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1	DIVISION OF OCCUPATIONAL AND
2	PROFESSIONAL LICENSURE - REPEAL OF
3	QUALITY REVIEW REQUIREMENTS
4	2001 GENERAL SESSION
5	STATE OF UTAH
6	Sponsor: David L. Gladwell
7	This act modifies the Occupations and Professions Code to repeal peer review, quality
8	review, quality assurance, and quality improvement programs.
9	This act affects sections of Utah Code Annotated 1953 as follows:
10	AMENDS:
11	58-16a-302, as renumbered and amended by Chapter 13, Laws of Utah 1997
12	58-16a-303, as renumbered and amended by Chapter 13, Laws of Utah 1997
13	58-16a-702, as enacted by Chapter 13, Laws of Utah 1997
14	58-31b-305, as last amended by Chapter 314, Laws of Utah 2000
15	58-44a-303, as last amended by Chapter 314, Laws of Utah 2000
16	58-46a-303, as enacted by Chapter 28, Laws of Utah 1994
17	58-67-303, as enacted by Chapter 248, Laws of Utah 1996
18	58-67-304, as enacted by Chapter 248, Laws of Utah 1996
19	58-68-303, as enacted by Chapter 248, Laws of Utah 1996
20	58-68-304, as enacted by Chapter 248, Laws of Utah 1996
21	58-69-303, as enacted by Chapter 116, Laws of Utah 1996
22	58-70a-303, as enacted by Chapter 229, Laws of Utah 1997
23	58-70a-304, as enacted by Chapter 229, Laws of Utah 1997
24	58-71-303, as enacted by Chapter 282, Laws of Utah 1996
25	58-71-304, as enacted by Chapter 282, Laws of Utah 1996
26	REPEALS:
27	58-46a-308, as enacted by Chapter 28, Laws of Utah 1994

28	58-69-305, as last amended by Chapter 10, Laws of Utah 1997
29	Be it enacted by the Legislature of the state of Utah:
30	Section 1. Section 58-16a-302 is amended to read:
31	58-16a-302. Qualifications for licensure.
32	(1) Each applicant for licensure as an optometrist shall:
33	(a) submit an application in a form prescribed by the division;
34	(b) pay a fee as determined by the division under Section 63-38-3.2;
35	(c) be of good moral character;
36	(d) (i) be a doctoral graduate of a recognized school of optometry accredited by:
37	(A) a regional accrediting body recognized by the Council on Post-Secondary Education;
38	and
39	(B) the American Optometric Association's Council on Optometric Education; or
40	(ii) be a graduate of a school of optometry located outside the United States that meets the
41	criteria that would qualify the school for accreditation under Subsection $(1)(d)(i)$, as demonstrated
42	by the applicant for licensure;
43	(e) if the applicant graduated from a recognized school of optometry prior to July 1, 1996,
44	have successfully completed a course of study satisfactory to the division, in consultation with the
45	board, in general and ocular pharmacology and emergency medical care;
46	(f) have passed examinations approved by the division in consultation with the board that
47	include:
48	(i) a standardized national optometry examination;
49	(ii) a standardized clinical examination;
50	(iii) a standardized national therapeutics examination; and
51	(iv) the Utah Optometry Law Examination; and
52	[(g) show evidence of membership in a peer review program approved by the division in
53	collaboration with the board and agree in writing to maintain membership while licensed as an
54	optometrist in this state; and]
55	[(h)] (g) meet with the board and representatives of the division, if requested by either
56	party, for the purpose of evaluating the applicant's qualifications for licensure.
57	(2) An applicant for licensure as an optometrist qualifying under the endorsement
58	provision of Section 58-1-302 shall:

