Section 96. Section 58-69-302 is amended to read:

58-69-302. Qualifications -- Licensure as a dentist -- Licensure as a dental hygienist.

(1) An applicant for licensure as a dentist, except as provided in Subsection (2), shall:

(a) submit an application in a form as prescribed by the division;

(b) pay a fee as determined by the department under Section 63J-1-504;

~~[(c) be of good moral character;]~~

~~[(d)]~~ (c) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a dentist as evidenced by having received an earned doctor's degree in dentistry from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association;

~~[(e)]~~ (d) pass the National Board Dental Examinations as administered by the Joint Commission on National Dental Examinations of the American Dental Association;

~~[(f)]~~ (e) pass any regional dental clinical licensure examination approved by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

~~[(g)]~~ (f) pass any other examinations regarding applicable law, rules, or ethics as established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

~~[(h)]~~ (g) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board; and

~~[(i)]~~ (h) meet with the board if requested by the board or division for the purpose of examining the applicant's qualifications for licensure.

(2) An applicant for licensure as a dentist qualifying under the endorsement provision of Section 58-1-302 shall:

(a) be currently licensed in good standing with an unrestricted license in another jurisdiction described in Section 58-1-302;

(b) document having met all requirements for licensure under Subsection (1) except Subsection ~~[(1)(d)]~~ (1)(c); and

(c) document having been successfully engaged in clinical practice as a dentist for not less than 6,000 hours in the five years immediately preceding the date of application for

5670 licensure.

5671 (3) An applicant for licensure as a dental hygienist, except as set forth in Subsection

5672 (4), shall:

5673 (a) submit an application in a form as prescribed by the division;

5674 (b) pay a fee as determined by the department pursuant to Section 63J-1-504;

5675 ~~[(c) be of good moral character;]~~

5676 ~~[(d)]~~ (c) be a graduate holding a certificate or degree in dental hygiene from a school
5677 accredited by the Commission on Dental Accreditation of the American Dental Association;

5678 ~~[(e)]~~ (d) pass the National Board Dental Hygiene Examination as administered by the
5679 Joint Commission on National Dental Examinations of the American Dental Association;

5680 ~~[(f)]~~ (e) pass an examination consisting of practical demonstrations in the practice of
5681 dental hygiene and written or oral examination in the theory and practice of dental hygiene as
5682 established by division rule made in collaboration with the board;

5683 ~~[(g)]~~ (f) pass any other examinations regarding applicable law, rules, and ethics as
5684 established by rule by division rule made in collaboration with the board;

5685 ~~[(h)]~~ (g) be able to read, write, speak, understand, and be understood in the English
5686 language and demonstrate proficiency to the satisfaction of the board if requested by the board;
5687 and

5688 ~~[(i)]~~ (h) meet with the board if requested by the board or division for the purpose of
5689 examining the applicant's qualifications for licensure.

5690 (4) An applicant for licensure as a dental hygienist qualifying under the endorsement
5691 provision of Section 58-1-302 shall:

5692 (a) be currently licensed in another jurisdiction set forth in Section 58-1-302;

5693 (b) (i) document having met all requirements for licensure under Subsection (3) except,
5694 an applicant having received licensure in another state or jurisdiction prior to 1962, the year
5695 when the National Board Dental Hygiene Examinations were first administered, shall
5696 document having passed a state administered examination acceptable to the division in
5697 collaboration with the board; or

5698 (ii) document having obtained licensure in another state or jurisdiction upon which
5699 licensure by endorsement is based by meeting requirements which were equal to licensure
5700 requirements in Utah at the time the applicant obtained licensure in the other state or

5701 jurisdiction; and

5702 (c) document having been successfully engaged in practice as a dental hygienist for not
5703 less than 2,000 hours in the two years immediately preceding the date of application for
5704 licensure.

5705 Section 97. Section **58-70a-302** is amended to read:

5706 **58-70a-302. Qualifications for licensure.**

5707 Each applicant for licensure as a physician assistant shall:

5708 (1) submit an application in a form prescribed by the division;

5709 (2) pay a fee determined by the department under Section [63J-1-504](#);

5710 [~~(3)~~] ~~be of good moral character;~~

5711 [~~(4)~~] (3) have successfully completed a physician assistant program accredited by the:

5712 (a) Accreditation Review Commission on Education for the Physician Assistant; or

5713 (b) if prior to January 1, 2001, either the:

5714 (i) Committee on Accreditation of Allied Health Education Programs; or

5715 (ii) Committee on Allied Health Education and Accreditation;

5716 [~~(5)~~] (4) have passed the licensing examinations required by division rule made in

5717 collaboration with the board;

5718 [~~(6)~~] (5) meet with the board and representatives of the division, if requested, for the

5719 purpose of evaluating the applicant's qualifications for licensure; and

5720 [~~(7)~~] (6) (a) if the applicant desires to practice in Utah, complete a form provided by

5721 the division indicating:

5722 (i) the applicant has completed a delegation of services agreement signed by the

5723 physician assistant and the supervising physician; and

5724 (ii) the agreement is on file at the Utah practice sites; or

5725 (b) complete a form provided by the division indicating the applicant is not practicing

5726 in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection

5727 [~~(7)~~] (6)(a).

5728 Section 98. Section **58-70a-306** is amended to read:

5729 **58-70a-306. Temporary license.**

5730 (1) An applicant for licensure as a physician assistant who has met all qualifications for

5731 licensure except passing an examination component as required in Section [58-70a-302](#), may

apply for and be granted a temporary license to practice under Subsection (2).

(2) (a) The applicant shall submit to the division evidence of completion of a physician assistant program as defined in Subsection ~~58-70a-302~~~~(4)~~(3).

