

# HB0167S01 compared with HB0167

{Omitted text} shows text that was in HB0167 but was omitted in HB0167S01

inserted text shows text that was not in HB0167 but was inserted into HB0167S01

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## 1                    {Re-Entry Modifications} Offender Reintegration Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Stephanie Pitcher

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### 3 LONG TITLE

#### 4 General Description:

5       This bill concerns the {re-entry} reentry and reintegration of offenders and former offenders into  
6 the general public.

#### 7 Highlighted Provisions:

8       This bill:

9       ▶ provides that a local mental health authority shall, to the extent feasible, coordinate with the  
10 Department of Corrections (department) to ensure the continuity of mental health services for county  
11 residents on probation or parole;

12       ▶ provides that a criminal justice coordinating council shall identify strategies for:

13           • connecting county residents on probation or parole with certain county-based services; and

14           • educating and incentivizing employers to hire county residents who have a criminal recordor  
15 a juvenile record;

16       ▶ adds an expunged conviction and an arrest that occurred as a juvenile to the circumstances  
17 when a public employer may not exclude an applicant from an initial interview;

18       ▶

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modifies procedural requirements for appealing a denial of a license under the Division of Professional Licensing Act;

22       ▶ reduces the amount of time following an individual's incarceration for purposes of defining unprofessional conduct in certain circumstances;

17       ▶ creates the Rehabilitation and {~~Re-entry~~} Reentry Services Restricted Account, which:

18             • allows the department to accept donations and other funds; and

19             • restricts funds for specified purposes relating to the successful reintegration of offenders and former offenders into the general public; and

21       ▶ makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30       None

31       This bill provides a special effective date.

34 **AMENDS:**

35       **17-43-301 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Chapters 240, 299 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Chapters 240, 299

37       **17-55-201 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Chapter 187 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Chapter 187

39       **34-52-201 (Effective 10/01/23)**, as last amended by Laws of Utah 2023, Chapters 115, 344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 344 (**Effective 10/01/23**), as last amended by Laws of Utah 2023, Chapters 115, 344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 344

41       **58-1-402 (Effective 05/12/20)**, as last amended by Laws of Utah 2020, Chapter 289 (**Effective 05/12/20**), as last amended by Laws of Utah 2020, Chapter 289

42       **58-1-501 (Effective 05/01/24)**, as last amended by Laws of Utah 2024, Chapter 420 (**Effective 05/01/24**), as last amended by Laws of Utah 2024, Chapter 420

43 **ENACTS:**

44       **64-13h-101 (Effective upon governor's approval)**, Utah Code Annotated 1953 (**Effective upon governor's approval**), Utah Code Annotated 1953

45       **64-13h-102 (Effective upon governor's approval)**, Utah Code Annotated 1953 (**Effective upon governor's approval**), Utah Code Annotated 1953

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46 **64-13h-103 (Effective upon governor's approval), Utah Code Annotated 1953 (Effective upon**  
47 **governor's approval), Utah Code Annotated 1953**

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

49 Section 1. Section **17-43-301** is amended to read:

50 **17-43-301. Local mental health authorities -- Responsibilities.**

41 (1) As used in this section:

42 (a) "Assisted outpatient treatment" means the same as that term is defined in Section 26B-5-301.

44 (b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.

45 (c) "Local mental health crisis line" means the same as that term is defined in Section 26B-5-610.

47 (d) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

48 (e) "Public funds" means the same as that term is defined in Section 17-43-303.

49 (f) "Statewide mental health crisis line" means the same as that term is defined in Section 26B-5-610.

51 (2)

. (a)

. (i) In each county operating under a county executive-council form of government under Section 17-52a-203, the county legislative body is the local mental health authority, provided however that any contract for plan services shall be administered by the county executive.

55 (ii) In each county operating under a council-manager form of government under Section 17-52a-204, the county manager is the local mental health authority.

57 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the county legislative body is the local mental health authority.

59 (b) Within legislative appropriations and county matching funds required by this section, under the direction of the division, each local mental health authority shall:

61 (i) provide mental health services to individuals within the county; and

62 (ii) cooperate with efforts of the division to promote integrated programs that address an individual's substance use, mental health, and physical healthcare needs, as described in Section 26B-5-102.