59	(a) be currently licensed in good standing in any state of the United States; and
60	(b) have been actively engaged in the legal practice of optometry for not less than 3,200
61	hours in the immediately preceding two years, in a manner that is consistent with the legal practice
62	of optometry in this state.
63	Section 2. Section 58-16a-303 is amended to read:
64	58-16a-303. Term of license Expiration Renewal.
65	(1) (a) Each license issued under this part shall be issued in accordance with a two-year
66	renewal cycle established by rule.
67	(b) A renewal period may be extended or shortened by as much as one year to maintain
68	established renewal cycles or to change an established renewal cycle.
69	(2) At the time of renewal the licensee shall show satisfactory evidence of [each of the
70	following renewal requirements: (a) current membership in a peer review organization; and (b)]
71	completion of continuing education as required under Section 58-16a-304.
72	(3) Each license automatically expires on the expiration date shown on the license unless
73	renewed by the licensee in accordance with Section 58-1-308.
74	Section 3. Section 58-16a-702 is amended to read:
75	58-16a-702. Medical records Electronic records.
76	(1) Medical records maintained by a licensee shall $[: (a)]$ meet the standards and ethics of
77	the profession[; and].
78	[(b) be maintained in accordance with standards developed by the peer review organization
79	for optometry.]
80	(2) Medical records under this section may be maintained by any electronic means if the
81	records comply with Subsection (1).
82	Section 4. Section 58-31b-305 is amended to read:
83	58-31b-305. Term of license Expiration Renewal.
84	(1) The division shall issue each license under this chapter in accordance with a two-year
85	renewal cycle established by rule. The division may by rule extend or shorten a renewal period
86	by as much as one year to stagger the renewal cycles it administers.
87	(2) At the time of renewal, the licensee shall show satisfactory evidence of each of the
88	following renewal requirements:
89	(a) complete and submit an application for renewal in a form prescribed by the division

90 and pay the renewal fee determined under Section 63-38-3.2; and

- 91 (b) meet continuing competency requirements as established by rule.
- 92 (3) In addition to the renewal requirements under Subsection (2), a person licensed as a
- advanced practice registered nurse shall[: (a)] be currently certified by a program approved by the
- division in collaboration with the board and submit evidence satisfactory to the division of that
 qualification or if licensed prior to July 1, 1992, meet the requirements established by rule[; and].
- 96 [(b) as a condition precedent for license renewal commencing on and after July 1, 1999, 97 actively participate on a continuing basis in a quality review program based on criteria established
- 98 by the division by rule in collaboration with the board.]

99 (4) In addition to the renewal requirements under Subsection (2), a person licensed as a

100 certified registered nurse anesthetist shall[: (a) actively participate on a continuing regular basis

101 in an anesthesia quality assurance program approved by the division in collaboration with the

102 board and submit evidence satisfactory to the division of the participation; and (b)] be currently

- 103 certified in anesthesia by a program approved by the division in collaboration with the board and
- 104 submit evidence satisfactory to the division of the certification.
- 105 (5) Each license automatically expires on the expiration date shown on the license unless106 renewed in accordance with Section 58-1-308.

107 Section 5. Section **58-44a-303** is amended to read:

108 **58-44a-303. Term of license -- Expiration -- Renewal.**

- 109 (1) (a) Each license issued under this chapter shall be issued in accordance with a two-year110 renewal cycle established by rule.
- (b) A renewal period may be extended or shortened by as much as one year to maintainestablished renewal cycles or to change an established renewal cycle.
- 113 (2) At the time of renewal, the licensee shall:
- (a) hold a valid certification from the American College of Nurse Midwives Certification
- 115 Council, Inc.; and
- (b) have met continuing competency requirements defined by the division rule incollaboration with the board[; and].
- 118 [(c) as a condition precedent for license renewal commencing on and after July 1, 1999,

119 actively participate on a continuing basis in a quality review program based on criteria established

120 by the division by rule in collaboration with the board.]

121	Section 6. Section 58-46a-303 is amended to read:
122	58-46a-303. Term of license Expiration Renewal of specialist license
123	Limitation on renewal of intern license.
124	(1) The division shall issue each license for a hearing instrument specialist in accordance
125	with a two-year renewal cycle established by rule. The division may by rule extend or shorten a
126	renewal period by as much as one year to stagger the renewal cycles it administers.
127	(2) Each license as a hearing instrument intern shall be issued for a term of three years and
128	may not be renewed.
129	(3) At the time of renewal, the licensed hearing instrument specialist shall demonstrate
130	satisfactory evidence of each of the following:
131	(a) current certification by the National Board for Certification Hearing Instrument
132	Sciences, or other acceptable certification approved by the division in collaboration with the board;
133	[(b) participation in a hearing instrument dealer quality assurance program required in
134	Section 58-46a-308;]
135	[(c)] (b) calibration of all appropriate technical instruments used in practice; and
136	[(d)] (c) completion of continuing professional education required in Section 58-46a-304.
137	(4) Each license automatically expires on the expiration date shown on the license unless
138	renewed by the licensee in accordance with the provisions of Section 58-1-308, or unless
139	surrendered in accordance with the provisions of Section 58-1-306.
140	Section 7. Section 58-67-303 is amended to read:
141	58-67-303. Term of license Expiration Renewal.
142	(1) (a) The division shall issue each license under this chapter in accordance with a
143	two-year renewal cycle established by division rule.
144	(b) The division may by rule extend or shorten a renewal period by as much as one year
145	to stagger the renewal cycles it administers.
146	(2) At the time of renewal, the licensee shall show compliance with <u>continuing education</u>
147	renewal requirements [of:].
148	[(a) continuing education; and]
149	[(b) quality review program participation.]
150	(3) Each license issued under this chapter expires on the expiration date shown on the

151 license unless renewed in accordance with Section 58-1-308.