(b) (i) The temporary license shall be issued for a period not to exceed 120 days to allow the applicant to pass the Physician Assistant National Certifying Examination.

(ii) The temporary license may not be renewed or extended.

(c) A physician assistant holding a temporary license may work only under the direct supervision of an approved supervising or substitute supervising physician in accordance with a delegation of services agreement, and all patient charts shall be reviewed and countersigned by the supervising or substitute supervising physician.

Section 99. Section ~~58-71-302~~ is amended to read:

~~58-71-302. Qualifications for licensure.~~

(1) An applicant for licensure as a naturopathic physician, except as set forth in Subsection (2), shall:

(a) submit an application in a form prescribed by the division, which may include:

(i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant; and

(ii) a record of professional liability claims made against the applicant and settlements paid by or in behalf of the applicant;

(b) pay a fee determined by the department under Section ~~63J-1-504~~;

~~[(c) be of good moral character;]~~

~~[(d)]~~ (c) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a naturopathic physician, as evidenced by having received an earned degree of doctor of naturopathic medicine from:

(i) a naturopathic medical school or college accredited by the Council of Naturopathic Medical Education or its successor organization approved by the division;

(ii) a naturopathic medical school or college that is a candidate for accreditation by the Council of Naturopathic Medical Education or its successor organization, and is approved by the division in collaboration with the board, upon a finding there is reasonable expectation the school or college will be accredited; or

(iii) a naturopathic medical school or college which, at the time of the applicant's

graduation, met current criteria for accreditation by the Council of Naturopathic Medical Education or its successor organization approved by the division;

~~[(e)]~~ (d) provide satisfactory documentation of having successfully completed, after successful completion of the education requirements set forth in Subsection ~~[(1)(d)]~~ (1)(c), 12 months of clinical experience in naturopathic medicine in a residency program recognized by the division and associated with an accredited school or college of naturopathic medicine, and under the preceptorship of a licensed naturopathic physician, physician and surgeon, or osteopathic physician;

~~[(f)]~~ (e) pass the licensing examination sequence required by division rule established in collaboration with the board;

~~[(g)]~~ (f) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board; and

~~[(h)]~~ (g) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure.

(2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a naturopathic physician under the endorsement provision of Section 58-1-302 shall:

(i) meet the requirements of Section 58-1-302;

(ii) document having met all requirements for licensure under Subsection (1) except the clinical experience requirement of Subsection ~~[(1)(e)]~~ (1)(d);

(iii) have passed the examination requirements established under Subsection ~~[(1)(f)]~~ which] (1)(e) that:

(A) the applicant has not passed in connection with licensure in another state or jurisdiction; and

(B) are available to the applicant to take without requiring additional professional education;

(iv) have been actively engaged in the practice of a naturopathic physician for not less than 6,000 hours during the five years immediately preceding the date of application for licensure in Utah; and

(v) meet with the board and representatives of the division for the purpose of evaluating the applicant's qualifications for licensure.

(b) The division may rely, either wholly or in part, on one or more credentialing associations designated by division rule, made in collaboration with the board, to document and certify in writing to the satisfaction of the division that an applicant has met each of the requirements of this Subsection (2), including the requirements of Section 58-1-302 that:

- (i) the applicant holds a current license;
- (ii) the education, experience, and examination requirements of the foreign country or the state, district, or territory of the United States that issued the applicant's license are, or were at the time the license was issued, equal to those of this state for licensure as a naturopathic physician; and
- (iii) the applicant has produced evidence satisfactory to the division of the applicant's qualifications, identity, and good standing as a naturopathic physician.

Section 100. Section 58-72-302 is amended to read:

58-72-302. Qualifications for licensure.

An applicant for licensure as a licensed acupuncturist shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Section 63J-1-504;
- ~~[(3) be of good moral character;]~~
- ~~[(4)]~~ (3) meet the requirements for current active certification in acupuncture under guidelines established by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM) as demonstrated through a current certificate or other appropriate documentation;
- ~~[(5)]~~ (4) pass the examination required by the division by rule;
- ~~[(6)]~~ (5) establish procedures, as defined by rule, which shall enable patients to give informed consent to treatment; and
- ~~[(7)]~~ (6) meet with the board, if requested, for the purpose of evaluating the applicant's qualifications for licensure.

Section 101. Section 58-73-302 is amended to read:

58-73-302. Qualifications for licensure.

- (1) Each applicant for licensure as a chiropractic physician, other than those applying for a license based on licensure as a chiropractor or chiropractic physician in another jurisdiction, shall:

5825 (a) submit an application in a form prescribed by the division;
5826 (b) pay a fee determined by the department under Section 63J-1-504;
5827 ~~[(c) be of good moral character;]~~
5828 ~~[(d)]~~ (c) demonstrate satisfactory completion of at least two years of general study in a
5829 college or university;
5830 ~~[(e)]~~ (d) demonstrate having earned a degree of doctor of chiropractic from a
5831 chiropractic college or university that at the time the degree was conferred was accredited by
5832 the Council on Chiropractic Education, Inc., or an equivalent chiropractic accrediting body
5833 recognized by the United States Department of Education and by the division rule made in
5834 collaboration with the board;
5835 ~~[(f)]~~ (e) demonstrate successful completion of:
5836 (i) the National Chiropractic Boards:
5837 (A) Parts I and II;
5838 (B) Written Clinical Competency Examination; and
5839 (C) Physical Therapy;
5840 (ii) the Utah Chiropractic Law and Rules Examination; and
5841 (iii) a practical examination approved by the division in collaboration with the board;
5842 and
5843 ~~[(g)]~~ (f) meet with the board, if requested, for the purpose of reviewing the applicant's
5844 qualifications for licensure.
5845 (2) Each applicant for licensure as a chiropractic physician based on licensure as a
5846 chiropractor or chiropractic physician in another jurisdiction shall:
5847 (a) submit an application in the form prescribed by the division;
5848 (b) pay a fee determined by the department under Section 63J-1-504;
5849 ~~[(c) be of good moral character;]~~
5850 ~~[(d)]~~ (c) demonstrate having obtained licensure as a chiropractor or chiropractic
5851 physician in another state under education requirements which were equivalent to the education
5852 requirements in this state to obtain a chiropractor or chiropractic physician license at the time
5853 the applicant obtained the license in the other state;
5854 ~~[(e)]~~ (d) demonstrate successful completion of:
5855 (i) the Utah Chiropractic Law and Rules Examination; and

