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**DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSURE - REPEAL OF  
QUALITY REVIEW REQUIREMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: David L. Gladwell**

**This act modifies the Occupations and Professions Code to repeal peer review, quality review, quality assurance, and quality improvement programs.**

This act affects sections of Utah Code Annotated 1953 as follows:

**AMENDS:**

**58-16a-302**, as renumbered and amended by Chapter 13, Laws of Utah 1997

**58-16a-303**, as renumbered and amended by Chapter 13, Laws of Utah 1997

**58-16a-702**, as enacted by Chapter 13, Laws of Utah 1997

**58-31b-305**, as last amended by Chapter 314, Laws of Utah 2000

**58-44a-303**, as last amended by Chapter 314, Laws of Utah 2000

**58-46a-303**, as enacted by Chapter 28, Laws of Utah 1994

**58-67-303**, as enacted by Chapter 248, Laws of Utah 1996

**58-67-304**, as enacted by Chapter 248, Laws of Utah 1996

**58-68-303**, as enacted by Chapter 248, Laws of Utah 1996

**58-68-304**, as enacted by Chapter 248, Laws of Utah 1996

**58-69-303**, as enacted by Chapter 116, Laws of Utah 1996

**58-70a-303**, as enacted by Chapter 229, Laws of Utah 1997

**58-70a-304**, as enacted by Chapter 229, Laws of Utah 1997

**58-71-303**, as enacted by Chapter 282, Laws of Utah 1996

**58-71-304**, as enacted by Chapter 282, Laws of Utah 1996

**REPEALS:**

**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:

(a) be currently licensed in good standing in any state of the United States; and  
(b) have been actively engaged in the legal practice of optometry for not less than 3,200 hours in the immediately preceding two years, in a manner that is consistent with the legal practice of optometry in this state.

Section 2. Section **58-16a-303** is amended to read:

**58-16a-303. Term of license -- Expiration -- Renewal.**

(1) (a) Each license issued under this part shall be issued in accordance with a two-year renewal cycle established by rule.

(b) 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.

(2) At the time of renewal the licensee shall show satisfactory evidence of ~~[each of the following renewal requirements: (a) current membership in a peer review organization; and (b)]~~ completion of continuing education as required under Section 58-16a-304.

(3) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Section 3. Section **58-16a-702** is amended to read:

**58-16a-702. Medical records -- Electronic records.**

(1) Medical records maintained by a licensee shall~~[(a)]~~ meet the standards and ethics of the profession~~[; and]~~.

~~[(b) be maintained in accordance with standards developed by the peer review organization for optometry.]~~

(2) Medical records under this section may be maintained by any electronic means if the records comply with Subsection (1).

Section 4. Section **58-31b-305** is amended to read:

**58-31b-305. Term of license -- Expiration -- Renewal.**

(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show satisfactory evidence of each of the following renewal requirements:

(a) complete and submit an application for renewal in a form prescribed by the division

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

(b) meet continuing competency requirements as established by rule.

(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]~~.

~~[(b) as a condition precedent for license renewal commencing on and after July 1, 1999, actively participate on a continuing basis in a quality review program based on criteria established by the division by rule in collaboration with the board.]~~

(4) In addition to the renewal requirements under Subsection (2), a person licensed as a certified registered nurse anesthetist shall~~[(a) actively participate on a continuing regular basis in an anesthesia quality assurance program approved by the division in collaboration with the board and submit evidence satisfactory to the division of the participation; and (b)]~~ be currently certified in anesthesia by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of the certification.

(5) Each license automatically expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

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

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

(1) (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.

(b) 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.

(2) At the time of renewal, the licensee shall:

(a) hold a valid certification from the American College of Nurse Midwives Certification Council, Inc.; and

(b) have met continuing competency requirements defined by the division rule in collaboration with the board~~[, and]~~.

~~[(c) as a condition precedent for license renewal commencing on and after July 1, 1999, actively participate on a continuing basis in a quality review program based on criteria established by the division by rule in collaboration with the board.]~~

Section 6. Section **58-46a-303** is amended to read:

**58-46a-303. Term of license -- Expiration -- Renewal of specialist license --  
Limitation on renewal of intern license.**

(1) The division shall issue each license for a hearing instrument specialist in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) Each license as a hearing instrument intern shall be issued for a term of three years and may not be renewed.

(3) At the time of renewal, the licensed hearing instrument specialist shall demonstrate satisfactory evidence of each of the following:

(a) current certification by the National Board for Certification Hearing Instrument Sciences, or other acceptable certification approved by the division in collaboration with the board;

~~[(b) participation in a hearing instrument dealer quality assurance program required in Section 58-46a-308;]~~

~~[(c)]~~ (b) calibration of all appropriate technical instruments used in practice; and

~~[(d)]~~ (c) completion of continuing professional education required in Section 58-46a-304.

(4) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with the provisions of Section 58-1-308, or unless surrendered in accordance with the provisions of Section 58-1-306.

Section 7. Section **58-67-303** is amended to read:

**58-67-303. Term of license -- Expiration -- Renewal.**

(1) (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements ~~[of:]~~.

~~[(a) continuing education; and]~~

~~[(b) quality review program participation.]~~

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Section 8. Section **58-67-304** is amended to read:

**58-67-304. License renewal requirements.**

(1) ~~[(a)]~~ As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, 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)]~~ (2) If a renewal period is extended or shortened under Section 58-67-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

~~[(2) (a) As a condition precedent for license renewal commencing on and after July 1, 2000, each licensee shall participate in a quality review program approved by the division in collaboration with the board. The division, in collaboration with the board, shall by rule establish criteria for the programs.]~~

~~[(b) A quality review program shall be:]~~

~~[(i) based in a hospital or other licensed health care facility, as defined in Section 26-21-2, at which the licensee regularly engages in practice; or]~~

~~[(ii) conducted by or under the direction of:]~~

~~[(A) a professional association approved by the division in collaboration with the board; or]~~

~~[(B) a managed care provider, preferred provider organization, health maintenance organization, liability insurance carrier, or other organization approved by the division in collaboration with the board; and]~~

~~[(c) shall meet criteria established by division rule made in collaboration with the board.]~~

~~[(3) A quality review program applying for approval shall:]~~

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

~~[(b) pay a fee as determined by the department pursuant to Section 63-38-3.2; and]~~

~~[(c) demonstrate the program meets criteria established by rule in accordance with~~

~~Subsection (2).]~~

Section 9. Section **58-68-303** is amended to read:

**58-68-303. Term of license -- Expiration -- Renewal.**

(1) (a) The division shall issue each license under this chapter in accordance with a

two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements ~~[of:]~~.

~~[(a) continuing education; and]~~

~~[(b) quality review program participation.]~~

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Section 10. Section **58-68-304** is amended to read:

**58-68-304. License renewal requirements.**

(1) ~~[(a)]~~ As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements in accordance with the number of hours and standards defined by division rule in collaboration with the board.

~~[(b)]~~ (2) If a renewal period is extended or shortened under Section 58-68-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

~~[(2) (a) As a condition precedent for license renewal on and after July 1, 2000, each licensee shall participate in a quality review program approved by the division in collaboration with the board. The division, in collaboration with the board, shall by rule establish criteria for the programs.]~~

~~[(b) A quality review program shall:]~~

~~[(i) be based in a hospital or other licensed health care facility, as defined in Section 26-21-2, at which the licensee regularly engages in practice; or]~~

~~[(ii) be conducted by or under the direction of:]~~

~~[(A) a professional association approved by the division in collaboration with the board; or]~~

~~[(B) a managed care provider, preferred provider organization, health maintenance organization, liability insurance carrier, or other organization approved by the division in collaboration with the board; and]~~

~~[(c) shall meet criteria established by division rule made in collaboration with the board.]~~

~~[(3) A quality review program applying for approval shall:]~~

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

~~[(b) pay a fee as determined by the department pursuant to Section 63-38-3.2; and]~~

~~[(c) demonstrate the program meets criteria established by rule in accordance with~~

~~Subsection (2).]~~

Section 11. Section **58-69-303** is amended to read:

**58-69-303. Term of license -- Expiration -- Renewal.**

(1) (a) The division shall issue each license and permit under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements ~~[of:]~~.

~~[(a) continuing education; and]~~

~~[(b) continuous quality improvement.]~~

(3) Each license expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Section 12. Section **58-70a-303** is amended to read:

**58-70a-303. Term of license -- Expiration -- Renewal.**

(1) (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements ~~[of:]~~.

~~[(a) continuing education; and]~~

~~[(b) quality review program participation.]~~

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Section 13. Section **58-70a-304** is amended to read:



**58-70a-304. License renewal -- Continuing education.**

(1) ~~[(a)]~~ Prior to license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements as defined by division rule made in collaboration with the board.

~~[(b)]~~ (2) If a renewal period is extended or shortened under Section 58-70a-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

~~[(2) As a condition precedent for license renewal on and after July 1, 2000, each licensee shall participate in the quality review program in which his or her supervising physician is participating under Section 58-67-304 or 58-68-304.]~~

Section 14. Section **58-71-303** is amended to read:

**58-71-303. Term of license -- Expiration -- Renewal.**

(1) (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.

(b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.

(2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements ~~[of]~~.

~~[(a) continuing education; and]~~

~~[(b) quality assurance program participation.]~~

(3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.

Section 15. Section **58-71-304** is amended to read:

**58-71-304. License renewal requirements.**

(1) ~~[(a)]~~ As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, 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)]~~ (2) If a renewal period is extended or shortened under Section 58-71-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

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.**

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## 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