152	Section 8. Section 58-67-304 is amended to read:
153	58-67-304. License renewal requirements.
154	(1) $[(a)]$ As a condition precedent for license renewal, each licensee shall, during each
155	two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
156	professional education requirements in accordance with the number of hours and standards defined
157	by division rule made in collaboration with the board.
158	$\left[\frac{(b)}{2}\right]$ If a renewal period is extended or shortened under Section 58-67-303, the
159	continuing education hours required for license renewal under this section are increased or
160	decreased proportionally.
161	[(2) (a) As a condition precedent for license renewal commencing on and after July 1,
162	2000, each licensee shall participate in a quality review program approved by the division in
163	collaboration with the board. The division, in collaboration with the board, shall by rule establish
164	criteria for the programs.]
165	[(b) A quality review program shall be:]
166	[(i) based in a hospital or other licensed health care facility, as defined in Section 26-21-2,
167	at which the licensee regularly engages in practice; or]
168	[(ii) conducted by or under the direction of:]
169	[(A) a professional association approved by the division in collaboration with the board;
170	or]
171	[(B) a managed care provider, preferred provider organization, health maintenance
172	organization, liability insurance carrier, or other organization approved by the division in
173	collaboration with the board; and]
174	[(c) shall meet criteria established by division rule made in collaboration with the board.]
175	[(3) A quality review program applying for approval shall:]
176	[(a) submit an application in a form prescribed by the division;]
177	[(b) pay a fee as determined by the department pursuant to Section 63-38-3.2; and]
178	[(c) demonstrate the program meets criteria established by rule in accordance with
179	Subsection (2).]
180	Section 9. Section 58-68-303 is amended to read:
181	58-68-303. Term of license Expiration Renewal.
182	(1) (a) The division shall issue each license under this chapter in accordance with a

183	two-year renewal cycle established by division rule.
184	(b) The division may by rule extend or shorten a renewal period by as much as one year
185	to stagger the renewal cycles it administers.
186	(2) At the time of renewal, the licensee shall show compliance with <u>continuing education</u>
187	renewal requirements [of:].
188	[(a) continuing education; and]
189	[(b) quality review program participation.]
190	(3) Each license issued under this chapter expires on the expiration date shown on the
191	license unless renewed in accordance with Section 58-1-308.
192	Section 10. Section 58-68-304 is amended to read:
193	58-68-304. License renewal requirements.
194	(1) [(a)] As a condition precedent for license renewal, each licensee shall, during each
195	two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
196	professional education requirements in accordance with the number of hours and standards defined
197	by division rule in collaboration with the board.
198	[(b)] (2) If a renewal period is extended or shortened under Section 58-68-303, the
199	continuing education hours required for license renewal under this section are increased or
200	decreased proportionally.
201	[(2) (a) As a condition precedent for license renewal on and after July 1, 2000, each
202	licensee shall participate in a quality review program approved by the division in collaboration
203	with the board. The division, in collaboration with the board, shall by rule establish criteria for
204	the programs.]
205	[(b) A quality review program shall:]
206	[(i) be based in a hospital or other licensed health care facility, as defined in Section
207	26-21-2, at which the licensee regularly engages in practice; or]
208	[(ii) be conducted by or under the direction of:]
209	[(A) a professional association approved by the division in collaboration with the board;
210	or]
211	[(B) a managed care provider, preferred provider organization, health maintenance
212	organization, liability insurance carrier, or other organization approved by the division in
213	collaboration with the board; and]