(ii) the Special Purposes Examination for Chiropractic (SPEC) of the National Board of Chiropractic Examiners;

~~[(f)]~~ (e) have been actively engaged in the practice of chiropractic for not less than two years immediately preceding application for licensure in this state; and

~~[(g)]~~ (f) meet with the board, if requested, for the purpose of reviewing the applicant's qualifications for licensure.

Section 102. Section **58-74-102** is amended to read:

58-74-102. Definitions.

In addition to the definitions in Section **58-1-102**, as used in this chapter:

(1) "Practice of court reporting" means the making of a verbatim record, by stenography or voice writing, of any trial, legislative public hearing, state agency public hearing, deposition, examination before trial, hearing or proceeding before any grand jury, referee, board, commission, master or arbitrator, or other sworn testimony given under oath.

(2) "State certified court reporter" means a person who engages in the practice of court reporting and has met the requirements for state certification as a state certified court reporter.

(3) "Unlawful conduct" means the same as that term is defined in Sections **58-1-501** and **58-74-501**.

(4) "Unprofessional conduct" means the same as that term is defined in ~~[Section]~~ Sections **58-1-501** and **58-74-502** and as may be further defined by rule.

Section 103. Section **58-74-302** is amended to read:

58-74-302. Qualifications for state certification.

(1) Each applicant for state certification as a state certified court reporter under this chapter shall:

(a) be at least 18 years of age;

(b) be a citizen of the United States and a resident of the state;

(c) submit an application in a form prescribed by the division;

(d) pay a fee determined by the department under Section **63J-1-504**;

(e) possess a high degree of skill and ability in the art of court reporting; and

~~[(f) produce satisfactory evidence of good moral character; and]~~

~~[(g)]~~ (f) submit evidence that the applicant has completed and passed the Registered Professional Reporter Examination of the National Court Reporters Association or the

5887 Certified Verbatim Reporter Examination of the National Verbatim Reporters Association.

5888 (2) ~~[Any]~~ A person granted a certificate to practice as a state certified court reporter
5889 may use the abbreviation "C.C.R." or "C.V.R." as long as the person's certificate is current and
5890 valid.

5891 Section 104. Section **58-75-302** is amended to read:

5892 **58-75-302. Qualifications for licensure -- Temporary license.**

5893 (1) Except as provided in Subsection (2), each applicant for licensure as a genetic
5894 counselor under this chapter shall:

5895 (a) submit an application in a form prescribed by the division;

5896 (b) pay a fee determined by the department under Section [63J-1-504](#);

5897 ~~[(c) be of good moral character;]~~

5898 ~~[(d)]~~ (c) provide satisfactory documentation of having earned:

5899 (i) a master's degree from a genetic counseling training program that is accredited by
5900 the American Board of Genetic Counseling or an equivalent as determined by the division; or

5901 (ii) a doctoral degree from a medical genetics training program that is accredited by the
5902 American Board of Medical Genetics or an equivalent as determined by the division; and

5903 ~~[(e)]~~ (d) meet the examination requirement for certification as:

5904 (i) a genetic counselor by the American Board of Genetic Counseling or the American
5905 Board of Medical Genetics; or

5906 (ii) a medical geneticist by the American Board of Medical Genetics.

5907 (2) The division may issue a temporary license, in accordance with Section [58-1-303](#)
5908 and any other conditions established by rule, to an applicant who meets all of the requirements
5909 for licensure except the examination requirement of Subsection ~~[(1)(e)]~~ (1)(d).

5910 Section 105. Section **58-76-302** is amended to read:

5911 **58-76-302. Qualifications for licensure.**

5912 Each applicant for licensure as a professional geologist shall:

5913 (1) submit an application in a form as prescribed by the division;

5914 (2) pay a fee as determined by the department under Section [63J-1-504](#);

5915 ~~[(3) be of good moral character;]~~

5916 ~~[(4)]~~ (3) provide satisfactory evidence of:

5917 (a) a bachelors or graduate degree in the geosciences granted through an institution of

higher education that is accredited by a regional or national accrediting agency with a minimum of 30 semester or 45 quarter hours of course work in the geosciences; or

(b) completion of other equivalent educational requirements as determined by the division in collaboration with the board;

~~[(5)]~~ (4) provide satisfactory evidence of:

(a) with a bachelors degree, a specific record of five years of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work;

(b) with a masters degree, a specific record of three years of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work; or

(c) with a doctorate degree, a specific record of one year of active professional practice in geological work of a character satisfactory to the division, indicating the applicant is competent to be placed in a responsible charge of the work; and

~~[(6)]~~ (5) after January 1, 2004, meet the examination requirement established by rule by the division in collaboration with the board.

Section 106. Section **58-77-302** is amended to read:

58-77-302. Qualifications for licensure.

Each applicant for licensure as a licensed direct-entry midwife shall:

(1) submit an application in a form prescribed by the division;

(2) pay a fee as determined by the department under Section **63J-1-504**;

~~[(3) be of good moral character;]~~

~~[(4)]~~ (3) hold a Certified Professional Midwife certificate in good standing with the North American Registry of Midwives or equivalent certification approved by the division in collaboration with the board;

~~[(5)]~~ (4) hold current adult and infant CPR and newborn resuscitation certifications through an organization approved by the division in collaboration with the board; and

~~[(6)]~~ (5) provide documentation of successful completion of an approved pharmacology course as defined by division rule.

Section 107. Section **58-78-302** is amended to read:

58-78-302. Qualifications for licensure -- Licensure by credential.

(1) Except as provided in Subsection (2), an applicant for licensure as a vocational rehabilitation counselor under this chapter shall:

- (a) submit an application in a form as prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504 to recover the costs of administering licensing requirements relating to vocational rehabilitation counselors;

~~[(c) be of good moral character;]~~

~~[(d)]~~ (c) provide satisfactory evidence of having earned a master's degree in rehabilitation counseling or a related field;

~~[(e)]~~ (d) provide satisfactory evidence of having 4,000 hours of disability related work experience under the supervision of a licensed vocational rehabilitation counselor, except as otherwise provided in Subsection (2); and

~~[(f)]~~ (e) meet the examination requirement established by rule by the division in collaboration with the board.

(2) The division may issue a license under this chapter to an individual who is licensed in another state or jurisdiction to practice vocational rehabilitation counseling if the division finds that the other state or jurisdiction has substantially the same or higher licensure requirements as this state.

Section 108. Section **58-79-302** is amended to read:

58-79-302. Qualifications for licensure.

(1) An applicant for licensure as a hunting guide shall:

- (a) submit an application in a form prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504;

~~[(c) produce satisfactory evidence of good moral character;]~~

~~[(d)]~~ (c) possess a high degree of skill and ability as a hunting guide;

~~[(e)]~~ (d) successfully complete basic education and training requirements established by rule by the division in collaboration with the board; and

~~[(f)]~~ (e) meet with the division and board if requested by the division or board.

(2) An applicant for licensure as an outfitter shall:

- (a) submit an application in a form prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504;

~~[(c) produce satisfactory evidence of good moral character;]~~

5980 ~~[(d)]~~ (c) possess a high degree of skill and ability as an outfitter;
5981 ~~[(e)]~~ (d) successfully complete basic education and training requirements established
5982 by rule by the division in collaboration with the board; and
5983 ~~[(f)]~~ (e) meet with the division and board if requested by the division or board.

5984 Section 109. Section **58-84-201** is amended to read:

5985 **58-84-201. Qualifications for state certification.**

5986 (1) The division shall grant state certification to a person who qualifies under this
5987 chapter to engage in the practice of music therapy as a state certified music therapist.

5988 (2) Each applicant for state certification as a state certified music therapist shall:

5989 (a) submit an application in a form prescribed by the division;

5990 (b) pay a fee determined by the department under Section [63J-1-504](#); and

5991 ~~[(c) be of good moral character; and]~~

5992 ~~[(d)]~~ (c) provide satisfactory documentation that the applicant is board certified by, and
5993 in good standing with, the Certification Board for Music Therapists, or an equivalent board as
5994 determined by division rule.

5995 Section 110. Section **58-86-202** is amended to read:

5996 **58-86-202. Qualifications for state certification.**

5997 Each applicant for state certification as a state certified commercial interior designer
5998 shall:

5999 (1) submit an application in a form prescribed by the division;

6000 (2) pay a fee determined by the department under Section [63J-1-504](#); and

6001 (3) provide satisfactory evidence of~~[(a) good moral character; and (b)]~~ having

6002 qualified to take and having passed the examination of the National Council for Interior Design
6003 Qualification, or an equivalent body as determined by division rule.

6004 Section 111. Section **63G-2-305** is amended to read:

6005 **63G-2-305. Protected records.**

6006 The following records are protected if properly classified by a governmental entity:

6007 (1) trade secrets as defined in Section [13-24-2](#) if the person submitting the trade secret
6008 has provided the governmental entity with the information specified in Section [63G-2-309](#);

6009 (2) commercial information or nonindividual financial information obtained from a
6010 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 grant has been awarded and signed by all parties:

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

(i) an invitation for bids;

(ii) a request for proposals;

(iii) a request for quotes;

(iv) a grant; or

(v) other similar document; or

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

(7) information submitted to or by a governmental entity in response to a request for information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict

6042 the right of a person to have access to the information, after:

6043 (a) a contract directly relating to the subject of the request for information has been
6044 awarded and signed by all parties; or

6045 (b) (i) a final determination is made not to enter into a contract that relates to the
6046 subject of the request for information; and

6047 (ii) at least two years have passed after the day on which the request for information is
6048 issued;

6049 (8) records that would identify real property or the appraisal or estimated value of real
6050 or personal property, including intellectual property, under consideration for public acquisition
6051 before any rights to the property are acquired unless:

6052 (a) public interest in obtaining access to the information is greater than or equal to the
6053 governmental entity's need to acquire the property on the best terms possible;

6054 (b) the information has already been disclosed to persons not employed by or under a
6055 duty of confidentiality to the entity;

6056 (c) in the case of records that would identify property, potential sellers of the described
6057 property have already learned of the governmental entity's plans to acquire the property;

6058 (d) in the case of records that would identify the appraisal or estimated value of
6059 property, the potential sellers have already learned of the governmental entity's estimated value
6060 of the property; or

6061 (e) the property under consideration for public acquisition is a single family residence
6062 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
6063 the property as required under Section 78B-6-505;

6064 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
6065 compensated transaction of real or personal property including intellectual property, which, if
6066 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
6067 of the subject property, unless:

6068 (a) the public interest in access is greater than or equal to the interests in restricting
6069 access, including the governmental entity's interest in maximizing the financial benefit of the
6070 transaction; or

6071 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
6072 the value of the subject property have already been disclosed to persons not employed by or

6073 under a duty of confidentiality to the entity;

6074 (10) records created or maintained for civil, criminal, or administrative enforcement
6075 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
6076 release of the records:

6077 (a) reasonably could be expected to interfere with investigations undertaken for
6078 enforcement, discipline, licensing, certification, or registration purposes;

6079 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
6080 proceedings;

6081 (c) would create a danger of depriving a person of a right to a fair trial or impartial
6082 hearing;

6083 (d) reasonably could be expected to disclose the identity of a source who is not
6084 generally known outside of government and, in the case of a record compiled in the course of
6085 an investigation, disclose information furnished by a source not generally known outside of
6086 government if disclosure would compromise the source; or

6087 (e) reasonably could be expected to disclose investigative or audit techniques,
6088 procedures, policies, or orders not generally known outside of government if disclosure would
6089 interfere with enforcement or audit efforts;

6090 (11) records the disclosure of which would jeopardize the life or safety of an
6091 individual;

6092 (12) records the disclosure of which would jeopardize the security of governmental
6093 property, governmental programs, or governmental recordkeeping systems from damage, theft,
6094 or other appropriation or use contrary to law or public policy;

6095 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
6096 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
6097 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

6098 (14) records that, if disclosed, would reveal recommendations made to the Board of
6099 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
6100 Board of Pardons and Parole, or the Department of Human Services that are based on the
6101 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
6102 jurisdiction;

6103 (15) records and audit workpapers that identify audit, collection, and operational

6104 procedures and methods used by the State Tax Commission, if disclosure would interfere with
6105 audits or collections;

6106 (16) records of a governmental audit agency relating to an ongoing or planned audit
6107 until the final audit is released;

6108 (17) records that are subject to the attorney client privilege;

6109 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
6110 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
6111 quasi-judicial, or administrative proceeding;

6112 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
6113 from a member of the Legislature; and

6114 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
6115 legislative action or policy may not be classified as protected under this section; and

6116 (b) (i) an internal communication that is part of the deliberative process in connection
6117 with the preparation of legislation between:

6118 (A) members of a legislative body;

6119 (B) a member of a legislative body and a member of the legislative body's staff; or

6120 (C) members of a legislative body's staff; and

6121 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
6122 legislative action or policy may not be classified as protected under this section;

6123 (20) (a) records in the custody or control of the Office of Legislative Research and
6124 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
6125 legislation or contemplated course of action before the legislator has elected to support the
6126 legislation or course of action, or made the legislation or course of action public; and

6127 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
6128 Office of Legislative Research and General Counsel is a public document unless a legislator
6129 asks that the records requesting the legislation be maintained as protected records until such
6130 time as the legislator elects to make the legislation or course of action public;

6131 (21) research requests from legislators to the Office of Legislative Research and
6132 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
6133 in response to these requests;

6134 (22) drafts, unless otherwise classified as public;

6135 (23) records concerning a governmental entity's strategy about:
6136 (a) collective bargaining; or
6137 (b) imminent or pending litigation;

6138 (24) records of investigations of loss occurrences and analyses of loss occurrences that
6139 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
6140 Uninsured Employers' Fund, or similar divisions in other governmental entities;

6141 (25) records, other than personnel evaluations, that contain a personal recommendation
6142 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
6143 personal privacy, or disclosure is not in the public interest;

6144 (26) records that reveal the location of historic, prehistoric, paleontological, or
6145 biological resources that if known would jeopardize the security of those resources or of
6146 valuable historic, scientific, educational, or cultural information;

6147 (27) records of independent state agencies if the disclosure of the records would
6148 conflict with the fiduciary obligations of the agency;

6149 (28) records of an institution within the state system of higher education defined in
6150 Section [53B-1-102](#) regarding tenure evaluations, appointments, applications for admissions,
6151 retention decisions, and promotions, which could be properly discussed in a meeting closed in
6152 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
6153 the final decisions about tenure, appointments, retention, promotions, or those students
6154 admitted, may not be classified as protected under this section;

6155 (29) records of the governor's office, including budget recommendations, legislative
6156 proposals, and policy statements, that if disclosed would reveal the governor's contemplated
6157 policies or contemplated courses of action before the governor has implemented or rejected
6158 those policies or courses of action or made them public;

6159 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
6160 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
6161 recommendations in these areas;

6162 (31) records provided by the United States or by a government entity outside the state
6163 that are given to the governmental entity with a requirement that they be managed as protected
6164 records if the providing entity certifies that the record would not be subject to public disclosure
6165 if retained by it;

6166 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
6167 public body except as provided in Section 52-4-206;

6168 (33) records that would reveal the contents of settlement negotiations but not including
6169 final settlements or empirical data to the extent that they are not otherwise exempt from
6170 disclosure;

6171 (34) memoranda prepared by staff and used in the decision-making process by an
6172 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
6173 other body charged by law with performing a quasi-judicial function;

6174 (35) records that would reveal negotiations regarding assistance or incentives offered
6175 by or requested from a governmental entity for the purpose of encouraging a person to expand
6176 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
6177 person or place the governmental entity at a competitive disadvantage, but this section may not
6178 be used to restrict access to a record evidencing a final contract;

6179 (36) materials to which access must be limited for purposes of securing or maintaining
6180 the governmental entity's proprietary protection of intellectual property rights including patents,
6181 copyrights, and trade secrets;

6182 (37) the name of a donor or a prospective donor to a governmental entity, including an
6183 institution within the state system of higher education defined in Section 53B-1-102, and other
6184 information concerning the donation that could reasonably be expected to reveal the identity of
6185 the donor, provided that:

6186 (a) the donor requests anonymity in writing;

6187 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be
6188 classified protected by the governmental entity under this Subsection (37); and

6189 (c) except for an institution within the state system of higher education defined in
6190 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
6191 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
6192 over the donor, a member of the donor's immediate family, or any entity owned or controlled
6193 by the donor or the donor's immediate family;

6194 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
6195 73-18-13;

6196 (39) a notification of workers' compensation insurance coverage described in Section

6197 34A-2-205;

6198 (40) (a) the following records of an institution within the state system of higher
6199 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
6200 or received by or on behalf of faculty, staff, employees, or students of the institution:

6201 (i) unpublished lecture notes;

6202 (ii) unpublished notes, data, and information:

6203 (A) relating to research; and

6204 (B) of:

6205 (I) the institution within the state system of higher education defined in Section
6206 53B-1-102; or

6207 (II) a sponsor of sponsored research;

6208 (iii) unpublished manuscripts;

6209 (iv) creative works in process;

6210 (v) scholarly correspondence; and

6211 (vi) confidential information contained in research proposals;

6212 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
6213 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

6214 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

6215 (41) (a) records in the custody or control of the Office of Legislative Auditor General
6216 that would reveal the name of a particular legislator who requests a legislative audit prior to the
6217 date that audit is completed and made public; and

6218 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the
6219 Office of the Legislative Auditor General is a public document unless the legislator asks that
6220 the records in the custody or control of the Office of Legislative Auditor General that would
6221 reveal the name of a particular legislator who requests a legislative audit be maintained as
6222 protected records until the audit is completed and made public;

6223 (42) records that provide detail as to the location of an explosive, including a map or
6224 other document that indicates the location of:

6225 (a) a production facility; or

6226 (b) a magazine;

6227 (43) information:

6228 (a) contained in the statewide database of the Division of Aging and Adult Services
6229 created by Section [62A-3-311.1](#); or
6230 (b) received or maintained in relation to the Identity Theft Reporting Information
6231 System (IRIS) established under Section [67-5-22](#);
6232 (44) information contained in the Management Information System and Licensing
6233 Information System described in Title 62A, Chapter 4a, Child and Family Services;
6234 (45) information regarding National Guard operations or activities in support of the
6235 National Guard's federal mission;
6236 (46) records provided by any pawn or secondhand business to a law enforcement
6237 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
6238 Secondhand Merchandise Transaction Information Act;
6239 (47) information regarding food security, risk, and vulnerability assessments performed
6240 by the Department of Agriculture and Food;
6241 (48) except to the extent that the record is exempt from this chapter pursuant to Section
6242 [63G-2-106](#), records related to an emergency plan or program, a copy of which is provided to or
6243 prepared or maintained by the Division of Emergency Management, and the disclosure of
6244 which would jeopardize:
6245 (a) the safety of the general public; or
6246 (b) the security of:
6247 (i) governmental property;
6248 (ii) governmental programs; or
6249 (iii) the property of a private person who provides the Division of Emergency
6250 Management information;
6251 (49) records of the Department of Agriculture and Food that provides for the
6252 identification, tracing, or control of livestock diseases, including any program established under
6253 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
6254 of Animal Disease;
6255 (50) as provided in Section [26-39-501](#):
6256 (a) information or records held by the Department of Health related to a complaint
6257 regarding a child care program or residential child care which the department is unable to
6258 substantiate; and

6259 (b) information or records related to a complaint received by the Department of Health
6260 from an anonymous complainant regarding a child care program or residential child care;

6261 (51) unless otherwise classified as public under Section 63G-2-301 and except as
6262 provided under Section 41-1a-116, an individual's home address, home telephone number, or
6263 personal mobile phone number, if:

6264 (a) the individual is required to provide the information in order to comply with a law,
6265 ordinance, rule, or order of a government entity; and

6266 (b) the subject of the record has a reasonable expectation that this information will be
6267 kept confidential due to:

6268 (i) the nature of the law, ordinance, rule, or order; and

6269 (ii) the individual complying with the law, ordinance, rule, or order;

6270 (52) the portion of the following documents that contains a candidate's residential or
6271 mailing address, if the candidate provides to the filing officer another address or phone number
6272 where the candidate may be contacted:

6273 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
6274 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
6275 20A-9-408.5, 20A-9-502, or 20A-9-601;

6276 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

6277 (c) a notice of intent to gather signatures for candidacy, described in Section
6278 20A-9-408;

6279 (53) the name, home address, work addresses, and telephone numbers of an individual
6280 that is engaged in, or that provides goods or services for, medical or scientific research that is:

6281 (a) conducted within the state system of higher education, as defined in Section
6282 53B-1-102; and

6283 (b) conducted using animals;

6284 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
6285 Evaluation Commission concerning an individual commissioner's vote on whether or not to
6286 recommend that the voters retain a judge including information disclosed under Subsection
6287 78A-12-203(5)(e);

6288 (55) information collected and a report prepared by the Judicial Performance
6289 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter

6290 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
6291 the information or report;

6292 (56) records contained in the Management Information System created in Section
6293 62A-4a-1003;

6294 (57) records provided or received by the Public Lands Policy Coordinating Office in
6295 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

6296 (58) information requested by and provided to the 911 Division under Section
6297 63H-7a-302;

6298 (59) in accordance with Section 73-10-33:

6299 (a) a management plan for a water conveyance facility in the possession of the Division
6300 of Water Resources or the Board of Water Resources; or

6301 (b) an outline of an emergency response plan in possession of the state or a county or
6302 municipality;

6303 (60) the following records in the custody or control of the Office of Inspector General
6304 of Medicaid Services, created in Section 63A-13-201:

6305 (a) records that would disclose information relating to allegations of personal
6306 misconduct, gross mismanagement, or illegal activity of a person if the information or
6307 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
6308 through other documents or evidence, and the records relating to the allegation are not relied
6309 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
6310 report or final audit report;

6311 (b) records and audit workpapers to the extent they would disclose the identity of a
6312 person who, during the course of an investigation or audit, communicated the existence of any
6313 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
6314 regulation adopted under the laws of this state, a political subdivision of the state, or any
6315 recognized entity of the United States, if the information was disclosed on the condition that
6316 the identity of the person be protected;

6317 (c) before the time that an investigation or audit is completed and the final
6318 investigation or final audit report is released, records or drafts circulated to a person who is not
6319 an employee or head of a governmental entity for the person's response or information;

6320 (d) records that would disclose an outline or part of any investigation, audit survey

6321 plan, or audit program; or

6322 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
6323 investigation or audit;

6324 (61) records that reveal methods used by the Office of Inspector General of Medicaid
6325 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
6326 abuse;

6327 (62) information provided to the Department of Health or the Division of Occupational
6328 and Professional Licensing under ~~[Subsection]~~ Subsections 58-67-304(3) and (4) and
6329 Subsections 58-68-304(3) [or] and (4);

6330 (63) a record described in Section 63G-12-210;

6331 (64) captured plate data that is obtained through an automatic license plate reader
6332 system used by a governmental entity as authorized in Section 41-6a-2003;

6333 (65) any record in the custody of the Utah Office for Victims of Crime relating to a
6334 victim, including:

6335 (a) a victim's application or request for benefits;

6336 (b) a victim's receipt or denial of benefits; and

6337 (c) any administrative notes or records made or created for the purpose of, or used to,
6338 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
6339 Reparations Fund;

6340 (66) an audio or video recording created by a body-worn camera, as that term is
6341 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
6342 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care
6343 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
6344 that term is defined in Section 62A-2-101, except for recordings that:

6345 (a) depict the commission of an alleged crime;

6346 (b) record any encounter between a law enforcement officer and a person that results in
6347 death or bodily injury, or includes an instance when an officer fires a weapon;

6348 (c) record any encounter that is the subject of a complaint or a legal proceeding against
6349 a law enforcement officer or law enforcement agency;

6350 (d) contain an officer involved critical incident as defined in Subsection
6351 76-2-408(1)(d); or

6352 (e) have been requested for reclassification as a public record by a subject or
6353 authorized agent of a subject featured in the recording;

6354 (67) a record pertaining to the search process for a president of an institution of higher
6355 education described in Section 53B-2-102, except for application materials for a publicly
6356 announced finalist; and

6357 (68) an audio recording that is:

6358 (a) produced by an audio recording device that is used in conjunction with a device or
6359 piece of equipment designed or intended for resuscitating an individual or for treating an
6360 individual with a life-threatening condition;

6361 (b) produced during an emergency event when an individual employed to provide law
6362 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

6363 (i) is responding to an individual needing resuscitation or with a life-threatening
6364 condition; and

6365 (ii) uses a device or piece of equipment designed or intended for resuscitating an
6366 individual or for treating an individual with a life-threatening condition; and

6367 (c) intended and used for purposes of training emergency responders how to improve
6368 their response to an emergency situation;

6369 (69) records submitted by or prepared in relation to an applicant seeking a
6370 recommendation by the Research and General Counsel Subcommittee, the Budget
6371 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
6372 employment position with the Legislature;

6373 (70) work papers as defined in Section 31A-2-204;

6374 (71) a record made available to Adult Protective Services or a law enforcement agency
6375 under Section 61-1-206;

6376 (72) a record submitted to the Insurance Department in accordance with Section
6377 31A-37-201; and

6378 (73) a record described in Section 31A-37-503.

6379 (74) any record created by the Division of Occupational and Professional Licensing as
6380 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii); and

6381 (75) a record described in Section 72-16-306 that relates to the reporting of an injury
6382 involving an amusement ride.

Section 112. Section **78B-3-416** is amended to read:

78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license fees.

(1) (a) The division shall provide a hearing panel in alleged medical liability cases against health care providers as defined in Section **78B-3-403**, except dentists.

(b) (i) The division shall establish procedures for prelitigation consideration of medical liability claims for damages arising out of the provision of or alleged failure to provide health care.

(ii) The division may establish rules necessary to administer the process and procedures related to prelitigation hearings and the conduct of prelitigation hearings in accordance with Sections **78B-3-416** through **78B-3-420**.

(c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing litigation.

(d) Proceedings conducted under authority of this section are confidential, privileged, and immune from civil process.

(e) The division may not provide more than one hearing panel for each alleged medical liability case against a health care provider.

(2) (a) The party initiating a medical liability action shall file a request for prelitigation panel review with the division within 60 days after the service of a statutory notice of intent to commence action under Section **78B-3-412**.

(b) The request shall include a copy of the notice of intent to commence action. The request shall be mailed to all health care providers named in the notice and request.

(3) (a) The filing of a request for prelitigation panel review under this section tolls the applicable statute of limitations until the later of:

(i) 60 days following the division's issuance of:

(A) an opinion by the prelitigation panel; or

(B) a certificate of compliance under Section **78B-3-418**; or

(ii) the expiration of the time for holding a hearing under Subsection (3)(b)(ii).

(b) The division shall:

- 6414 (i) send any opinion issued by the panel to all parties by regular mail; and
6415 (ii) complete a prelitigation hearing under this section within:
6416 (A) 180 days after the filing of the request for prelitigation panel review; or
6417 (B) any longer period as agreed upon in writing by all parties to the review.
6418 (c) If the prelitigation hearing has not been completed within the time limits
6419 established in Subsection (3)(b)(ii), the claimant shall:
6420 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or
6421 (ii) file an affidavit with the division within 180 days of the request for pre-litigation
6422 review, in accordance with Subsection (3)(d), alleging that the respondent has failed to
6423 reasonably cooperate in scheduling the hearing.
6424 (d) If the claimant files an affidavit under Subsection (3)(c)(ii):
6425 (i) within 15 days of the filing of the affidavit under Subsection (3)(c)(ii), the division
6426 shall determine whether either the respondent or the claimant failed to reasonably cooperate in
6427 the scheduling of a pre-litigation hearing; and
6428 (ii) (A) if the determination is that the respondent failed to reasonably cooperate in the
6429 scheduling of a hearing, and the claimant did not fail to reasonably cooperate, the division
6430 shall, issue a certificate of compliance for the claimant in accordance with Section 78B-3-418;
6431 or
6432 (B) if the division makes a determination other than the determination in Subsection
6433 (3)(d)(ii)(A), the claimant shall file an affidavit of merit in accordance with Section 78B-3-423,
6434 within 30 days of the determination of the division under this Subsection (3).
6435 (e) (i) The claimant and any respondent may agree by written stipulation that no useful
6436 purpose would be served by convening a prelitigation panel under this section.
6437 (ii) When the stipulation is filed with the division, the division shall within 10 days
6438 after receipt issue a certificate of compliance under Section 78B-3-418, as it concerns the
6439 stipulating respondent, and stating that the claimant has complied with all conditions precedent
6440 to the commencement of litigation regarding the claim.
6441 (4) The division shall provide for and appoint an appropriate panel or panels to hear
6442 complaints of medical liability and damages, made by or on behalf of any patient who is an
6443 alleged victim of medical liability. The panels are composed of:
6444 (a) one member who is a resident lawyer currently licensed and in good standing to

practice law in this state and who shall serve as chairman of the panel, who is appointed by the division from among qualified individuals who have registered with the division indicating a willingness to serve as panel members, and a willingness to comply with the rules of professional conduct governing lawyers in the state, and who has completed division training regarding conduct of panel hearings;

(b) (i) one ~~[member who is a]~~ or more members who are licensed health care ~~[provider]~~ providers listed under Section 78B-3-403, who ~~[is]~~ are practicing and knowledgeable in the same specialty as the proposed defendant, and who ~~[is]~~ are appointed by the division in accordance with Subsection (5); or

(ii) in claims against only ~~[hospitals or their]~~ a health care facility or the facility's employees, one member who is an individual currently serving in a ~~[hospital]~~ health care facility administration position directly related to ~~[hospital]~~ health care facility operations or conduct that includes responsibility for the area of practice that is the subject of the liability claim, and who is appointed by the division; and

(c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care provider, and who is a responsible citizen of the state, selected and appointed by the division from among individuals who have completed division training with respect to panel hearings.

(5) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing under a license issued by the state, is obligated as a condition of holding that license to participate as a member of a medical liability prelitigation panel at reasonable times, places, and intervals, upon issuance, with advance notice given in a reasonable time frame, by the division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

(b) A licensee may be excused from appearance and participation as a panel member upon the division finding participation by the licensee will create an unreasonable burden or hardship upon the licensee.

(c) A licensee whom the division finds failed to appear and participate as a panel member when so ordered, without adequate explanation or justification and without being excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

(d) A licensee whom the division finds intentionally or repeatedly failed to appear and participate as a panel member when so ordered, without adequate explanation or justification and without being excused for cause by the division, may be assessed an administrative fine not

6476 to exceed \$5,000, and is guilty of unprofessional conduct.

6477 (e) All fines collected under Subsections (5)(c) and (d) shall be deposited in the
6478 Physicians Education Fund created in Section 58-67a-1.

6479 (f) The director of the division may collect a fine that is not paid by:

6480 (i) referring the matter to a collection agency; or

6481 (ii) bringing an action in the district court of the county where the person against whom
6482 the penalty is imposed resides or in the county where the office of the director is located.

6483 (g) A county attorney or the attorney general of the state shall provide legal assistance
6484 and advice to the director in an action to collect a fine.

6485 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an
6486 action brought by the division to collect a fine.

6487 (6) Each person selected as a panel member shall certify, under oath, that he has no
6488 bias or conflict of interest with respect to any matter under consideration.

6489 (7) A member of the prelitigation hearing panel may not receive compensation or
6490 benefits for the member's service, but may receive per diem and travel expenses in accordance
6491 with:

6492 (a) Section 63A-3-106;

6493 (b) Section 63A-3-107; and

6494 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6495 63A-3-107.

6496 (8) (a) In addition to the actual cost of administering the licensure of health care
6497 providers, the division may set license fees of health care providers within the limits
6498 established by law equal to their proportionate costs of administering prelitigation panels.

6499 (b) The claimant bears none of the costs of administering the prelitigation panel except
6500 under Section 78B-3-420.