65 (c) Within legislative appropriations and county matching funds required by this section, each local mental health authority shall cooperate with the efforts of the department to promote a system of care, as defined in Section 26B-5-101, for minors with or at risk for complex emotional and behavioral needs, as described in Section 26B-1-202.

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- 69 (3)
- . (a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal Cooperation Act, two or more counties may join to:
- 71 (i) provide mental health prevention and treatment services; or
- 72 (ii) create a united local health department that combines substance use treatment services, mental health services, and local health department services in accordance with Subsection (4).
- 75 (b) The legislative bodies of counties joining to provide services may establish acceptable ways of apportioning the cost of mental health services.
- 77 (c) Each agreement for joint mental health services shall:
- 78 (i)
- . (A) designate the treasurer of one of the participating counties or another person as the treasurer for the combined mental health authorities and as the custodian of money available for the joint services; and
- 81 (B) provide that the designated treasurer, or other disbursing officer authorized by the treasurer, may make payments from the money available for the joint services upon audit of the appropriate auditing officer or officers representing the participating counties;
- 85 (ii) provide for the appointment of an independent auditor or a county auditor of one of the participating counties as the designated auditing officer for the combined mental health authorities;
- 88 (iii)
- . (A) provide for the appointment of the county or district attorney of one of the participating counties as the designated legal officer for the combined mental health authorities; and
- 91 (B) authorize the designated legal officer to request and receive the assistance of the county or district attorneys of the other participating counties in defending or prosecuting actions within their counties relating to the combined mental health authorities; and
- 95 (iv) provide for the adoption of management, clinical, financial, procurement, personnel, and administrative policies as already established by one of the participating counties or as approved by the legislative body of each participating county or interlocal board.
- 99 (d) An agreement for joint mental health services may provide for:
- 100 (i) joint operation of services and facilities or for operation of services and facilities under contract by one participating local mental health authority for other participating local mental health authorities; and

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- 103 (ii) allocation of appointments of members of the mental health advisory council between or among  
participating counties.
- 105 (4) A county governing body may elect to combine the local mental health authority with the local  
substance abuse authority created in Part 2, Local Substance Abuse Authorities, and the local health  
department created in Title 26A, Chapter 1, Part 1, Local Health Department Act, to create a united  
local health department under Section 26A-1-105.5. A local mental health authority that joins with a  
united local health department shall comply with this part.
- 111 (5)
- (a) Each local mental health authority is accountable to the department and the state with regard to the  
use of state and federal funds received from those departments for mental health services, regardless  
of whether the services are provided by a private contract provider.
- 115 (b) Each local mental health authority shall comply, and require compliance by its contract provider,  
with all directives issued by the department regarding the use and expenditure of state and federal  
funds received from those departments for the purpose of providing mental health programs and  
services. The department shall ensure that those directives are not duplicative or conflicting, and  
shall consult and coordinate with local mental health authorities with regard to programs and  
services.
- 121 (6)
- (a) Each local mental health authority shall:
- 122 (i) review and evaluate mental health needs and services, including mental health needs and  
services for:
- 124 (A) an individual incarcerated in a county jail or other county correctional facility; and
- 126 (B) an individual who is a resident of the county and who is court ordered to receive assisted outpatient  
treatment under Section 26B-5-351;
- 128 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division a plan  
approved by the county legislative body for mental health funding and service delivery, either  
directly by the local mental health authority or by contract;
- 131 (iii) establish and maintain, either directly or by contract, programs licensed under Title 26B,  
Chapter 2, Part 1, Human Services Programs and Facilities;
- 133 (iv) appoint, directly or by contract, a full-time or part-time director for mental health programs and  
prescribe the director's duties;

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- 135 (v) provide input and comment on new and revised rules established by the division;
- 136 (vi) establish and require contract providers to establish administrative, clinical, personnel,  
financial, procurement, and management policies regarding mental health services and facilities,  
in accordance with the rules of the division, and state and federal law;
- 140 (vii) establish mechanisms allowing for direct citizen input;
- 141 (viii) annually contract with the division to provide mental health programs and services in  
accordance with the provisions of Title 26B, Chapter 5, Health Care - Substance Use and  
Mental Health;
- 144 (ix) comply with all applicable state and federal statutes, policies, audit requirements, contract  
requirements, and any directives resulting from those audits and contract requirements;
- 147 (x) provide funding equal to at least 20% of the state funds that it receives to fund services  
described in the plan;
- 149 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal Cooperation  
Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special Districts, and Title 51, Chapter  
2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local  
Entities Act; and
- 153 (xii) take and retain physical custody of minors committed to the physical custody of local mental  
health authorities by a judicial proceeding under Title 26B, Chapter 5, Part 4, Commitment of  
Persons Under Age 18.
- 156 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and children, which  
shall include:
- 158 (i) inpatient care and services;
- 159 (ii) residential care and services;
- 160 (iii) outpatient care and services;
- 161 (iv) 24-hour crisis care and services;
- 162 (v) psychotropic medication management;
- 163 (vi) psychosocial rehabilitation, including vocational training and skills development;
- 164 (vii) case management;
- 165 (viii) community supports, including in-home services, housing, family support services, and respite  
services;

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- (ix) consultation and education services, including case consultation, collaboration with other county service agencies, public education, and public information; and
- 169 (x) services to persons incarcerated in a county jail or other county correctional facility.
- 171 (7)
- . (a) If a local mental health authority provides for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall:
- 174 (i) collaborate with the statewide mental health crisis line described in Section 26B-5-610;
- 176 (ii) ensure that each individual who answers calls to the local mental health crisis line:
- 177 (A) is a mental health therapist or a crisis worker; and
- 178 (B) meets the standards of care and practice established by the Division of Integrated Healthcare, in accordance with Section 26B-5-610; and
- 180 (iii) ensure that when necessary, based on the local mental health crisis line's capacity, calls are immediately routed to the statewide mental health crisis line to ensure that when an individual calls the local mental health crisis line, regardless of the time, date, or number of individuals trying to simultaneously access the local mental health crisis line, a mental health therapist or a crisis worker answers the call without the caller first:
- 186 (A) waiting on hold; or
- 187 (B) being screened by an individual other than a mental health therapist or crisis worker.
- 189 (b) If a local mental health authority does not provide for a local mental health crisis line under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv), the local mental health authority shall use the statewide mental health crisis line as a local crisis line resource.
- 193 (8) Before disbursing any public funds, each local mental health authority shall require that each entity that receives any public funds from a local mental health authority agrees in writing that:
- 196 (a) the entity's financial records and other records relevant to the entity's performance of the services provided to the mental health authority shall be subject to examination by:
- 199 (i) the division;
- 200 (ii) the local mental health authority director;
- 201 (iii)
- . (A) the county treasurer and county or district attorney; or
- 202

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- (B) if two or more counties jointly provide mental health services under an agreement under Subsection (3), the designated treasurer and the designated legal officer;
- 205 (iv) the county legislative body; and
- 206 (v) in a county with a county executive that is separate from the county legislative body, the county executive;
- 208 (b) the county auditor may examine and audit the entity's financial and other records relevant to the entity's performance of the services provided to the local mental health authority; and
- 211 (c) the entity will comply with the provisions of Subsection (5)(b).
- 212 (9) A local mental health authority may receive property, grants, gifts, supplies, materials, contributions, and any benefit derived therefrom, for mental health services. If those gifts are conditioned upon their use for a specified service or program, they shall be so used.
- 216 (10) Public funds received for the provision of services pursuant to the local mental health plan may not be used for any other purpose except those authorized in the contract between the local mental health authority and the provider for the provision of plan services.
- 220 (11) A local mental health authority shall:
- 221 (a) provide assisted outpatient treatment services to a resident of the county who has been ordered under Section 26B-5-351 to receive assisted outpatient treatment[.]; and
- 223 (b) to the extent feasible, coordinate with the Department of Corrections to ensure the continuity of mental health services for county residents who are on probation or parole.

237 Section 2. Section **17-55-201** is amended to read:

238 **17-55-201. Criminal justice coordinating councils -- Creation -- Strategic plan -- Reporting requirements.**

229 (1){(+)}

. {(a)} (2) (a) Beginning January 1, 2023, a county shall:

230 {(i)} (a) (i) create a criminal justice coordinating council; or

231 {(ii)} (b) (ii) jointly with another county or counties, create a criminal justice coordinating council.

233 {(b)} (c) (b) The purpose of a council is to coordinate and improve components of the criminal justice system in the county or counties.

235 (2)

. (a) A council shall include:



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- 236 (i) one county commissioner or county council member;
- 237 (ii) the county sheriff or the sheriff's designee;
- 238 (iii) one chief of police of a municipality within the county or the chief's designee;
- 239 (iv) the county attorney or the attorney's designee;
- 240 (v) one public defender or attorney who provides public defense within the county;
- 241 (vi) one district court judge;
- 242 (vii) one justice court judge;
- 243 (viii) one representative from the Division of Adult Probation and Parole within the Department of  
Corrections;
- 245 (ix) one representative from the local mental health authority within the county; and
- 246 (x) one individual who is:
- 247 (A) a crime victim; or
- 248 (B) a victim advocate, as defined in Section 77-38-403.
- 249 (b) A council may include:
- 250 (i) an individual representing:
- 251 (A) local government;
- 252 (B) human services programs;
- 253 (C) higher education;
- 254 (D) peer support services;
- 255 (E) workforce services;
- 256 (F) local housing services;
- 257 (G) mental health or substance use disorder providers;
- 258 (H) a health care organization within the county;
- 259 (I) a local homeless council;
- 260 (J) family counseling and support groups; or
- 261 (K) organizations that work with families of incarcerated individuals; or
- 262 (ii) an individual with lived experiences in the criminal justice system.
- 263 (3)
- . (a) A member who is an elected county official shall serve as chair of the council.
- 264 (b) The council shall elect the member to serve as chair under Subsection (3)(a).
- 265 (4)

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- (a) A council shall develop and implement a strategic plan for the county's or counties' criminal justice system that includes:
- 267 (i) mapping of all systems, resources, assets, and services within the county's or counties' criminal justice system;
- 269 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 270 (iii) recidivism reduction objectives; and
- 271 (iv) community reintegration goals, including identifying strategies for:
- 272 (A) connecting county residents who are on probation or parole, **including those under the custody of the Division of Juvenile Justice and Youth Services**, with county-based housing, employment, mental health services, substance use treatment, and related resources; and
- 275 (B) educating and incentivizing employers to hire county residents who have a criminal recordor a juvenile record.
- 277 (b) The commission may assist a council in the development of a strategic plan.
- 278 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare a list of private probation providers for a court to provide to defendants as described in Section 77-18-105.
- 281 (6) Before November 30 of each year, a council shall provide a written report to the commission regarding:
- 283 (a) the implementation of a strategic plan described in Subsection (4); and
- 284 (b) any data on the impact of the council on the criminal justice system in the county or counties.
- 298 Section 3. Section 34-52-201 is amended to read:
- 299 **34-52-201. Public employer requirements.**
- 300 (1) Except as provided in Subsections (3) and (6), a public employer may not:
- 301 (a) exclude an applicant from an initial interview because of:
- 302 (i) a past criminal conviction, an expunged conviction, an arrest for an offense that occurred before the applicant was 18 years old, or a juvenile adjudication; or
- 304 (ii) if the applicant is a mental health professional applicant, an arrest for an offense that occurred before the applicant was 18 years old;
- 306 (b) make an inquiry related to an applicant's expunged criminal or juvenile delinquency history;
- 308 (c) when making a hiring decision regarding a mental health professional applicant, consider:
- 310 (i) an arrest for an offense that occurred before the mental health professional applicant was 18 years old;

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- 312 (ii) an arrest not followed by a criminal conviction or juvenile adjudication;
- 313 (iii) a juvenile adjudication; or
- 314 (iv) a past criminal conviction if:
- 315 (A) the sentence for the criminal conviction is terminated; and
- 316 (B) the mental health professional applicant was not incarcerated for the past criminal conviction or  
the mental health professional applicant's incarceration for the past criminal conviction ended  
at least three years before the day on which the mental health professional applicant applied for  
employment; or
- 320 (d) deny a mental health professional applicant employment based on a past criminal conviction that  
does not bear a direct relationship to the mental health professional applicant's ability to safely or  
competently perform the duties of employment.
- 323 (2) A public employer excludes an applicant from an initial interview under Subsection (1) if the public  
employer:
- 325 (a) requires an applicant to disclose a criminal conviction or juvenile adjudication:
- 326 (i) on an employment application;
- 327 (ii) before an initial interview; or
- 328 (iii) if no interview is conducted, before making a conditional offer of employment; or
- 329 (b) requires an applicant who is a mental health professional applicant to disclose an arrest for an  
offense that occurred before the applicant was 18 years old:
- 331 (i) on an employment application;
- 332 (ii) before an initial interview; or
- 333 (iii) if no interview is conducted, before making a conditional offer of employment.
- 334 (3) A public employer may not deny a mental health professional applicant employment that requires  
the mental health professional applicant to provide substance use treatment based on:
- 337 (a) the mental health professional applicant's participation in substance use treatment; or
- 338 (b) a past criminal conviction for a nonviolent drug offense if:
- 339 (i) the sentence for the criminal conviction is terminated; and
- 340 (ii)
- . (A) the mental health professional applicant was not incarcerated for the past criminal conviction; or
- 342

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- (B) the mental health professional applicant's incarceration for the past criminal conviction ended at least three years before the day on which the mental health professional applicant applied for employment.
- 345 (4) An applicant seeking employment from a public employer may answer a question related to an expunged criminal or juvenile delinquency record as though the action underlying the expunged criminal or juvenile delinquency record never occurred.
- 348 (5) Except as provided in Subsections (1) through (3), this section does not prevent a public employer from:
- 350 (a) asking an applicant for information about an applicant's criminal conviction or juvenile delinquency history during an initial interview or after an initial interview; or
- 352 (b) considering an applicant's criminal conviction or juvenile delinquency history when making a hiring decision.
- 354 (6)
- . (a) Subsections (1) through (4) do not apply:
- 355 (i) if federal, state, or local law, including corresponding administrative rules, requires the consideration of an applicant's criminal conviction, an expunged conviction, an arrest for an offense that occurred before the applicant was 18 years old, or juvenile delinquency history;
- 359 (ii) to a public employer that is a law enforcement agency;
- 360 (iii) to a public employer that is part of the criminal or juvenile justice system;
- 361 (iv) to a public employer seeking a nonemployee volunteer;
- 362 (v) to a public employer that works with children or vulnerable adults;
- 363 (vi) to the Department of Alcoholic Beverage Services created in Section 32B-2-203;
- 364 (vii) to the State Tax Commission;
- 365 (viii) to a public employer whose primary purpose is performing financial or fiduciary functions; or
- 367 (ix) to a public transit district hiring or promoting an individual for a safety sensitive position described in Section 17B-2a-825.
- 369 (b) Subsections (1)(c)(iv) and (1)(d) do not apply to a criminal conviction for:
- 370 (i) a violent felony as defined in Section 76-3-203.5; or
- 371 (ii) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act.
- 373 (c) Subsections (1)(a)(ii), (1)(c), (1)(d), and (3) apply to a person under contract with a public employer.

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- 375 Section 4. Section 58-1-402 is amended to read:  
376 **58-1-402. Administrative review -- Special appeals boards.**  
377 (1)  
378 . (a) Any applicant who has been denied a license to practice on the basis of credentials, character, a  
379 criminal record, or failure to pass a required examination, or who has been refused renewal or  
380 reinstatement of a license to practice on the basis that the applicant does not meet qualifications  
381 for continued licensure in any occupation or profession under the jurisdiction of the division may  
382 submit a request for agency review to the executive director within 30 days following notification of  
383 the denial of a license or refusal to renew or reinstate a license.  
384 (b)  
385 . (i) The executive director shall determine whether the circumstances for denying an application for an  
386 initial license or for renewal or reinstatement of a license would justify calling a special appeals  
387 board under Subsection (2).  
388 (ii) In making the determination described in Subsection (1)(b)(i), the executive director shall, if the  
389 denial is based on a criminal record, independently consider the factors described in Subsection  
390 58-1-401(7).  
391 (iii) The executive director's decision is not subject to agency review.  
392 (2) A special appeals board shall consist of three members appointed by the executive director as  
393 follows:  
394 (a) one member from the occupation or profession in question who is not on the board of that  
395 occupation or profession;  
396 (b) one member from the general public who is neither an attorney nor a practitioner in an occupation or  
397 profession regulated by the division; and  
398 (c) one member who is a resident lawyer currently licensed to practice law in this state who shall serve  
399 as chair of the special appeals board.  
400 (3) The special appeals board shall comply with the procedures and requirements of Title 63G, Chapter  
401 4, Administrative Procedures Act, in its proceedings.  
402 (4)  
403 . (a) Within a reasonable amount of time following the conclusion of a hearing before a special appeals  
404 board, the board shall enter an order based upon the record developed at the hearing. The order  
405 shall state whether a legal basis exists for denying the application for an initial license or for renewal

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or reinstatement of a license that is the subject of the appeal. The order is not subject to further agency review.

406 (b) The division or the applicant may obtain judicial review of the decision of the special appeals board in accordance with Sections 63G-4-401 and 63G-4-403.

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

410 (a) Section 63A-3-106;

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

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

414 (6) If an applicant under Subsection (1) is not given a special appeals board, the applicant shall be given agency review under the ordinary agency review procedures specified by rule.

417 Section 5. Section 58-1-501 is amended to read:

418 **58-1-501. Unlawful and unprofessional conduct.**

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

421 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any profession requiring licensure under this title, except the behavioral health technician under Chapter 60, Part 6, Behavioral Health Coach and Technician Licensing Act, if the person is:

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

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

428 (b)

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

430 (ii) for a licensee who has had a license under this title reinstated following disciplinary action, practicing the same 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;

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

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- (d) knowingly permitting the person's authority to practice or engage in any profession licensed under this title to be used by another, except as permitted by law;
- 439 (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;
- 442 (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:
- 444 (A) without prescriptive authority conferred by a license issued under this title, or by an exemption to licensure under this title; or
- 446 (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
- 452 (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
- 456 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a profession under this title.
- 458 (2)
- . (a) "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:
- 461 (i) violating any statute, rule, or order regulating [an] a profession under this title;
- 462 (ii) 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;
- 465 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation with respect to a crime that, when considered with the functions and duties of the profession for which the license was issued or is to be issued, bears

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a substantial relationship to the licensee's or applicant's ability to safely or competently practice the profession;

- 471 (iv) 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 profession if the conduct would, in this  
state, constitute grounds for denial of licensure or disciplinary proceedings under Section  
58-1-401;
- 476 (v) 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 profession;
- 479 (vi) practicing or attempting to practice a profession regulated under this title despite being  
physically or mentally unfit to do so;
- 481 (vii) practicing or attempting to practice a or profession regulated under this title through gross  
incompetence, gross negligence, or a pattern of incompetency or negligence;
- 484 (viii) practicing or attempting to practice a profession requiring licensure under this title by any  
form of action or communication which is false, misleading, deceptive, or fraudulent;
- 487 (ix) practicing or attempting to practice a profession regulated under this title beyond the scope of  
the licensee's competency, abilities, or education;
- 489 (x) practicing or attempting to practice a profession regulated under this title beyond the scope of  
the licensee's license;
- 491 (xi) 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;
- 494 (xii) acting as a supervisor without meeting the qualification requirements for that position that are  
defined by statute or rule;
- 496 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a drug or device:  
498 (A) 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  
501 (B) 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



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- 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;
- 507 (xiv) violating a provision of Section 58-1-501.5;
- 508 (xv) violating the terms of an order governing a license; or
- 509 (xvi) violating Section 58-1-511.
- 510 (b) "Unprofessional conduct" does not include:
- 511 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under this title, deviating from medical norms or established practices if the conditions described in Subsection (5) are met; and
- 514 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the health care provider deviates from medical norms or established practices, including the maladies the health care provider treats, if the health care provider:
- 517 (A) does not guarantee any results regarding any health care service;
- 518 (B) fully discloses on the health care provider's website that the health care provider deviates from medical norms or established practices with a conspicuous statement; and
- 521 (C) includes the health care provider's contact information on the website.
- 522 (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.
- 526 (4) The following are not evidence of engaging in unprofessional conduct under Subsection (2)(a)(iii):
- 528 (a) an arrest not followed by a conviction; or
- 529 (b) a conviction for which an individual's incarceration has ended more than [~~seven~~] five years before the date of the division's consideration, unless:
- 531 (i) after the incarceration the individual has engaged in additional conduct that results in another conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in abeyance pending the successful completion of probation; or
- 535 (ii) the conviction was for:
- 536 (A) a violent felony as defined in Section 76-3-203.5;
- 537 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act; or
- 539

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(C) a felony related to criminal fraud or embezzlement, including a felony under Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft.

541 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from medical norms or established practices if:

543 (a) the health care provider does not deviate outside of the health care provider's scope of practice and possesses the education, training, and experience to competently and safely administer the alternative health care service;

546 (b) the health care provider does not provide an alternative health care service that is otherwise contrary to any state or federal law;

548 (c) the alternative health care service has reasonable potential to be of benefit to the patient to whom the alternative health care service is to be given;

550 (d) the potential benefit of the alternative health care service outweighs the known harms or side effects of the alternative health care service;

552 (e) the alternative health care service is reasonably justified under the totality of the circumstances;

554 (f) after diagnosis but before providing the alternative health care service:

555 (i) the health care provider educates the patient on the health care services that are within the medical norms and established practices;

557 (ii) the health care provider discloses to the patient that the health care provider is recommending an alternative health care service that deviates from medical norms and established practices;

560 (iii) the health care provider discusses the rationale for deviating from medical norms and established practices with the patient;

562 (iv) the health care provider discloses any potential risks associated with deviation from medical norms and established practices; and

564 (v) the patient signs and acknowledges a notice of deviation; and

565 (g) before providing an alternative health care service, the health care provider discloses to the patient that the patient may enter into an agreement describing what would constitute the health care provider's negligence related to deviation.

568 (6) As used in this section, "notice of deviation" means a written notice provided by a health care provider to a patient that:

570 (a) is specific to the patient;

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- (b) indicates that the health care provider is deviating from medical norms or established practices in the health care provider's recommendation for the patient's treatment;
- 573 (c) describes how the alternative health care service deviates from medical norms or established practices;
- 575 (d) describes the potential risks and benefits associated with the alternative health care service;
- 577 (e) describes the health care provider's reasonably justified rationale regarding the reason for the deviation; and
- 579 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to receive the alternative health care service which is outside medical norms and established practices.

582 Section 6. Section 6 is enacted to read:

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## CHAPTER 13h. Rehabilitation and Re-entry

### Services REHABILITATION AND REENTRY SERVICES

584 **64-13h-101. Definitions.**

As used in this chapter:

- 290 (1) "Account" means the Rehabilitation and {Re-entry} Reentry Services Restricted Account created in Section 64-13h-102.
- 292 (2) "Department" means the Department of Corrections.
- 293 (3) "Offender" means the same as that term is defined in Section 64-13-1.

590 Section 7. Section 7 is enacted to read:

591 **64-13h-102. Creation of Rehabilitation and {Re-entry} Reentry Services Restricted Account.**

- 297 (1) There is created a restricted account within the General Fund known as the Rehabilitation and {Re-entry} Reentry Services Restricted Account.
- 299 (2) The account includes:
- 300 (a) private donations, grants, gifts, bequests, or money made available from any other source to implement this section and Section 64-13h-103;
- 302 (b) money appropriated to the account by the Legislature; and
- 303 (c) any interest earned on the account.
- 304 (3) The department shall administer the account for the purposes described in Section 64-13h-103.

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(4) Upon appropriation by the Legislature, the department shall use money in the account as described in Section 64-13h-103.

604 Section 8. Section 8 is enacted to read:

605 **64-13h-103. Uses of Rehabilitation and {Re-entry} Reentry Services Restricted Account.**

311 (1) Account funds shall be used to provide direct services to offenders that will increase the likelihood of successful reintegration into the general public and decrease the likelihood of recidivism, which may include:

314 (a) educational services;

315 (b) job skills training;

316 (c) life skills training;

317 (d) apprenticeships;

318 (e) job placement assistance;

319 (f) assistance with affordable housing or supervised or transitional housing services;

320 (g) substance use treatment, mental health services, or physical health services; or

321 (h) case worker access, before or after leaving incarceration.

322 (2) The department may expend money from the account to offset actual department expenses related to administering this section.

620 Section 9. **Effective date.**

This bill takes effect:

326 (1) except as provided in Subsection (2), May 7, 2025; or

327 (2) if approved by two-thirds of all members elected to each house:

328 (a) upon approval by the governor;

329 (b) without the governor's signature, the day following the constitutional time limit of Utah Constitution, Article VII, Section 8; or

331 (c) in the case of a veto, the date of veto override.

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