214	[(c) shall meet criteria established by division rule made in collaboration with the board.]
215	[(3) A quality review program applying for approval shall:]
216	[(a) submit an application in a form prescribed by the division;]
217	[(b) pay a fee as determined by the department pursuant to Section 63-38-3.2; and]
218	[(c) demonstrate the program meets criteria established by rule in accordance with
219	Subsection (2).]
220	Section 11. Section 58-69-303 is amended to read:
221	58-69-303. Term of license Expiration Renewal.
222	(1) (a) The division shall issue each license and permit under this chapter in accordance
223	with a two-year renewal cycle established by division rule.
224	(b) The division may by rule extend or shorten a renewal period by as much as one year
225	to stagger the renewal cycles it administers.
226	(2) At the time of renewal, the licensee shall show compliance with <u>continuing education</u>
227	renewal requirements [of:].
228	[(a) continuing education; and]
229	[(b) continuous quality improvement.]
230	(3) Each license expires on the expiration date shown on the license unless renewed in
231	accordance with Section 58-1-308.
232	Section 12. Section 58-70a-303 is amended to read:
233	58-70a-303. Term of license Expiration Renewal.
234	(1) (a) The division shall issue each license under this chapter in accordance with a
235	two-year renewal cycle established by division rule.
236	(b) The division may by rule extend or shorten a renewal period by as much as one year
237	to stagger the renewal cycles it administers.
238	(2) At the time of renewal, the licensee shall show compliance with <u>continuing education</u>
239	renewal requirements [of:].
240	[(a) continuing education; and]
241	[(b) quality review program participation.]
242	(3) Each license issued under this chapter expires on the expiration date shown on the
243	license unless renewed in accordance with Section 58-1-308.
244	Section 13. Section 58-70a-304 is amended to read:

245	58-70a-304. License renewal Continuing education.
246	(1) [(a)] Prior to license renewal, each licensee shall, during each two-year licensure cycle
247	or other cycle defined by division rule, complete qualified continuing professional education
248	requirements as defined by division rule made in collaboration with the board.
249	[(b)] (2) If a renewal period is extended or shortened under Section 58-70a-303, the
250	continuing education hours required for license renewal under this section are increased or
251	decreased proportionally.
252	[(2) As a condition precedent for license renewal on and after July 1, 2000, each licensee
253	shall participate in the quality review program in which his or her supervising physician is
254	participating under Section 58-67-304 or 58-68-304.]
255	Section 14. Section 58-71-303 is amended to read:
256	58-71-303. Term of license Expiration Renewal.
257	(1) (a) The division shall issue each license under this chapter in accordance with a
258	two-year renewal cycle established by division rule.
259	(b) The division may by rule extend or shorten a renewal period by as much as one year
260	to stagger the renewal cycles it administers.
261	(2) At the time of renewal, the licensee shall show compliance with <u>continuing education</u>
262	renewal requirements [of:].
263	[(a) continuing education; and]
264	[(b) quality assurance program participation.]
265	(3) Each license issued under this chapter expires on the expiration date shown on the
266	license unless renewed in accordance with Section 58-1-308.
267	Section 15. Section 58-71-304 is amended to read:
268	58-71-304. License renewal requirements.
269	(1) [(a)] As a condition precedent for license renewal, each licensee shall, during each
270	two-year licensure cycle or other cycle defined by division rule, complete qualified continuing
271	professional education requirements in accordance with the number of hours and standards defined
272	by division rule made in collaboration with the board.
273	[(b)] (2) If a renewal period is extended or shortened under Section 58-71-303, the
274	continuing education hours required for license renewal under this section are increased or
275	decreased proportionally.

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276	[(2) (a) As a condition precedent for license renewal commencing on and after July 1,
277	2000, each licensee shall participate in a quality assurance program approved by the division in
278	collaboration with the board.]
279	[(b) A quality assurance program shall be conducted by or under the direction of:]
280	[(i) a professional association approved by the division in collaboration with the board;
281	or]
282	[(ii) a managed care provider, preferred provider organization, health maintenance
283	organization, liability insurance carrier, or other organization approved by the division in
284	collaboration with the board; and]
285	[(c) shall meet criteria established by division rule made in collaboration with the board.]
286	[(3) A quality assurance program applying for approval shall:]
287	[(a) submit an application in a form prescribed by the division;]
288	[(b) pay a fee as determined by the department pursuant to Subsection 63-38-3.2; and]
289	[(c) demonstrate the program meets criteria established by rule in accordance with
290	Subsection (2).]
291	Section 16. Repealer.
292	This act repeals:
293	Section 58-46a-308, Quality assurance program participation.
294	Section 58-69-305, Continuous quality improvement program Licensee participation
295	Division approval of programs.

Legislative Review Note as of 1-29-01 4:55 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel