

# SB0044S01 compared with SB0044

{Omitted text} shows text that was in SB0044 but was omitted in SB0044S01

inserted text shows text that was not in SB0044 but was inserted into SB0044S01

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## Professional Licensure {~~Background Checks~~} Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: A. Cory Maloy

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### LONG TITLE

#### General Description:

This bill amends provisions related to professional licensure {~~background checks~~} .

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ standardizes the requirements for a criminal background check for licensure in certain professions;
- ▶ clarifies the circumstances under which the Division of Professional Licensing (division) revokes a license, as that revocation applies to a criminal background check; {~~and~~}
- ▶ renames the Physicians Education Fund to the Physicians Education and Enforcement Fund (fund);
- ▶ authorizes the director of the division to make distributions from the fund under certain circumstances;
- ▶ requires that the division deposit administrative penalties imposed for unprofessional or unlawful conduct into the fund; and

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16       ▸ makes technical and conforming changes.

### 20 **Money Appropriated in this Bill:**

21       None

22       None

### 25 **AMENDS:**

26       **58-1-301.5** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah  
2024, Chapter 420

27       **58-5a-302** , as last amended by Laws of Utah 2020, Chapter 339 , as last amended by Laws of Utah  
2020, Chapter 339

28       **58-16a-302** , as last amended by Laws of Utah 2022, Chapter 415 , as last amended by Laws of  
Utah 2022, Chapter 415

29       **58-17b-303** , as last amended by Laws of Utah 2020, Chapter 339 , as last amended by Laws of  
Utah 2020, Chapter 339

30       **58-17b-304** , as last amended by Laws of Utah 2020, Chapter 339 , as last amended by Laws of  
Utah 2020, Chapter 339

31       **58-17b-305** , as last amended by Laws of Utah 2020, Chapter 339 , as last amended by Laws of  
Utah 2020, Chapter 339

32       **58-17b-306** , as last amended by Laws of Utah 2024, Chapter 210 , as last amended by Laws of  
Utah 2024, Chapter 210

33       **58-24b-302** , as last amended by Laws of Utah 2020, Chapter 339 , as last amended by Laws of  
Utah 2020, Chapter 339

34       **58-31b-302** , as last amended by Laws of Utah 2023, Chapters 223, 284 , as last amended by Laws  
of Utah 2023, Chapters 223, 284

35       **58-42a-302** , as last amended by Laws of Utah 2022, Chapter 221 , as last amended by Laws of  
Utah 2022, Chapter 221

36       **58-44a-302** , as last amended by Laws of Utah 2022, Chapters 415, 438 , as last amended by Laws  
of Utah 2022, Chapters 415, 438

37       **58-47b-302** , as last amended by Laws of Utah 2024, Chapter 137 , as last amended by Laws of  
Utah 2024, Chapter 137

38       **58-55-302** , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of Utah  
2024, Chapter 507

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- 39 **58-60-205** , as last amended by Laws of Utah 2024, Chapters 103, 420 , as last amended by Laws of  
Utah 2024, Chapters 103, 420
- 40 **58-60-305** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah  
2024, Chapter 420
- 41 **58-60-405** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah  
2024, Chapter 420
- 42 **58-60-506** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah  
2024, Chapter 420
- 43 **58-61-304** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah  
2024, Chapter 420
- 44 **58-63-302** , as last amended by Laws of Utah 2023, Chapter 223 , as last amended by Laws of Utah  
2023, Chapter 223
- 45 **58-64-302** , as last amended by Laws of Utah 2023, Chapter 223 , as last amended by Laws of Utah  
2023, Chapter 223
- 46 **58-67-302** , as last amended by Laws of Utah 2023, Chapter 329 , as last amended by Laws of Utah  
2023, Chapter 329
- 47 **58-67-503 , as last amended by Laws of Utah 2022, Chapter 415 , as last amended by Laws of  
Utah 2022, Chapter 415**
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- 48 **58-67a-1 , as last amended by Laws of Utah 2013, Chapter 400 , as last amended by Laws of  
Utah 2013, Chapter 400**
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- 49 **58-68-302** , as last amended by Laws of Utah 2023, Chapter 329 , as last amended by Laws of Utah  
2023, Chapter 329
- 50 **58-68-503 , as last amended by Laws of Utah 2022, Chapter 415 , as last amended by Laws of  
Utah 2022, Chapter 415**
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- 51 **58-69-302** , as last amended by Laws of Utah 2020, Chapter 339 , as last amended by Laws of Utah  
2020, Chapter 339
- 52 **58-70a-302** , as last amended by Laws of Utah 2023, Chapter 222 , as last amended by Laws of  
Utah 2023, Chapter 222
- 53 **58-70b-302** , as last amended by Laws of Utah 2023, Chapter 139 , as last amended by Laws of  
Utah 2023, Chapter 139

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**58-71-302** , as last amended by Laws of Utah 2023, Chapter 249 , as last amended by Laws of Utah 2023, Chapter 249

55 **58-71-402 , as last amended by Laws of Utah 2022, Chapter 415 , as last amended by Laws of Utah 2022, Chapter 415**

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56 **58-73-302** , as last amended by Laws of Utah 2022, Chapter 415 , as last amended by Laws of Utah 2022, Chapter 415

57 REPEALS:

58 **58-17b-307** , as last amended by Laws of Utah 2023, Chapter 223 , as last amended by Laws of Utah 2023, Chapter 223

59 **58-24b-302.1** , as enacted by Laws of Utah 2018, Chapter 318 , as enacted by Laws of Utah 2018, Chapter 318

60 **58-42a-302.1** , as enacted by Laws of Utah 2022, Chapter 221 , as enacted by Laws of Utah 2022, Chapter 221

61 **58-44a-302.1** , as enacted by Laws of Utah 2022, Chapter 438 , as enacted by Laws of Utah 2022, Chapter 438

62 **58-47b-302.1** , as enacted by Laws of Utah 2023, Chapter 225 , as enacted by Laws of Utah 2023, Chapter 225

63 **58-55-302.1** , as enacted by Laws of Utah 2023, Chapter 223 , as enacted by Laws of Utah 2023, Chapter 223

64 **58-60-103.1** , as last amended by Laws of Utah 2024, Chapters 103, 420 , as last amended by Laws of Utah 2024, Chapters 103, 420

65 **58-61-304.1** , as last amended by Laws of Utah 2024, Chapter 420 , as last amended by Laws of Utah 2024, Chapter 420

66 **58-63-302.1** , as enacted by Laws of Utah 2023, Chapter 223 , as enacted by Laws of Utah 2023, Chapter 223

67 **58-64-302.1** , as enacted by Laws of Utah 2023, Chapter 223 , as enacted by Laws of Utah 2023, Chapter 223

68 **58-67-302.1** , as enacted by Laws of Utah 2018, Chapter 318 , as enacted by Laws of Utah 2018, Chapter 318

69 **58-68-302.1** , as enacted by Laws of Utah 2018, Chapter 318 , as enacted by Laws of Utah 2018, Chapter 318

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70 **58-70a-301.1** , as enacted by Laws of Utah 2023, Chapter 222 , as enacted by Laws of Utah 2023,  
Chapter 222

71

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

73 Section 1. Section **58-1-301.5** is amended to read:

74 **58-1-301.5. Division access to Bureau of Criminal Identification records -- Criminal  
background check requirement.**

69 (1) As used in this section, "applicant" means an individual applying for licensure or certification,  
or with respect to a license or certification, applying for renewal, reinstatement, or relicensure or  
recertification, as required in:

72 (a) Section 58-5a-302;

73 (b) Section 58-16a-302;

74 (c) Section 58-17b-303;

75 (d) Section 58-17b-304;

76 (e) Section 58-17b-305;

77 (f) Section 58-17b-306;

78 (g) Section 58-24b-302;

79 (h) Section 58-31b-302;

80 (i) Section 58-42a-302;

81 (j) Section 58-44a-302;

82 (k) Section 58-47b-302;

83 (l) Section 58-55-302;

84 (m) Section 58-60-205;

85 (n) Section 58-60-305;

86 (o) Section 58-60-405;

87 (p) Section 58-60-506;

88 (q) Section 58-61-304;

89 (r) Section 58-63-302;

90 (s) Section 58-64-302;

91 (t) Section 58-67-302;

92 (u) Section 58-68-302;

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93 ~~(v) Section 58-69-302;~~

94 ~~(w) Section 58-70a-302;~~

95 ~~(x) Section 58-70b-302;~~

96 ~~(y) Section 58-71-302; or~~

97 ~~(z) Section 58-73-302.~~

98 [(H)] (2) The division shall have direct access to local files maintained by the Bureau of Criminal  
Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for background  
screening of ~~[individuals who are applying for licensure or certification, or with respect to a license  
or certification, renewal, reinstatement, or relicensure or recertification, as required in:]~~ an applicant.

103 ~~[(a) Sections 58-17b-306 and 58-17b-307;]~~

104 ~~[(b) Sections 58-24b-302 and 58-24b-302.1;]~~

105 ~~[(c) Section 58-31b-302;]~~

106 ~~[(d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy Practice Act;]~~

108 ~~[(e) Section 58-44a-302.1;]~~

109 ~~[(f) Sections 58-47b-302 and 58-47b-302.1;]~~

110 ~~[(g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm company agents,  
and Section 58-55-302.1;]~~

112 ~~[(h) Sections 58-60-103.1, 58-60-205, 58-60-305, 58-60-405, and 58-60-506 of Chapter 60, Mental  
Health Professional Practice Act;]~~

114 ~~[(i) Sections 58-61-304 and 58-61-304.1;]~~

115 ~~[(j) Sections 58-63-302 and 58-63-302.1;]~~

116 ~~[(k) Sections 58-64-302 and 58-64-302.1;]~~

117 ~~[(l) Sections 58-67-302 and 58-67-302.1;]~~

118 ~~[(m) Sections 58-68-302 and 58-68-302.1; and]~~

119 ~~[(n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant Act.]~~

121 [(2)] (3) The division's access to criminal background information under this section:

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

123 (b) includes[-] :

124 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in abeyance, dismissed  
charges, and charges without a known disposition; and

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- (ii) criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 128 [~~(3)~~] (4) 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.
- 132 (5) To fulfill an applicable criminal background check requirement, an applicant shall:
- 133 (a) submit fingerprints in a form acceptable to the division at the time the applicant files a license  
application; and
- 135 (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and  
the Federal Bureau of Investigation regarding the application.
- 137 (6)
- . (a) Upon receiving fingerprints from an applicant in accordance with Subsection (5), the division shall:
- 139 (i) collect from each applicant submitting fingerprints in accordance with this section:
- 140 (A) the fee that the Bureau of Criminal Identification is authorized to collect for the services provided  
under Section 53-10-108; and
- 142 (B) the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of  
obtaining federal criminal history record information;
- 145 (ii) submit from each applicant the fingerprints and the fees described in Subsection (6)(a)(i) to the  
Bureau of Criminal Identification; and
- 147 (iii) obtain and retain in division records a signed waiver approved by the Bureau of Criminal  
Identification in accordance with Section 53-10-108 for each applicant.
- 149 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by this chapter.
- 151 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal Identification  
shall:
- 153 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state and regional  
criminal records databases;
- 155 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history  
background check; and
- 157 (c) provide the results from the state, regional, and nationwide criminal history background checks to  
the division.
- 159 (8)

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- (a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required under this section demonstrates, after the applicant is licensed, that the applicant failed to accurately disclose a criminal history, the division may provide notice to the applicant that the license is immediately and automatically revoked.
- 164 (b) An individual whose license has been revoked in accordance with Subsection (8)(a) is entitled to a hearing to challenge the revocation.
- 166 (c) The division shall conduct the hearing described in this Subsection (8) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- 175 Section 2. Section **58-5a-302** is amended to read:
- 176 **58-5a-302. Qualifications to practice podiatry.**
- An applicant for licensure to practice podiatry shall:
- 171 (1) submit an application in a form [as prescribed by]the division approves;
- 172 (2) pay a fee as determined by the department under Section 63J-1-504;
- 173 (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;
- 177 (4) if licensed on or after July 1, 2015, satisfy the division and board that the applicant:
- 178 (a) has successfully completed 24 months of resident training in a program approved by the Council on Podiatric Medical Education; or
- 180 (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 (3);
- 183 (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
- 186 (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



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applicant fails to continue in good standing in a Council on Podiatric Medical Education approved progressive resident training program within the state;[-and]

192 (5) pass examinations required by rule[-] ; and

193 (6)

. (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

195 (b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

198 (c) disclose any criminal history the division requests on a form the division approves.

206 Section 3. Section **58-16a-302** is amended to read:

207 **58-16a-302. Qualifications for licensure.**

An applicant for licensure as an optometrist shall:

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

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

204 (3)

. (a)

. [(a)] (i) be a doctoral graduate of a recognized school of optometry accredited by the American Optometric Association's Accreditation Council on Optometric Education; or

207 [(b)] (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 (3)(a), as demonstrated by the applicant for licensure; or

210 [(4)] (b) if the applicant graduated from a recognized school of optometry [~~prior to~~] before 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;

214 [(5)] (4) have passed examinations [~~approved by~~]the division, in consultation with the board, approves and that include:

216 (a) a standardized national optometry examination;

217 (b) a standardized clinical examination; and

218 (c) a standardized national therapeutics examination;[-and]

219 [(6)] (5) 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[-] ; and

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- 221 (6)
- . (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 223 (b) meet any other standard related to the criminal background check described in Subsection (6)(a),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 226 (c) disclose any criminal history the division requests on a form the division approves.
- 234 Section 4. Section **58-17b-303** is amended to read:
- 235 **58-17b-303. Qualifications for licensure as a pharmacist.**
- 229 (1) An applicant for licensure as a pharmacist shall:
- 230 (a) submit an application in a form [~~prescribed by~~]the division approves;
- 231 (b) pay a fee as determined by the department under Section 63J-1-504;
- 232 ~~[(e) {f} complete a criminal background check and be free from criminal convictions as described in~~  
~~Section 58-1-501;]~~
- 241 (c)
- 234 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 236 (ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 239 (iii) disclose any criminal history the division requests on a form the division approves;
- 241 (d) have no physical or mental condition of a nature [~~which~~] that prevents the applicant from engaging  
in the practice of pharmacy with reasonable skill, competency, and safety to the public;
- 244 (e) have graduated and received a professional entry degree from a school or college of pharmacy  
which is accredited by the Accreditation Council on Pharmacy Education;
- 246 (f) have completed an internship meeting standards established by division rule made in collaboration  
with the board; and
- 248 (g) have successfully passed examinations required by division rule made in collaboration with the  
board.
- 250 (2) An applicant for licensure as a pharmacist whose pharmacy education was completed at a foreign  
pharmacy school shall, in addition to the requirements under Subsections (1)(a) through (d), (f), and  
(g), obtain a certification of equivalency from a credentialing agency required by division rule made  
in collaboration with the board.

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- 254 (3) An applicant for a license by endorsement as a pharmacist under this section shall:
- 255 (a) submit a written application in the form prescribed by the division;
- 256 (b) pay the fee determined by the department under Section 63J-1-504;
- 257 (c) ~~[complete a criminal background check and be free from criminal convictions as described in~~  
Section 58-1-501;]
- 259 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 261 (ii) meet any other standard related to the criminal background check described in Subsection (3)(c)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 264 (iii) disclose any criminal history the division requests on a form the division approves;
- 266 (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;
- 269 (e) have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in the four years  
immediately preceding the date of application;
- 271 (f) produce satisfactory evidence of completing the professional education required under Subsection  
(1);
- 273 (g) be currently licensed in good standing as a pharmacist in another state, territory, or possession of the  
United States;
- 275 (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
- 277 (i) pass the jurisprudence examination prescribed by division rule made in collaboration with the board.
- 286 Section 5. Section **58-17b-304** is amended to read:
- 287 **58-17b-304. Qualifications for licensure of pharmacy intern.**  
An applicant for licensure as a pharmacy intern shall:
- 282 (1) submit an application in a form~~[-prescribed by]~~ the division approves;
- 283 (2) pay a fee determined by the department under Section 63J-1-504;
- 284 ~~[(3) {f} complete a criminal background check and be free from criminal convictions as described in~~  
Section 58-1-501;]
- 286 ~~{(a)}~~ (3)
- . (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 288

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- (b) meet any other standard related to the criminal background check described in Subsection (3)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 291 (c) disclose any criminal history the division requests on a form the division approves;
- 292 (4) have no physical or mental condition of a nature [which] that prevents the applicant from engaging  
in the practice of pharmacy with reasonable skill, competency, and safety to the public;
- 295 (5) meet the preliminary educational qualifications required by division rule made in collaboration with  
the board; and
- 297 (6) meet one of the following educational criteria:
- 298 (a) be a current pharmacy student, a resident, or fellow in a program approved by division rule made in  
collaboration with the board; or
- 300 (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.
- 310 Section 6. Section **58-17b-305** is amended to read:
- 311 **58-17b-305. Qualifications for licensure of pharmacy technician.**
- 305 (1) An applicant for licensure as a pharmacy technician shall:
- 306 (a) submit an application in a form [~~prescribed by~~] the division approves;
- 307 (b) pay a fee determined by the department under Section 63J-1-504;
- 308 ~~[(e) {f} complete a criminal background check and be free from criminal convictions as described in  
Section 58-1-501;]~~
- 317 (c)
- 310 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 312 (ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 315 (iii) disclose any criminal history the division requests on a form the division approves;
- 317 (d) have no physical or mental condition of a nature [which] that prevents the applicant from engaging  
in practice as a pharmacy technician with reasonable skill, competency, and safety to the public;
- 320 (e) have completed a program and curriculum of education and training, meeting standards established  
by division rule made in collaboration with the board; and

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

324 (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.

334 Section 7. Section **58-17b-306** is amended to read:

335 **58-17b-306. Qualifications for licensure as a pharmacy.**

329 (1) Each applicant for licensure under this section, except for those applying for a class D license, shall:

331 (a) submit a written application in the form~~[-prescribed by]~~ the division approves;

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

333 (c) satisfy the division that the applicant, and each owner, officer, or manager of the applicant~~{:}[-{f}]~~ have] has not engaged in any act, practice, or omission, which when considered with the duties and responsibilities of a licensee under this section indicates there is cause to believe that issuing a license to the applicant is inconsistent with the interest of the public's health, safety, or welfare;

338 (d) demonstrate the licensee's operations will be in accordance with all federal, state, and local laws relating to the type of activity engaged in by the licensee, including regulations of the Federal Drug Enforcement Administration and Food and Drug Administration;

342 (e) maintain operating standards established by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

345 (f)

. (i) for each pharmacy license, ensure that the ~~[pharmacist in charge]~~ pharmacist-in-charge, as defined by the division~~[-submits fingerprint cards and consents to a fingerprint background check in accordance with Section 58-17b-307]~~ consents to, and completes, a criminal background check, described in Section 58-1-301.5;

350 (ii) meets any other standard related to the criminal background check described in Subsection (1)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

353 (iii) discloses any criminal history the division requests on a form the division approves; and

355 (g) acknowledge the division's authority to inspect the licensee's business premises pursuant to Section 58-17b-103.

357 (2) Each applicant applying for a class D license shall:

358 (a) submit a written application in the form~~[-prescribed by]~~ the division approves;

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- 359 (b) pay a fee as determined by the department under Section 63J-1-504;
- 360 (c) present to the division verification of licensure in the state where physically located and verification  
that such license is in good standing;
- 362 (d) satisfy the division that the applicant and each of the applicant's pharmacy managers has  
not engaged in any act, practice, or omission, which when considered with the duties and  
responsibilities of a licensee under this section, indicates there is cause to believe that issuing a  
license to the applicant is inconsistent with the interest of the public's health, safety, or welfare;
- 367 (e) for each pharmacy manager~~[, submit fingerprint cards and consent to a fingerprint background check  
in accordance with Section 58-17b-307;]~~ :
- 369 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 371 (ii) meet any other standard related to the criminal background check described in Subsection (2)(e)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 374 (iii) disclose any criminal history the division requests on a form the division approves;
- 376 (f) provide a statement of the scope of pharmacy services that will be provided and a detailed  
description of the protocol as described by rule by which pharmacy care will be provided, including  
any collaborative practice arrangements with other health care practitioners;
- 380 (g) sign an affidavit attesting that any healthcare practitioners employed by the applicant and physically  
located in Utah have the appropriate license issued by the division and in good standing;
- 383 (h) sign an affidavit attesting that the applicant will abide by the pharmacy laws and regulations of the  
jurisdiction in which the pharmacy is located; and
- 385 (i) if an applicant engages in compounding, submit the most recent inspection report:
- 386 (i) conducted within two years before the application for licensure; and
- 387 (ii)
- . (A) conducted as part of the National Association of Boards of Pharmacy Verified Pharmacy Program;  
or
- 389 (B) 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.
- 392 (3)
- . (a) Each license issued under this section shall be associated with a single, specific address.

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394 (b) By rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act, the division shall allow a licensee to update, by request to the  
division, the address associated with the licensee under Subsection (3)(a), to a new address if the  
licensee requests the change of address at least 90 days before the day on which the licensee begins  
operating at the new address.

407 Section 8. Section **58-24b-302** is amended to read:

408 **58-24b-302. Licensure.**

409 (1) An applicant for a license as a physical therapist shall:

410 (a) complete the application process, including payment of fees;

411 (b) submit proof of graduation from a professional physical therapist education program that is  
accredited by a recognized accreditation agency;

412 (c) pass a licensing examination:

413 (i) after complying with Subsection (1)(b); or

414 (ii) if the applicant is in the final term of a professional physical therapist education program that is  
accredited by a recognized accreditation agency;

415 (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;

416 (e)

417 . (i) ~~[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]~~ consent to, and complete, a criminal background check, described  
in Section 58-1-301.5;

418 (ii) meet any other standard related to the criminal background check described in Subsection (1)(e)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and

419 (iii) disclose any criminal history the division requests on a form the division approves; and

420 (f) meet any other requirements established by the division, by rule made in accordance with Title 63G,  
Chapter 3, Utah Administrative Rulemaking Act.

421 (2) An applicant for a license as a physical therapist assistant shall:

422

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- (a) complete the application process, including payment of fees set by the division, in accordance with Section 63J-1-504, to recover the costs of administering the licensing requirements relating to physical therapist assistants;
- 427 (b) submit proof of graduation from a physical therapist assistant education program that is accredited by a recognized accreditation agency;
- 429 (c) pass a licensing examination approved by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 432 (i) after the applicant complies with Subsection (2)(b); or
- 433 (ii) if the applicant is in the final term of a physical therapist assistant education program that is accredited by a recognized accreditation agency;
- 435 (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;
- 437 (e)
- . ~~(i) [submit to, and pass, a criminal background check, in accordance with Section 58-24b-302.1 and standards established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 441 (ii) meet any other standard related to the criminal background check described in Subsection (2)(e)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 444 (iii) disclose any criminal history the division requests on a form the division approves; and
- 446 (f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 448 (3) An applicant for a license as a physical therapist who is educated outside of the United States shall:
- 450 (a) complete the application process, including payment of fees;
- 451 (b)
- . (i) provide satisfactory evidence that the applicant graduated from a professional physical therapist education program that is accredited by a recognized accreditation agency; or
- 454 (ii)
- . (A) provide satisfactory evidence that the applicant graduated from a physical therapist education program that prepares the applicant to engage in the practice of physical therapy, without restriction;



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- 457 (B) provide satisfactory evidence that the education program described in Subsection (3)(b)(ii)(A) is  
recognized by the government entity responsible for recognizing a physical therapist education  
program in the country where the program is located; and
- 461 (C) pass a credential evaluation to ensure that the applicant has satisfied uniform educational  
requirements;
- 463 (c) after complying with Subsection (3)(b), pass a licensing examination;
- 464 (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;
- 466 (e)
- . (i) ~~[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]~~ consent to, and complete, a criminal background check, described  
in Section 58-1-301.5;
- 470 (ii) meet any other standard related to the criminal background check described in Subsection (3)(e)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 473 (iii) disclose any criminal history the division requests on a form the division approves; and
- 475 (f) meet any other requirements established by the division, by rule made in accordance with Title 63G,  
Chapter 3, Utah Administrative Rulemaking Act.
- 477 (4) The division shall issue a license to ~~[a person]~~ an individual 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]~~ individual:
- 480 (a) completes the application process, including payment of fees;
- 481 (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;
- 483 [(e) {f}] ~~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]~~
- 493 (c)
- 486 (i) consents to, and completes, a criminal background check, described in Section 58-1-301.5;
- 488

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- (ii) meets any other standard related to the criminal background check described in Subsection (4)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 491 (iii) discloses any criminal history the division requests on a form the division approves; and  
493 (d) meets any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 495 (5)
- . (a) Notwithstanding Subsection 58-1-307(1)(c), an individual may not engage in an internship in physical therapy, unless the ~~[person]~~ individual is:
- 497 (i) certified by the division; or  
498 (ii) exempt from licensure under Section 58-24b-304.
- 499 (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.
- 509 Section 9. Section **58-31b-302** is amended to read:
- 510 **58-31b-302. Qualifications for licensure or certification -- Criminal background checks.**
- 505 (1) An applicant for certification as a medication aide shall:
- 506 (a) submit an application to the division on a form ~~[prescribed by]~~ the division approves;
- 507 (b) pay a fee to the division as determined under Section 63J-1-504;
- 508 (c) have a high school diploma or its equivalent;
- 509 (d) have a current certification as a nurse aide, in good standing, from the Department of Health and Human Services;
- 511 (e) have a minimum of 2,000 hours of experience within the two years ~~[prior to]~~ before application, working as a certified nurse aide in a long-term care facility or another health care facility that is designated by the division in collaboration with the board;
- 514 (f) obtain letters of recommendation from a health care facility administrator and one licensed nurse familiar with the applicant's work practices as a certified nurse aide;
- 516 (g) be in a condition of physical and mental health that will permit the applicant to practice safely as a medication aide certified;
- 518 (h) have completed an approved education program or an equivalent as determined by the division in collaboration with the board;

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- 520 (i) have passed the examinations as required by division rule made in collaboration with the board; and  
522 (j) meet with the board, if requested, to determine the applicant's qualifications for certification.
- 524 (2) An applicant for licensure as a licensed practical nurse shall:
- 525 (a) submit to the division an application in a form [~~prescribed by~~]the division approves;  
526 (b) pay to the division a fee determined under Section 63J-1-504;  
527 (c) have a high school diploma or its equivalent;  
528 (d) be in a condition of physical and mental health that will permit the applicant to practice safely as a  
licensed practical nurse;
- 530 (e) have completed an approved practical nursing education program or an equivalent as determined by  
the board;
- 532 (f) have passed the examinations as required by division rule made in collaboration with the board; and  
534 (g) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- 536 (3) An applicant for a registered nurse apprentice license shall:
- 537 (a) submit to the division an application form [~~prescribed by~~]the division approves;  
538 (b) pay to the division a fee determined under Section 63J-1-504;  
539 (c) have a high school diploma or its equivalent;  
540 (d) be in a condition of physical and mental health that will allow the applicant to practice safely as a  
registered nurse apprentice;
- 542 (e) as determined by an approved registered nursing education program, be:
- 543 (i) in good standing with the program; and  
544 (ii) in the last semester, quarter, or competency experience;
- 545 (f) have written permission from the program in which the applicant is enrolled; and  
546 (g) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- 548 (4) An applicant for licensure as a registered nurse shall:
- 549 (a) submit to the division an application form {F} [~~prescribed by~~]the division approves;  
550 (b) pay to the division a fee determined under Section 63J-1-504;  
551 (c) have a high school diploma or its equivalent;  
552 (d) be in a condition of physical and mental health that will allow the applicant to practice safely as a  
registered nurse;
- 554 (e) have completed an approved registered nursing education program;  
555 (f) have passed the examinations as required by division rule made in collaboration with the board; and

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- 557 (g) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- 559 (5) ~~[Applicants-]~~ An applicant for licensure as an advanced practice registered nurse shall:
- 560 (a) submit to the division an application on a form ~~[prescribed by-]~~ the division approves;
- 561 (b) pay to the division a fee determined under Section 63J-1-504;
- 562 (c) be in a condition of physical and mental health ~~[which will allow]~~ that allows the applicant to practice safely as an advanced practice registered nurse;
- 564 (d) hold a current registered nurse license in good standing issued by the state or be qualified at the time for licensure as a registered nurse;
- 566 (e)
- . (i) have earned a graduate degree in:
- 567 (A) an advanced practice registered nurse nursing education program; or
- 568 (B) a related area of specialized knowledge as determined appropriate by the division in collaboration with the board; or
- 570 (ii) have completed a nurse anesthesia program in accordance with Subsection (5)(f)(ii);
- 572 (f) have completed:
- 573 (i) course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics from an education program approved by the division in collaboration with the board; or
- 576 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of Nurse Anesthesia Educational Programs;
- 578 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as described in division rule, that the applicant, after completion of a doctorate or master's degree required for licensure, is in the process of completing the applicant's clinical practice requirements in psychiatric mental health nursing, including in psychotherapy;
- 583 (h) have passed the examinations as required by division rule made in collaboration with the board;
- 585 (i) be currently certified by a program approved by the division in collaboration with the board and submit evidence satisfactory to the division of the certification; and
- 587 (j) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- 589 (6) ~~[For each]~~ Each applicant for licensure or certification under this chapter, except an applicant under Subsection 58-31b-301(2)(b), shall:
- 591 ~~[(a) the applicant shall:]~~
- 592 ~~[(i) submit fingerprint cards in a form acceptable to the division at the time the application is filed; and]~~

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- 594 [(ii) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and  
the Federal Bureau of Investigation regarding the application;]
- 596 [(b) the division shall:]
- 597 [(i) in addition to other fees authorized by this chapter, collect from each applicant submitting  
fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is  
authorized to collect for the services provided under Section 53-10-108 and the fee charged by  
the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal  
criminal history record information;]
- 603 [(ii) submit from each applicant the fingerprint card and the fees described in this Subsection (6)(b) to  
the Bureau of Criminal Identification; and]
- 605 [(iii) obtain and retain in division records a signed waiver approved by the Bureau of Criminal  
Identification in accordance with Section 53-10-108 for each applicant; and]
- 607 [(e) the Bureau of Criminal Identification shall, in accordance with the requirements of Section  
53-10-108:]
- 609 [(i) check the fingerprints submitted under Subsection (6)(b) against the applicable state and regional  
criminal records databases;]
- 611 [(ii) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history  
background check; and]
- 613 [(iii) provide the results from the state, regional, and nationwide criminal history background checks to  
the division.]
- 615 (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 617 (b) meet any other standard related to the criminal background check described in Subsection (6)(a),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 620 (c) disclose any criminal history the division requests on a form the division approves.
- 621 [(7) For purposes of conducting the criminal background checks required in Subsection (6), the division  
shall have direct access to criminal background information maintained pursuant to Title 53,  
Chapter 10, Part 2, Bureau of Criminal Identification.]
- 624 [(8)
- . (a)
- .

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- (i) Any new nurse license or certification issued under this section shall be conditional, pending completion of the criminal background check.]
- 626 [(ii) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check discloses the applicant has failed to accurately disclose a criminal history, the license or certification shall be immediately and automatically revoked upon notice to the licensee by the division.]
- 630 [(b)
- . (i) An individual whose conditional license or certification has been revoked under Subsection (8)(a) is entitled to a postrevocation hearing to challenge the revocation.]
- 632 [(ii) A postrevocation hearing shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.]
- 634 [(9)] (7) If an individual has been charged with a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation, the division shall act upon the license as required under Section 58-1-401.
- 639 [(10)] (8) If an individual has been charged with a felony other than a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation, the division shall determine whether the felony disqualifies the individual for licensure under this chapter and act upon the license, as required, in accordance with Section 58-1-401.
- 646 [(11) 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.]
- 659 Section 10. Section **58-42a-302** is amended to read:
- 660 **58-42a-302. Qualifications for licensure.**
- 652 (1) An applicant for licensure as an occupational therapist shall:
- 653 (a) submit an application in a form [as prescribed by]the division approves;
- 654 (b) pay a fee as determined by the department under Section 63J-1-504;
- 655 (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

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Council for Occupational Therapy Education, a predecessor organization, or an equivalent organization as determined by division rule;

- 660 (d) if applying for licensure on or after July 1, 2015, complete a minimum of 24 weeks of supervised fieldwork experience;
- 662 (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; and
- 667 ~~[(f) {f} if the applicant is applying to participate in the Occupational Therapy Licensure Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a criminal background check in accordance with Section 58-42a-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~
- 681 (f)
- 672 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 674 (ii) meet any other standard related to the criminal background check described in Subsection (1)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 677 (iii) disclose any criminal history the division requests on a form the division approves.
- 679 (2) ~~[All applicants-]~~ An applicant for licensure as an occupational therapy assistant shall:
- 680 (a) submit an application in a form ~~[as prescribed by-]~~ the division approves;
- 681 (b) pay a fee as determined by the department under Section 63J-1-504;
- 682 (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;
- 687 (d) if applying for licensure on or after July 1, 2015, complete a minimum of 16 weeks of supervised fieldwork experience;
- 689 (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; and

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694 ~~[(f) {f} if the applicant is applying to participate in the Occupational Therapy Licensure Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a criminal background check in accordance with Section 58-42a-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

708 (f)

699 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

701 (ii) meet any other standard related to the criminal background check described in Subsection (2)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

704 (iii) disclose any criminal history the division requests on a form the division approves.

706 (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:

708 (a) consents to a criminal background check in accordance with Section 58-42a-302 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

711 (b)

. (i) meets the requirements of receiving a license by endorsement under Section 58-1-302; or

713 (ii) 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)(e) or (2)(e).

726 Section 11. Section **58-44a-302** is amended to read:

727 **58-44a-302. Qualifications for licensure.**

719 (1) An applicant for licensure as a nurse midwife shall:

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

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

722 (c) at the time of application for licensure hold a license in good standing as a registered nurse in Utah, or be at that time qualified for a license as a registered nurse under Title 58, Chapter 31b, Nurse Practice Act;

725 (d) have completed:

726



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- (i) a certified nurse midwifery education program accredited by the Accreditation Commission for Midwifery Education and approved by the division; or
- 728 (ii) a nurse midwifery education program located outside of the United States which is approved by the division and is equivalent to a program accredited by the Accreditation Commission for Midwifery Education, as demonstrated by a graduate's being accepted to sit for the national certifying examination administered by the Accreditation Commission for Midwifery Education or its designee;
- 734 (e) have passed examinations established by the division rule in collaboration with the board within two years after completion of the approved education program required under Subsection (1)(d); and
- 737 ~~[(f) {f} complete and pass a criminal background check in accordance with Section 58-44a-302.1.]~~
- 748 (f)
- 739 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 741 (ii) meet any other standard related to the criminal background check described in Subsection (1)(f)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 744 (iii) disclose any criminal history the division requests on a form the division approves.
- 746 (2) For purposes of Subsection (1)(d), as of January 1, 2010, an applicant shall have completed a graduate degree, including post-master's certificate, in nurse midwifery from the accredited education program or the accredited education program's equivalent.[-]
- 758 Section 12. Section **58-47b-302** is amended to read:
- 759 **58-47b-302. License classifications -- Qualifications for licensure.**
- 751 (1) The division shall issue licenses under this chapter in the classifications of:
- 752 (a) massage therapist;
- 753 (b) massage apprentice;
- 754 (c) massage assistant; and
- 755 (d) massage assistant in-training.
- 756 (2) An applicant for licensure as a massage therapist shall:
- 757 (a) submit an application in a form ~~[prescribed by]~~the division approves;
- 758 (b) pay a fee determined by the department under Section 63J-1-504;
- 759 (c) be 18 years old or older;
- 760 (d) have either:

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- 761 (i)
- . (A) graduated from a school of massage having a curriculum that meets standards established by  
division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3,  
Utah Administrative Rulemaking Act; or
- 765 (B) completed equivalent education and training in compliance with division rule made in accordance  
with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 768 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000 hours of supervised  
training and in accordance with standards established by division rule made in collaboration with the  
board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 772 (e) pass:
- 773 (i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing Examination; or
- 775 (ii) any other examination established by division rule made in collaboration with the board and in  
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 778 (3) An applicant for licensure as a massage apprentice shall:
- 779 (a) submit an application in a form [~~prescribed by~~]the division approves;
- 780 (b) pay a fee determined by the department under Section 63J-1-504;
- 781 (c) be 18 years old or older;
- 782 (d) provide satisfactory evidence to the division that the applicant will practice as a massage apprentice  
only under the direct supervision of a licensed massage therapist in good standing who, for at least  
6,000 hours, has engaged in the lawful practice of massage therapy as a licensed massage therapist;  
and
- 786 (e) pass an examination as required by division rule made in accordance with Title 63G, Chapter 3,  
Utah Administrative Rulemaking Act.
- 788 (4)
- . (a) An applicant for licensure as a massage assistant shall:
- 789 (i) submit an application in a form [~~prescribed by~~]the division approves;
- 790 (ii) pay a fee determined by the department in accordance with Section 63J-1-504;
- 791 (iii) be 18 years old or older;
- 792 (iv) subject to Subsection (4)(b), complete at least 300 hours of education and training approved by  
division rule made accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 795

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- (v) provide satisfactory evidence to the division that the applicant will practice as a massage assistant only under the indirect supervision of a massage therapy supervisor; and
- 798 (vi) pass an examination as required by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 800 (b) The 300-hour education and training requirement described in Subsection (4)(a) shall include:
- 802 (i) at least 150 hours of education and training while the applicant is:
- 803 (A) enrolled in massage school; or
- 804 (B) licensed as a massage assistant in-training and under the direct supervision of a massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy; and
- 807 (ii) at least 150 hours of education and training while the applicant is:
- 808 (A) enrolled in massage school; or
- 809 (B) licensed as a massage assistant in-training and under the indirect supervision of a massage therapist in good standing who, for at least 6,000 hours, has engaged in the lawful practice of massage therapy.
- 812 (5) An applicant for licensure as a massage assistant in-training shall:
- 813 (a) submit an application in a form [~~prescribed by~~]the division approves;
- 814 (b) pay a fee determined by the department in accordance with Section 63J-1-504;
- 815 (c) be 18 years old or older; and
- 816 (d) provide satisfactory evidence to the division that the applicant will practice as a massage assistant in-training under the supervision of a massage therapist for a period of no more than six months for the purpose of satisfying the requirements described in Subsections (4)(a)(iv) and (4)(b) for licensure as a massage assistant.
- 820 (6)
- . (a) A massage therapist may supervise at one time up to six individuals licensed as a massage apprentice or massage assistant in-training.
- 822 (b) A massage therapy supervisor may supervise at one time up to six individuals licensed as a massage assistant.
- 824 (7) A new massage therapist, massage apprentice, massage assistant, or massage assistant in-training applicant shall~~[-submit to and pass a criminal background check in accordance with Section~~

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58-47b-302.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.] :

- 828 (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 830 (b) meet any other standard related to the criminal background check described in Subsection (7)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 833 (c) disclose any criminal history the division requests on a form the division approves.
- 843 Section 13. Section **58-55-302** is amended to read:
- 844 **58-55-302. Qualifications for licensure.**
- 836 (1) Each applicant for a license under this chapter shall:
- 837 (a) submit an application [~~prescribed by~~]the division approves;
- 838 (b) pay a fee as determined by the department under Section 63J-1-504;
- 839 (c) meet the examination requirements established by this section and by rule by the commission with the concurrence of the director, which requirements include:
- 841 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty contractor, no division-administered examination is required;
- 843 (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
- 852 (iii) if required [~~in~~] by Section 58-55-304 and the applicant is a business entity, that an individual qualifier[~~must~~] pass the required division-administered examination[~~if the applicant is a business entity~~];
- 855 (d) [~~if an~~] for licensure as an apprentice, identify the proposed supervisor of the apprenticeship;
- 857 (e) [~~if an applicant for a contractor's license~~] for licensure as a contractor:
- 858 (i) produce satisfactory evidence of financial responsibility, except for a construction trades instructor for whom evidence of financial responsibility is not required;
- 860 (ii) produce satisfactory evidence of:

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- 861 (A) except as provided in Subsection (2)(a), and except that no employment experience is required  
for licensure as a specialty contractor, two years full-time paid employment experience in the  
construction industry, which employment experience, unless more specifically described in this  
section, may be related to any contracting classification and does not have to include supervisory  
experience; and
- 867 (B) knowledge of the principles of the conduct of business as a contractor, reasonably necessary for the  
protection of the public health, safety, and welfare;
- 869 (iii) except as otherwise provided by rule by the commission with the concurrence of the director,  
complete a 25-hour course ~~[established by rule by]~~ that the commission with the concurrence of the  
director~~[-which]~~ establishes by rule, that is taught by an approved prelicensure course provider, and  
which ~~[course]~~ may include:
- 874 (A) construction business practices;
- 875 (B) bookkeeping fundamentals;
- 876 (C) mechanics lien fundamentals;
- 877 (D) other aspects of business and construction principles considered important by the commission with  
the concurrence of the director; and
- 879 (E) for no additional fee, a provider-administered examination at the end of the 25-hour course;
- 881 (iv) if the applicant is applying 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, other than an  
applicant who completed the 25-hour course described in Subsection (1)(e)(iii) before July 1, 2019,  
complete a five-hour business and law course[-] :
- 887 (A) ~~[established by rule by]~~ that the commission, with the concurrence of the director, establishes by  
rule; and
- 889 (B) ~~[-which]~~ that is taught by an approved prelicensure course provider~~[-if an applicant 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, except that if the 25-hour course described in  
Subsection (1)(e)(iii) was completed before July 1, 2019, the applicant does not need to take the  
business and law course];~~
- 896 (v)

## SB0044 compared with SB0044S01

- (A) for licensure as a residential electrical contractor, be a licensed master electrician ~~[if an applicant for an electrical contractor's license]~~ or a licensed master residential electrician ~~[if an applicant for a residential electrical contractor's license]~~;
- 909 (B) for licensure as an electrical contractor, be a licensed master electrician;
- 900 ~~[(B)]~~ (C) for licensure as a residential plumbing contractor, be a licensed master plumber [if an applicant for a plumbing contractor's license] or a licensed master residential plumber ~~[if an applicant for a residential plumbing contractor's license]~~ ~~{ }~~ ~~;~~ ~~or~~ ~~;~~ ~~;~~ ;
- 914 (D) for licensure as a plumbing contractor, be a licensed master plumber; or
- 904 ~~[(C)]~~ (E) for licensure as an elevator contractor, be a licensed elevator mechanic and produce satisfactory evidence of three years experience as an elevator mechanic [if an applicant for an elevator contractor's license] ~~{ }~~ ~~;~~ ~~{ }~~ and]
- 907 ~~{(vi)}~~ ;
- 918 (vi) when the applicant is an unincorporated entity, provide a list of the one or more individuals who hold an ownership interest in the applicant as of the day on which the application is filed that includes for each individual:
- 910 (A) the individual's name, address, birth date, and social security number or other satisfactory evidence of the applicant's identity permitted under rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 914 (B) whether the individual will engage in a construction trade; and
- 915 (vii) the applicant or, if the applicant is a business entity as described in Section 58-55-304, an individual qualifier and each individual with at least a 10% voting interest in the business entity shall:
- 918 (A) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 920 (B) meet any other standard related to the criminal background check described in Subsection (1)(e)(vii)(A), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 923 (C) disclose any criminal history the division requests on a form the division approves; and
- 925 (f) ~~[if an applicant]~~ for licensure as a construction trades instructor [license], satisfy any additional requirements [established by rule] the division establishes by rule.
- 927 (2)

## SB0044 compared with SB0044S01

- (a) If the applicant for a contractor's license described in Subsection (1) is a building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory evidence of two years of full-time paid employment experience as a building inspector, which shall include at least one year of full-time experience as a licensed combination inspector.
- 932 (b) The applicant shall file the following with the division before the division issues the license:
- 934 (i) proof of workers' compensation insurance [~~which~~] that covers employees of the applicant in accordance with applicable Utah law;
- 936 (ii) proof of public liability insurance in coverage amounts and form established by rule except for a construction trades instructor for whom public liability insurance is not required; and
- 939 (iii) proof of registration as required by applicable law with the:
- 940 (A) Department of Commerce;
- 941 (B) Division of Corporations and Commercial Code;
- 942 (C) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
- 944 (D) State Tax Commission; and
- 945 (E) Internal Revenue Service.
- 946 (3) In addition to the general requirements for each applicant in Subsection (1), [~~applicants~~] an applicant shall comply with the following requirements to be licensed in the following classifications:
- 949 (a)
- . (i) [~~A-~~] a master plumber shall produce satisfactory evidence that the applicant:
- 950 (A) has been a licensed journeyman plumber for at least two years and had two years of supervisory experience as a licensed journeyman plumber in accordance with division rule;
- 953 (B) has received at least an associate of applied science degree or similar degree following the completion of a course of study approved by the division and had one year of supervisory experience as a licensed journeyman plumber in accordance with division rule; or
- 957 (C) 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 plumber[~~-~~] ;
- 962

## SB0044 compared with SB0044S01

- (ii) ~~[An]~~ an individual holding a valid Utah license as a journeyman plumber, based on at least four years of practical experience as a licensed apprentice under the supervision of a licensed journeyman plumber and four years as a licensed journeyman plumber, in effect immediately ~~[prior to]~~ before May 5, 2008, is on and after May 5, 2008, considered to hold a current master plumber license under this chapter, and satisfies the requirements of this Subsection (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303~~[-]~~ ; and
- 969 (iii) ~~[An]~~ an individual holding a valid plumbing contractor's license or residential plumbing  
contractor's license, in effect immediately ~~[prior to]~~ before May 5, 2008, is on or after May 5, 2008:
- 972 (A) considered to hold a current master plumber license under this chapter if licensed as a plumbing  
contractor and a journeyman plumber, and satisfies the requirements of this Subsection (3)(a) for  
purposes of renewal or reinstatement of that license under Section 58-55-303; and
- 976 (B) considered to hold a current residential master plumber license under this chapter if licensed as a  
residential plumbing contractor and a residential journeyman plumber, and satisfies the requirements  
of this Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section  
58-55-303~~[-]~~ ;
- 981 (b) ~~[A]~~ a master residential plumber applicant shall produce satisfactory evidence that the applicant:
- 983 (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
- 986 (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~~[-]~~ ;
- 991 (c) ~~[A]~~ a journeyman plumber applicant shall produce satisfactory evidence of:
- 992 (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;
- 996 (ii) at least eight years of full-time experience approved by the division in collaboration with the  
Electricians and Plumbers Licensing Board; or
- 998 (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



## SB0044 compared with SB0044S01

Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed journeyman plumber[-] ;

- 1002 (d) [A] a residential journeyman plumber shall produce satisfactory evidence of:
- 1003 (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;
- 1008 (ii) completion of at least six years of full-time experience in a maintenance or repair trade involving substantial plumbing work; or
- 1010 (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[-] ;
- 1015 (e) [~~The~~] the conduct of a licensed apprentice [~~plumbers~~] plumber and [~~their~~] the licensed apprentice plumber's licensed [~~supervisors~~] supervisor shall be in accordance with the following:
- 1018 (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;
- 1022 (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
- 1025 (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[-] ;
- 1031 (f) [A] a master electrician applicant shall produce satisfactory evidence that the applicant:
- 1033 (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;
- 1036 (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;

## SB0044 compared with SB0044S01

- 1040 (iii) has four years of practical experience as a journeyman electrician; or
- 1041 (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[-] ;
- 1045 (g) [A] a master residential electrician applicant shall produce satisfactory evidence that the applicant:
- 1047 (i) has at least two years of practical experience as a residential journeyman electrician; or
- 1049 (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[-] ;
- 1053 (h) [A] a journeyman electrician applicant shall produce satisfactory evidence that the applicant:
- 1055 (i) has successfully completed at least four years of full-time training and instruction as a licensed apprentice electrician under the supervision of a master electrician or journeyman electrician and in accordance with a planned training program approved by the division;
- 1059 (ii) has at least eight years of full-time experience approved by the division in collaboration with the Electricians and Plumbers Licensing Board; or
- 1061 (iii) 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 journeyman electrician[-] ;
- 1065 (i) [A] a residential journeyman electrician applicant shall produce satisfactory evidence that the applicant:
- 1067 (i) has successfully completed two years of training in an electrical training program approved by the division;
- 1069 (ii) has four years of practical experience in wiring, installing, and repairing electrical apparatus and equipment for light, heat, and power under the supervision of a licensed master, journeyman, residential master, or residential journeyman electrician; or
- 1073 (iii) 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

## SB0044 compared with SB0044S01

Rulemaking Act, that clearly demonstrate the applicant has the knowledge and skills to be a licensed residential journeyman electrician[-] ;

- 1078 (j) ~~[The]~~ the conduct of a licensed apprentice ~~[electricians]~~ electrician and ~~[their]~~ the licensed  
1081 apprentice electrician's licensed ~~[supervisors]~~ supervisor shall be in accordance with the following:
- 1084 (i) a licensed apprentice electrician shall be under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician;
- 1087 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed apprentice electrician may work without supervision for a period not to exceed eight hours in any 24-hour period;
- 1087 (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; and
- 1093 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a residential project, or more if established by rules made by the commission, in concurrence with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[-] ;
- 1097 (k) ~~[An]~~ an alarm company applicant shall:
- 1098 (i) have a qualifying agent who:
- 1099 (A) is an alarm company officer, alarm company owner, alarm company proprietor, an alarm company trustee, or other responsible management personnel;
- 1102 (B) demonstrates 6,000 hours of experience in the alarm company business;
- 1103 (C) demonstrates 2,000 hours of experience as a manager or administrator in the alarm company business or in a construction business; and
- 1105 (D) passes an examination component~~[-established by rule by]~~ the commission, with the concurrence of the director, establishes by rule;
- 1107 (ii) ~~[provide the name, address, date of birth, social security number, fingerprint card, and consent to a background check in accordance with Section 58-55-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for]~~ require that each alarm company officer, alarm company owner, alarm company proprietor,

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alarm company trustee, and responsible management personnel with direct responsibility for managing operations of the applicant within the state[;] :

- 1114 (A) provide the applicant's name, address, date of birth, social security number, and fingerprints to the division;
- 1116 (B) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1118 (C) meet any other standard related to the criminal background check described in Subsection (2)(k)(ii)(B), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1121 (D) disclose any criminal history the division requests on a form the division approves;
- 1123 (iii) document that none of the [~~persons~~] individuals described in Subsection (3)(k)(ii):
- 1124 (A) have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored; or
- 1126 (B) are currently suffering from habitual drunkenness or from drug addiction or dependence;
- 1128 (iv) file and maintain with the division evidence of:
- 1129 (A) comprehensive general liability insurance in form and in amounts [~~to be~~]established by rule by the commission with the concurrence of the director;
- 1131 (B) workers' compensation insurance that covers employees of the applicant in accordance with applicable Utah law; and
- 1133 (C) registration as is required by applicable law with the:
- 1134 (I) Division of Corporations and Commercial Code;
- 1135 (II) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
- 1137 (III) State Tax Commission; and
- 1138 (IV) Internal Revenue Service; and
- 1139 (v) meet with the division and board[-] ;
- 1140 (l) [~~Each~~] an applicant for licensure as an alarm company agent shall:
- 1141 (i) submit an application in a form [~~prescribed by~~]the division approves accompanied by fingerprint cards;
- 1143 (ii) pay a fee determined by the department under Section 63J-1-504;
- 1144

## SB0044 compared with SB0044S01

- ~~[(iii) {f} submit to and pass a criminal background check in accordance with Section 58-55-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~
- 1147 ~~{(A)}~~ (iii) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1149 ~~{(B)}~~ (A) meet any other standard related to the criminal background check described in ~~{Subsection (3)(1)(iii)(A)}~~ this Subsection (3)(1)(iii), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1152 ~~{(C)}~~ (B) disclose any criminal history the division requests on a form the division approves;
- 1154 (iv) not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
- 1156 (v) not be currently suffering from habitual drunkenness or from drug addiction or dependence; and
- 1158 (vi) meet with the division and board if requested by the division or the board[-] ; and
- 1159 (m)
- . ~~[(i) Each applicant for licensure as an elevator mechanic shall:]~~
- 1160 (i) an applicant for licensure as an elevator mechanic shall:
- 1161 (A) provide documentation of experience and education credits of not less than three years work experience in the elevator industry, in construction, maintenance, or service and repair;~~[-and]~~
- 1164 (B) satisfactorily complete a written examination administered by the division established by rule under Section 58-1-203; or
- 1166 (C) provide certificates of completion of an apprenticeship program for elevator mechanics, having standards substantially equal to those of this chapter and registered with the United States Department of Labor Bureau Apprenticeship and Training or a state apprenticeship council[-] ; and
- 1170 (ii)
- . ~~[(A) If an elevator contractor licensed under this chapter cannot find a licensed elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator, the contractor may:]~~
- 1174 (A) if an elevator contractor licensed under this chapter cannot find a licensed elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator, the contractor may
- 1177 ~~[(F)]~~  notify the division of the unavailability of licensed personnel[;] and
- .

## SB0044 compared with SB0044S01

- [~~(H)~~] request the division issue a temporary elevator mechanic license to an individual certified by the contractor as having an acceptable combination of documented experience and education to perform the work described in this Subsection (3)(m)(ii)(A)~~[-]~~ ; and
- 1182 (B)
- . [~~(H)~~ ~~The~~] if an elevator contractor requests that the division issue a temporary elevator license as described in Subsection (3)(m)(ii)(A), the division may issue a temporary elevator mechanic license to an individual certified under Subsection [~~(3)(m)(ii)(A)(H)~~ (3)(m)(ii)(A) upon application by the individual, accompanied by the appropriate fee as determined by the department under Section 63J-1-504~~[-]~~ and
- . [~~(H)~~ ~~The division~~] shall specify the time period for which the license is valid and may renew the license for an additional time period upon [~~its~~] the division's determination that a shortage of licensed elevator mechanics continues to exist.
- 1191 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules establishing when Federal Bureau of Investigation records shall be checked for applicants as an alarm company or alarm company agent under this section and Section ~~[58-55-302.1]~~ 58-1-301.5.
- 1195 (5)
- . (a) [~~An~~] The division shall deny an application for licensure under this chapter~~[- shall be denied]~~ if:
- 1197 (i) the applicant has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;
- 1200 (ii)
- . (A) the applicant is a partnership, corporation, or limited liability company; and
- 1202 (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~~] that has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application;
- 1209 (iii)
- . (A) the applicant is an individual or sole proprietorship; and
- 1210

## SB0044 compared with SB0044S01

- (B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii)(B) in any entity which has had a previous license, which was issued under this chapter, suspended or revoked within two years before the date of the applicant's application; or
- 1214 (iv)
- . (A) the applicant includes an individual who was an owner, director, or officer of an unincorporated entity at the time the entity's license under this chapter was revoked; and
- 1217 (B) the application for licensure is filed within 60 months after the revocation of the unincorporated entity's license.
- 1219 (b) ~~[A~~n~~]~~ The appropriate licensing board shall review an application for licensure under this chapter ~~[shall be reviewed by the appropriate licensing board prior to]~~ before approval if:
- 1222 (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;
- 1225 (ii)
- . (A) the applicant is a partnership, corporation, or limited liability company; and
- 1227 (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]~~ that 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
- 1234 (iii)
- . (A) the applicant is an individual or sole proprietorship; and
- 1235 (B) any owner or agent acting as a qualifier has served in any capacity listed in Subsection (5)(a)(ii) (B) in any entity ~~[which]~~ that 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.
- 1239 (6)
- . (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:
- 1242 (A) own an interest in the contractor that is an unincorporated entity;

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- 1243 (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
- 1246 (C) engage, or will engage, in a construction trade in the state as owners of the contractor  
described in Subsection (6)(a)(i)(A).
- 1248 (ii) If the licensee has five or fewer owners described in Subsection (6)(a)(i), the licensee shall  
provide the ownership status report with an application for renewal of licensure.
- 1251 (b) An ownership status report required under this Subsection (6) shall:
- 1252 (i) specify each addition or deletion of an owner:
- 1253 (A) for the first ownership status report, after the day on which the unincorporated entity is licensed  
under this chapter; and
- 1255 (B) for a subsequent ownership status report, after the day on which the previous ownership status  
report is filed;
- 1257 (ii) be in a format [~~prescribed by~~]the division approves and that includes for each owner, regardless  
of the owner's percentage ownership in the unincorporated entity, the information described in  
Subsection (1)(e)(vi);
- 1260 (iii) list the name of:
- 1261 (A) each officer or manager of the unincorporated entity; and
- 1262 (B) each other individual involved in the operation, supervision, or management of the unincorporated  
entity; and
- 1264 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504 if the ownership  
status report indicates there is a change described in Subsection (6)(b)(i).
- 1267 (c) The division may audit, at any time, [~~audit~~] an ownership status report under this Subsection (6):
- 1269 (i) to determine if financial responsibility has been demonstrated or maintained as required under  
Section 58-55-306; and
- 1271 (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or Subsection 58-55-502(8)  
or (9).
- 1273 (7)
- . (a) An unincorporated entity that provides labor to an entity licensed under this chapter by providing  
an individual who owns an interest in the unincorporated entity to engage in a construction trade in  
Utah shall file with the division:



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- 1276 (i) before the individual who owns an interest in the unincorporated entity engages in a construction trade in Utah, a current list of the one or more individuals who hold an ownership interest in the unincorporated entity that includes for each individual:
- 1279 (A) the individual's name, address, birth date, and social security number; and
- 1280 (B) whether the individual will engage in a construction trade; and
- 1281 (ii) every 30 days after the day on which the unincorporated entity provides the list described in Subsection (7)(a)(i), an ownership status report containing the information that would be required under Subsection (6) if the unincorporated entity were a licensed contractor.
- 1285 (b) When filing an ownership list described in Subsection (7)(a)(i) or an ownership status report described in Subsection [~~(7)(a)(i)~~] (7)(a)(ii) an unincorporated entity shall pay a fee set by the division in accordance with Section 63J-1-504.
- 1288 (8) This chapter may not be interpreted to create or support an express or implied independent contractor relationship between an unincorporated entity described in Subsection (6) or (7) and the owners of the unincorporated entity for any purpose, including income tax withholding.
- 1292 (9)
- . (a) A social security number provided under Subsection (1)(e)(vi) or (3)(k)(ii) is a private record under Subsection 63G-2-302(1)(i).
- 1294 (b) The division may designate an applicant's evidence of identity under Subsection (1)(e)(vi) as a private record in accordance with Section 63G-2-302.
- 1305 Section 14. Section **58-60-205** is amended to read:
- 1306 **58-60-205. Qualifications for licensure or certification as a clinical social worker, certified social worker, and social service worker.**
- 1299 (1) An applicant for licensure as a clinical social worker shall:
- 1300 (a) submit an application on a form [~~provided by~~]the division approves;
- 1301 (b) pay a fee determined by the department under Section 63J-1-504;
- 1302 (c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:
- 1305 (i) a 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
- 1307

## SB0044 compared with SB0044S01

- (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;
- 1310 (d) if required under federal law for any licensee as a clinical social worker to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
  - 1313 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(e); or
  - 1315 (ii) not less than two years of clinical supervision;
- 1316 (e) document successful completion of not less than 1,200 direct client care hours:
  - 1317 (i) obtained after completion of the education requirements under Subsection (1)(c);
  - 1318 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
  - 1320 (iii) not less than 25 of which are direct observation hours; and
  - 1321 (iv) not more than 25 of which are group supervision hours accrued concurrently with more than one other applicant for licensure;
- 1323 (f) document successful completion of not less than two hours of training in suicide prevention, obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
- 1326 (g) 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;
- 1328 (h)
  - . (i) pass the examination requirement established by rule under Section 58-1-203; or
  - 1330 (ii) satisfy the following requirements:
    - 1331 (A) document at least one examination attempt that did not result in a passing score;
    - 1333 (B) document successful completion of not less than 500 additional direct client care hours, at least 25 of which are direct clinical supervision hours, and at least five of which are direct observation hours;
    - 1336 (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
    - 1338 (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and
- 1341 (i)

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- . (i) ~~[consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1346 (ii) meet any other standard related to the criminal background check described in Subsection (1)(i)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1349 (iii) disclose any criminal history the division requests on a form the division approves.
- 1351 (2) An applicant for licensure as a certified social worker shall:
- 1352 (a) submit an application on a form ~~[provided by]~~ the division approves;
- 1353 (b) pay a fee determined by the department under Section 63J-1-504;
- 1354 (c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:
- 1357 (i) a 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
- 1359 (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; and
- 1362 ~~[(d) {f}] consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~
- 1373 (d)
- 1365 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1367 (ii) meet any other standard related to the criminal background check described in Subsection (2)(d)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1370 (iii) disclose any criminal history the division requests on a form the division approves.
- 1372 (3) An applicant for licensure as a social service worker shall:
- 1373 (a) submit an application on a form ~~[provided by]~~ the division approves;
- 1374 (b) pay a fee determined by the department under Section 63J-1-504; and

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- 1375 (c) produce certified transcripts from an accredited institution of higher education recognized by the  
division in collaboration with the board verifying satisfactory completion of an education and an  
earned degree as follows:
- 1378 (i) a bachelor'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;
- 1380 (ii) a master's degree in a field approved by the division in collaboration with the board;
- 1382 (iii) a bachelor's degree in any field if the applicant:
- 1383 (A) has completed at least three semester hours, or the equivalent, in each of the following areas:
- 1385 (I) social welfare policy;
- 1386 (II) human growth and development; and
- 1387 (III) social work practice methods, as defined by rule; and
- 1388 (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 (3); or
- 1393 (iv) successful completion of the first academic year of a Council on Social Work Education approved  
master's of social work curriculum and practicum.
- 1395 (4) The division shall ensure that the rules for an examination described under Subsection (1)(h)(i)  
allow additional time to complete the examination if requested by an applicant who is:
- 1398 (a) a foreign born legal resident of the United States for whom English is a second language; or
- 1400 (b) an enrolled member of a federally recognized Native American tribe.
- 1409 Section 15. Section **58-60-305** is amended to read:
- 1410 **58-60-305. Qualifications for licensure.**
- 1403 (1) [~~All applicants~~] An applicant for licensure as a marriage and family [~~therapists~~] therapist shall:
- 1405 (a) submit an application on a form [~~provided by~~]the division approves;
- 1406 (b) pay a fee determined by the department under Section 63J-1-504;
- 1407 (c) produce certified transcripts evidencing completion of a [~~masters~~] master's or doctorate degree in  
marriage and family therapy from:
- 1409 (i) a program accredited by the Commission on Accreditation for Marriage and Family Therapy  
Education; or
- 1411 (ii) an accredited institution meeting criteria for approval established by rule under Section 58-1-203;

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- 1413 (d) if required under federal law for any licensee as a marriage and family therapist to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
- 1416 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection [(2)(e)] (1)(e); or
- 1418 (ii) not less than two years of clinical supervision;
- 1419 (e) document successful completion of not less than 1,200 direct client care hours:
- 1420 (i) obtained after completion of the education requirements under Subsection (1)(c);
- 1421 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor obtained after completion of the education requirements under Subsection (1)(c);
- 1424 (iii) not less than 25 of which are direct observation hours; and
- 1425 (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
- 1427 (f) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
- 1430 (g)
- . (i) pass the examination requirement [~~established by~~] the division establishes by rule under Section 58-1-203; or
- 1432 (ii) satisfy the following requirements:
- 1433 (A) document at least one examination attempt that did not result in a passing score;
- 1435 (B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a mental health therapist or supervisor;
- 1439 (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
- 1441 (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and
- 1444 [(h) {f}] ~~consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~

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- 1455 (h)
- 1447 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1449 (ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 1452 (iii) disclose any criminal history the division requests on a form the division approves.
- 1454 (2) [~~All applicants~~] An applicant for licensure as an associate marriage and family therapist shall  
comply with the provisions of Subsections (1)(a) through (c) and (h).
- 1464 Section 16. Section **58-60-405** is amended to read:
- 1465 **58-60-405. Qualifications for licensure.**
- 1458 (1) An applicant for licensure as a clinical mental health counselor shall:
- 1459 (a) submit an application on a form [~~provided by~~]the division approves;
- 1460 (b) pay a fee determined by the department under Section 63J-1-504;
- 1461 (c) produce certified transcripts evidencing completion of:
- 1462 (i) a master's or doctorate degree conferred to the applicant in:
- 1463 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor education and  
supervision from a program accredited by the Council for Accreditation of Counseling and Related  
Educational Programs; or
- 1466 (B) clinical mental health counseling or an equivalent field from a program affiliated with an institution  
that has accreditation that is recognized by the Council for Higher Education Accreditation; and
- 1469 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational  
program described in Subsection (1)(c)(i);
- 1471 (d) if required under federal law for any licensee as a clinical mental health counselor to qualify as an  
eligible professional under CMS rules for Medicare payment, document completion of:
- 1474 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)  
(e); or
- 1476 (ii) not less than two years of clinical supervision;
- 1477 (e) document successful completion of not less than 1,200 direct client care hours:
- 1478 (i) obtained after completion of the education requirements under Subsection (1)(c);
- 1479 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours  
under the supervision of a clinical supervisor;

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- 1481 (iii) not less than 25 of which are direct observation hours; and
- 1482 (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
- 1484 (f) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
- 1487 (g)
- . (i) pass the examination requirement [~~established by~~] the division establishes by rule under Section 58-1-203; or
- 1489 (ii) satisfy the following requirements:
- 1490 (A) document at least one examination attempt that did not result in a passing score;
- 1492 (B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a clinical supervisor;
- 1495 (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
- 1497 (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and
- 1500 ~~[(h) {f} consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~
- 1511 (h)
- 1503 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1505 (ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1508 (iii) disclose any criminal history the division requests on a form the division approves.
- 1510 (2) An applicant for licensure as an associate clinical mental health counselor shall comply with the provisions of Subsections (1)(a) through (c) and (h).
- 1512 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement described in Subsection (1)(c) if the applicant submits documentation verifying:

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- 1514 (a) satisfactory completion of a doctoral or master's degree from an educational program in  
rehabilitation counseling accredited by the Council for Accreditation of Counseling and Related  
Educational Programs;
- 1517 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours of coursework  
related to an educational program described in Subsection (1)(c)(i); and
- 1520 (c) that the applicant received a passing score that is valid and in good standing on:
- 1521 (i) the National Counselor Examination; and
- 1522 (ii) the National Clinical Mental Health Counseling Examination.
- 1531 Section 17. Section **58-60-506** is amended to read:
- 1532 **58-60-506. Qualifications for licensure.**
- 1525 (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based on  
education, training, and experience shall:
- 1527 (a) submit an application on a form [~~provided by~~]the division approves;
- 1528 (b) pay a fee determined by the department under Section 63J-1-504;
- 1529 (c) document successful completion of not less than two hours of training in suicide prevention obtained  
after completion of the education requirements under Subsection (1)(d) via a course that the division  
designates as approved;
- 1532 (d) produce a certified transcript from an accredited institution of higher education that meets standards  
established by division rule under Section 58-1-203, verifying the satisfactory completion of:
- 1535 (i) a doctoral or master's degree in:
- 1536 (A) substance use disorders or addiction counseling and treatment; or
- 1537 (B) a counseling subject approved by the division in collaboration with the board, which may include  
social work, mental health counseling, marriage and family therapy, psychology, or medicine;
- 1540 (ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or addiction counseling  
and treatment from a regionally accredited institution of higher education;
- 1543 (e) if required under federal law for any licensee as a master addiction counselor to qualify as an  
eligible professional under CMS rules for Medicare payment, document completion of:
- 1546 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)  
(g); or
- 1548 (ii) not less than two years of clinical supervision;
- 1549 (f) document successful completion of not less than 1,200 direct client care hours:



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- 1550 (i) obtained after completion of the education requirements under Subsection (1)(d)(ii);
- 1552 (ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
- 1554 (iii) not less than 25 of which are direct observation hours; and
- 1555 (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
- 1557 (g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii), evidence completion of an additional 200 hours of direct client care hours in substance use disorder or addiction treatment;
- 1560 (h)
- . (i) pass the examination requirement [~~established by~~] the division establishes by rule under Section 58-1-203; or
- 1562 (ii) satisfy the following requirements:
- 1563 (A) document at least one examination attempt that did not result in a passing score;
- 1565 (B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a clinical supervisor;
- 1568 (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
- 1570 (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and
- 1573 ~~[(i) {f} consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~
- 1584 (i)
- 1576 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1578 (ii) meet any other standard related to the criminal background check described in Subsection (1)(i)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1581 (iii) disclose any criminal history the division requests on a form the division approves.
- 1583

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- (2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for licensure as master addiction counselor may document current certification in good standing as:
- 1586 (a) a master addiction counselor by the National Certification Commission for Addiction Professionals;
- 1588 (b) a master addiction counselor by the National Board for Certified Counselors; or
- 1589 (c) an equivalent certification as under Subsections (2)(a) and (b), as determined in rule made by the division in collaboration with the board.
- 1591 (3) An applicant for licensure as an associate master addiction counselor shall satisfy the requirements under Subsections (1)(a) through (c) and (i).
- 1593 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use disorder counselor shall:
- 1595 (a) submit an application on a form ~~[provided by]~~the division approves;
- 1596 (b) pay a fee determined by the department under Section 63J-1-504; and
- 1597 (c)
- . (i) produce certified transcripts verifying satisfactory completion of:
- 1598 (A) a bachelor's degree or higher, from a regionally accredited institution of higher learning, in substance use disorders, addiction, or related counseling subjects, including social work, mental health counseling, marriage and family counseling, or psychology; or
- 1602 (B) two academic years of study in a master's of addiction counseling curriculum and practicum approved by the National Addictions Studies Accreditation Commission;
- 1605 (ii) document completion of at least 500 hours of supervised experience while licensed as a substance use disorder counselor under this section, which the applicant may complete while completing the education requirements under Subsection (1)(c)(i); and
- 1609 (iii) satisfy examination requirements established by the division in rule.
- 1610 (5) ~~[The]~~ An applicant for licensure as an advanced substance use disorder counselor may satisfy the requirements of Subsection (4)(c) [may be satisfied]by providing official verification of current certification in good standing:
- 1613 (a)
- . (i) as a National Certified Addiction Counselor Level II (NCAC II) from the National Certification Commission for Addiction Professionals (NCC AP); or
- 1615 (ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International Certification and Reciprocity Consortium; or

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- 1617 (b) of substantive equivalence to the certifications under Subsection (5)(a), as determined by division  
rule made in consultation with the board.
- 1619 (6) In accordance with division rules, an applicant for licensure as a substance use disorder counselor  
shall produce:
- 1621 (a) certified transcripts from an accredited institution that:
- 1622 (i) meet division standards;
- 1623 (ii) verify satisfactory completion of an associate's degree or equivalent as defined by the division in  
rule; and
- 1625 (iii) verify the completion of prerequisite courses established by division rules;
- 1626 (b) documentation of the applicant's completion of a substance use disorder education program that  
includes:
- 1628 (i) completion of at least 200 hours of substance use disorder related education;
- 1629 (ii) included in the 200 hours described in Subsection (6)(b)(i), a minimum of two hours of training in  
suicide prevention via a course that the division designates as approved; and
- 1632 (iii) completion of a supervised practicum of at least 200 hours; and
- 1633 (c) documentation of the applicant's completion of at least 2,000 hours of supervised experience in  
substance use disorder treatment that:
- 1635 (i) meets division standards; and
- 1636 (ii) is performed within a two-year period after the applicant's completion of the substance use  
disorder education program described in Subsection (6)(b), unless, as determined by the division  
after consultation with the board, the time for performance is extended due to an extenuating  
circumstance.
- 1648 Section 18. Section **58-61-304** is amended to read:
- 1649 **58-61-304. Qualifications for licensure by examination or endorsement.**
- 1642 (1) An applicant for licensure as a psychologist based upon education, clinical training, and  
examination shall:
- 1644 (a) submit an application on a form [~~provided by~~]the division approves;
- 1645 (b) pay a fee determined by the department under Section 63J-1-504;
- 1646 (c) produce certified transcripts of credit verifying satisfactory completion of a doctoral degree in  
psychology that includes specific core course work established by division rule under Section  
58-1-203, from an institution of higher education whose doctoral program, at the time the applicant

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received the doctoral degree, met approval criteria established by division rule made in consultation with the board;

1651 (d) have completed a minimum of 4,000 hours of psychology training as defined by division rule under Section 58-1-203 under the supervision of a psychologist supervisor approved by the division in collaboration with the board;

1654 (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)(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;

1661 (f) pass the examination requirement established by division rule under Section 58-1-203;

1662 ~~[(g) {f} 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]~~

1673 (g)

1665 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

1675 (ii) disclose any criminal history the division requests on a form the division approves; and

1667 ~~{(ii)}~~ (iii) meet any other standard related to the criminal background check described in Subsection (1)(g)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1670 ~~{(iii) {disclose any criminal history the division requests on a form the division approves; and} }~~

1672 (h) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.

1674 (2) An applicant for licensure as a psychologist by endorsement based upon licensure in another jurisdiction shall:

1676 (a) submit an application on a form ~~[provided by ]~~the division approves;

1677 (b) pay a fee determined by the department under Section 63J-1-504;

1678 (c) not have any disciplinary action pending or in effect against the applicant's psychologist license in any jurisdiction;

1680 (d) have passed the Utah Psychologist Law and Ethics Examination established by division rule;

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- 1682 (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;
- 1685 (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;
- 1687 (g) provide satisfactory evidence that:
- 1688 (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
- 1692 (ii) the applicant is:
- 1693 (A) a current holder of Board Certified Specialist status in good standing from the American Board of Professional Psychology;
- 1695 (B) currently credentialed as a health service provider in psychology by the National Register of Health Service Providers in Psychology; or
- 1697 (C) currently holds a Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards;
- 1699 ~~[(h) {f} 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]~~
- 1710 (h)
- 1702 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1704 (ii) meet any other standard related to the criminal background check described in Subsection (2)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1707 (iii) disclose any criminal history the division requests on a form the division approves; and
- 1709 (i) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.
- 1711 (3)
- . (a) An applicant for certification as a psychology resident shall comply with the provisions of Subsections (1)(a), (b), (c), (g), and (h).

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- 1713 (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)(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 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.
- 1720 (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.
- 1722 (4) An applicant for certification as a certified prescribing psychologist based upon education, clinical training, and examination shall:
- 1724 (a) have authority to engage in the practice of psychology under Subsection 58-61-301;
- 1725 (b) pay a fee determined by the department under Section 63J-1-504;
- 1726 (c) demonstrate by official transcript, or other official evidence satisfactory to the division, that the applicant:
- 1728 (i) has completed a doctoral degree in psychology that includes specific core course work established by division rule under Section 58-1-203, from an institution of higher education whose doctoral program, at the time the applicant received the doctoral degree, met approval criteria established by division rule made in consultation with the board;
- 1733 (ii) has completed a master's degree in clinical psychopharmacology from an institution of higher learning whose master's program, at the time the applicant received the master's degree, included at least 30 credit hours of didactics coursework over no less than four semesters, met approval criteria established by division rule made in consultation with the board and includes the following core areas of instruction:
- 1739 (A) neuroscience, pharmacology, psychopharmacology, physiology, and pathophysiology;
- 1741 (B) appropriate and relevant physical and laboratory assessment;
- 1742 (C) basic sciences, including general biology, microbiology, cell and molecular biology, human anatomy, human physiology, biochemistry, and genetics, as part of or [~~prior to~~] before enrollment in a master's degree in clinical psychopharmacology; and
- 1746 (D) any other areas of instruction determined necessary by the division, in collaboration with the board, as established by division rule; and

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- 1748 (iii) has completed postdoctoral supervised training, as defined by division rule made in consultation  
with the board, in prescribing psychology under the direction of a licensed physician, including:
- 1751 (A) not less than 4,000 hours of supervised clinical training throughout a period of at least two years;  
and
- 1753 (B) for an applicant for a prescription certificate who specializes in the psychological care of children  
17 years old or younger, persons 65 years old or older, or persons with comorbid medical  
conditions, at least one year prescribing psychotropic medications to those populations, as certified  
by the applicant's supervising licensed physician;
- 1758 (d) have passed:
- 1759 (i) the Psychopharmacology Examination for Psychologists developed by the Association of State and  
Provincial Psychology Boards, or [its] the association's successor organization; or
- 1762 (ii) an equivalent examination as defined by the division in rule;
- 1763 (e) not have any disciplinary action pending or in effect against the applicant's psychologist license or  
other professional license authorizing the applicant to prescribe in any jurisdiction;
- 1766 ~~[(f) {f} 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;]~~
- 1777 (f)
- 1769 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1771 (ii) meet any other standard related to the criminal background check described in Subsection (4)(f)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 1774 (iii) disclose any criminal history the division requests on a form the division approves;
- 1776 (g) commit to maintaining professional liability insurance while acting as a certified prescribing  
psychologist; and
- 1778 (h) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's  
qualifications for licensure.
- 1780 (5) An applicant for certification as a certified prescribing psychologist by endorsement based upon  
licensure in another jurisdiction shall:
- 1782 (a) submit an application on a form [~~provided by~~] the division approves;
- 1783 (b) pay a fee determined by the department under Section 63J-1-504;

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- 1784 (c) not have any disciplinary action pending or in effect against the applicant's psychologist license or other professional license authorizing the applicant to prescribe in any jurisdiction;
- 1787 (d) have passed the Utah Psychologist Law and Ethics Examination established by division rule;
- 1789 (e) provide satisfactory evidence that the applicant is currently licensed as a prescribing psychologist in another state, district, or territory of the United States, or in any other jurisdiction approved by the division in collaboration with the board;
- 1792 (f) provide satisfactory evidence that the applicant has actively practiced as a prescribing psychologist in that jurisdiction for not less than 4,000 hours or two years, whichever is greater;
- 1795 (g) provide satisfactory evidence that the applicant has satisfied the education, supervised experience, examination, and all other requirements for licensure as a prescribing psychologist in that jurisdiction at the time the applicant obtained licensure were substantially equivalent to the licensure requirements for a certified prescribing psychologist in Utah at the time the applicant obtained licensure in the other jurisdiction;
- 1801 ~~[(h) {f} 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;]~~
- 1812 (h)
- 1804 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1806 (ii) meet any other standard related to the criminal background check described in Subsection (5)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1809 (iii) disclose any criminal history the division requests on a form the division approves;
- 1811 (i) commit to maintaining professional liability insurance while acting as a certified prescribing psychologist; and
- 1813 (j) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure.
- 1815 (6) An applicant for certification as a provisional prescribing psychologist shall:
- 1816 (a) have authority to engage in the practice of psychology under Section 58-61-301;
- 1817 (b) pay a fee determined by the department under Section 63J-1-504;
- 1818 (c) demonstrate by official transcript, or other official evidence satisfactory to the division, that the applicant:



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- 1820 (i) has completed a doctoral degree in psychology that includes specific core course work established by division rule under Section 58-1-203, from an institution of higher education whose doctoral program, at the time the applicant received the doctoral degree, met approval criteria established by division rule made in consultation with the board; and
- 1825 (ii) has completed a master's degree in clinical psychopharmacology from an institution of higher learning whose master's program, at the time the applicant received the master's degree, met approval criteria established by division rule made in consultation with the board and includes the following core areas of instruction:
- 1830 (A) neuroscience, pharmacology, psychopharmacology, physiology, and pathophysiology;
- 1832 (B) appropriate and relevant physical and laboratory assessment;
- 1833 (C) basic sciences, including general biology, microbiology, cell and molecular biology, human anatomy, human physiology, biochemistry, and genetics, as part of or [~~prior to~~] before enrollment in a master's degree in clinical psychopharmacology; and
- 1837 (D) any other areas of instruction determined necessary by the division, in collaboration with the board, as established by division rule;
- 1839 (d) have no disciplinary action pending or in effect against the applicant's psychologist license or other professional license authorizing the applicant to prescribe in any jurisdiction;
- 1842 ~~[(e) {f} 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;]~~
- 1853 (e)
- 1845 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1847 (ii) meet any other standard related to the criminal background check described in Subsection (6)(e)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1850 (iii) disclose any criminal history the division requests on a form the division approves;
- 1852 (f) commit to maintaining professional liability insurance while acting as a provisional prescribing psychologist;
- 1854 (g) meet with the board, upon request for good cause, for the purpose of evaluating the applicant's qualifications for licensure; and
- 1856 (h) satisfy any further requirements, as established by the division in rule.

## SB0044 compared with SB0044S01

- 1857 (7) An applicant for licensure as a licensed school psychological practitioner shall:
- 1858 (a) submit an application on a form [~~provided by~~]the division approves;
- 1859 (b) pay a fee determined by the department under Section 63J-1-504;
- 1860 (c) produce certified transcripts of credit verifying satisfactory completion of a master's degree or equivalent certification program approved by the division that:
- 1862 (i) consists of at least 60 semester hours or 90 quarter hours in school psychology at an accredited institution; and
- 1864 (ii) includes training in at least the following topics:
- 1865 (A) understanding the organization, administration, and operation of schools, the major roles of personnel employed in schools, and curriculum development;
- 1867 (B) directing psychological and psycho-educational assessments and intervention [~~2-118including~~] including all areas of exceptionality;
- 1869 (C) individual and group intervention and remediation techniques, including consulting, behavioral methods, counseling, and primary prevention;
- 1871 (D) understanding the ethical and professional practice and legal issues related to [~~2-122the~~] the work of school psychologists;
- 1873 (E) social psychology, including interpersonal relations, communications, and consultation with students, parents, and professional personnel;
- 1875 (F) coordination and work with community-school relations and multicultural education programs and assessments; and
- 1877 (G) the use and evaluation of tests and measurements, developmental psychology, affective and cognitive processes, social and biological bases of behavior, personality, and psychopathology;
- 1880 (d) provide evidence demonstrating that the applicant has:
- 1881 (i) completed a one school year internship, or the equivalent, with a minimum of 1,200 clock hours in school psychology, at least 600 hours of which shall be in a school setting or a setting with an educational component; and
- 1884 (ii) completed at least five years of successful experience as a school psychologist in the state; and
- 1886 (e) provide a recommendation from:
- 1887 (i) the institution that the applicant attended under Subsection (4)(c); and
- 1888 (ii) one or more local education agencies, as defined in Section 53E-1-102, that employed the applicant as a school psychologist for the period described in Subsection (4)(d)(ii).

## SB0044 compared with SB0044S01

1899 Section 19. Section **58-63-302** is amended to read:

1900 **58-63-302. Qualifications for licensure.**

1893 (1) Each applicant for licensure as an armored car company or a contract security company shall:

1895 (a) submit an application in a form [~~prescribed by~~]the division approves;

1896 (b) pay a fee determined by the department under Section 63J-1-504;

1897 (c) have a qualifying agent who:

1898 (i) meets with the division and the board and demonstrates that the applicant and the qualifying agent  
meet the requirements of this section;

1900 (ii) is a resident of the state;

1901 (iii) is responsible management personnel or a company owner of the applicant;

1902 (iv) exercises material day-to-day authority in the conduct of the applicant's business by making  
substantive technical and administrative decisions and whose primary employment is with the  
applicant;

1905 (v) is not concurrently acting as a qualifying agent or employee of another armored car company or  
contract security company and is not engaged in any other employment on a regular basis;

1908 (vi) is not involved in any activity that would conflict with the qualifying agent's duties and  
responsibilities under this chapter to ensure that the qualifying agent's and the applicant's  
performance under this chapter does not jeopardize the health or safety of the general public;

1912 (vii) is not an employee of a government agency;

1913 (viii) passes an examination component established by rule by the division in collaboration with the  
board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1916 (ix)

. (A) demonstrates 6,000 hours of compensated experience as a manager, supervisor, or administrator of  
an armored car company or a contract security company; or

1919 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in collaboration with  
the board with a federal, United States military, state, county, or municipal law enforcement agency;

1922 (d) [~~provide the name, address, date of birth, social security number, fingerprint card, and consent to a  
criminal background check in accordance with Section 58-63-302.1 and requirements established  
by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
Act, for~~] require that each company officer, company owner, company proprietor, company trustee,

## SB0044 compared with SB0044S01

and responsible management personnel with direct responsibility for managing operations of the applicant within the state:

- 1929 (i) provide name, address, date of birth, social security number, and fingerprints; and  
1930 (ii)  
. (A) consent to, and complete, a criminal background check, described in Section 58-1-301.5;  
1932 (B) meet any other standard related to the criminal background check described in Subsection (1)  
(d)(ii)(A), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act; and  
1935 (C) disclose any criminal history the division requests on a form the division approves;  
1937 (e) have company officers, company owners, company proprietors, company trustees, and responsible  
management personnel who have not been convicted of:  
1939 (i) a felony; or  
1940 (ii) a crime that when considered with the duties and responsibilities of a contract security company or  
an armored car company by the division and the board indicates that the best interests of the public  
are not served by granting the applicant a license;  
1944 (f) document that none of the [~~persons~~] individuals described in Subsection (1)(e):  
1945 (i) have been declared by a court of competent jurisdiction incompetent by reason of mental defect or  
disease and not been restored; or  
1947 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;  
1948 (g) file and maintain with the division evidence of:  
1949 (i) comprehensive general liability insurance in a form and in amounts established by rule by the  
division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act;  
1952 (ii) workers' compensation insurance that covers employees of the applicant in accordance with  
applicable Utah law;  
1954 (iii) registration with the Division of Corporations and Commercial Code; and  
1955 (iv) registration as required by applicable law with the:  
1956 (A) Unemployment Insurance Division in the Department of Workforce Services, for purposes of Title  
35A, Chapter 4, Employment Security Act;  
1958 (B) State Tax Commission; and  
1959 (C) Internal Revenue Service; and

## SB0044 compared with SB0044S01

- 1960 (h) meet with the division and board if requested by the division or board.
- 1961 (2) Each applicant for licensure as an armed private security officer:
- 1962 (a) shall submit an application in a form~~[-prescribed by]~~ the division approves;
- 1963 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 1964 (c) may not have been convicted of:
- 1965 (i) a felony; or
- 1966 (ii) a crime that when considered with the duties and responsibilities of an armed private security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
- 1969 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec. 922(g);
- 1971 (e) may not have been declared incompetent by a court of competent jurisdiction by reason of mental defect or disease and not been restored;
- 1973 (f) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
- 1975 (g) shall successfully complete basic education and training requirements established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of eight hours of classroom or online curriculum;
- 1979 (h) shall successfully complete firearms training requirements established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of 12 hours of training;
- 1983 (i) shall pass the examination requirement established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1986 (j) ~~[shall submit to and pass a background check in accordance with Section 58-63-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 1989 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 1991 (ii) meet any other standard related to the criminal background check described in Subsection (1)(j)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1994 (iii) disclose any criminal history the division requests on a form the division approves; and
- 1996 (k) shall meet with the division and board if requested by the division or the board.

## SB0044 compared with SB0044S01

- 1997 (3) Each applicant for licensure as an unarmed private security officer:
- 1998 (a) shall submit an application in a form~~[-prescribed by]~~ the division approves;
- 1999 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2000 (c) may not have been convicted of:
- 2001 (i) a felony; or
- 2002 (ii) a crime that when considered with the duties and responsibilities of an unarmed private security officer by the division and the board indicates that the best interests of the public are not served by granting the applicant a license;
- 2005 (d) may not have been declared incompetent by a court of competent jurisdiction by reason of mental defect or disease and not been restored;
- 2007 (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
- 2009 (f) shall successfully complete basic education and training requirements established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of eight hours of classroom or online curriculum;
- 2013 (g) shall pass the examination requirement established by rule by the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2016 (h) ~~[shall submit to and pass a background check in accordance with Section 58-63-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 2019 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2021 (ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2024 (iii) disclose any criminal history the division requests on a form the division approves; and
- 2026 (i) shall meet with the division and board if requested by the division or board.
- 2027 (4) Each applicant for licensure as an armored car security officer:
- 2028 (a) shall submit an application in a form~~[-prescribed by]~~ the division approves;
- 2029 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2030 (c) may not have been convicted of:
- 2031 (i) a felony; or

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- 2032 (ii) a crime that when considered with the duties and responsibilities of an armored car security officer  
by the division and the board indicates that the best interests of the public are not served by granting  
the applicant a license;
- 2035 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec. 922(g);
- 2037 (e) may not have been declared incompetent by a court of competent jurisdiction by reason of mental  
defect or disease and not been restored;
- 2039 (f) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
- 2041 (g) shall successfully complete basic education and training requirements established by rule by  
the division in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act;
- 2044 (h) shall successfully complete firearms training requirements established by rule by the division in  
collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act;
- 2047 (i) shall pass the examination requirements established by rule by the division in collaboration with the  
board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2050 (j) ~~[shall submit to and pass a background check in accordance with Section 58-63-302.1 and  
requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah  
Administrative Rulemaking Act; and]~~ shall:
- 2053 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2055 (ii) meet any other standard related to the criminal background check described in Subsection (4)(j)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 2058 (iii) disclose any criminal history the division requests on a form the division approves; and
- 2060 (k) shall meet with the division and board if requested by the division or the board.
- 2061 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may  
make a rule establishing when the division shall request a Federal Bureau of Investigation records'  
review for an applicant who is applying for licensure or licensure renewal under this chapter.
- 2073 Section 20. Section **58-64-302** is amended to read:
- 2074 **58-64-302. Qualifications for licensure.**
- 2067 (1) ~~[Each-]~~ An applicant for licensure as a deception detection examiner:
- 2068 (a) shall submit an application in a form ~~[prescribed by]~~ the division approves;

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- 2069 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2070 (c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection examiner is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;
- 2074 (d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
- 2076 (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
- 2078 (f) shall have completed one of the following:
- 2079 (i) have earned a bachelor's degree from a ~~[four-year]~~ four-year university or college meeting standards ~~[established by]~~ the division establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2082 (ii) have completed not less than 8,000 hours of investigation experience approved by the division; or
- 2084 (iii) have completed a combination of university or college education and investigation experience, as defined by rule made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as being equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);
- 2088 (g) shall have successfully completed a training program in detection deception meeting criteria ~~[established by rule made by]~~ the division establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2091 (h) ~~[shall submit to and pass a background check in accordance with Section 58-64-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 2094 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2096 (ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2099 (iii) disclose any criminal history the division requests on a form the division approves; and
- 2101 (i) shall have performed satisfactorily as a licensed deception detection intern for a period of not less than one year and shall have satisfactorily conducted not less than 100 deception detection examinations under the supervision of a licensed deception detection examiner.
- 2105 (2) ~~[Each]~~ An applicant for licensure as a deception detection intern:
- 2106 (a) shall submit an application in a form ~~[prescribed by]~~ the division approves;



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- 2107 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2108 (c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection intern is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;
- 2112 (d) may not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
- 2114 (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
- 2116 (f) shall have completed one of the following:
- 2117 (i) have earned a bachelor's degree from a ~~[four-year]~~ four-year university or college meeting standards ~~[established by]~~ the division establishes by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2120 (ii) have completed not less than 8,000 hours of investigation experience approved by the division; or
- 2122 (iii) have completed a combination of university or college education and investigation experience, as defined by rule ~~[made by]~~ the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as being equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);
- 2126 (g) shall have successfully completed a training program in detection deception meeting criteria established by rule ~~[made by]~~ the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2129 (h) ~~[shall submit to and pass a background check in accordance with Section 58-64-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 2132 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2134 (ii) meet any other standard related to the criminal background check described in Subsection (2)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2137 (iii) disclose any criminal history the division requests on a form the division approves; and
- 2139 (i) shall provide the division with an intern supervision agreement in a form ~~[prescribed by]~~ the division approves under which:
- 2141 (i) a licensed deception detection examiner agrees to supervise the intern; and
- 2142 (ii) the applicant agrees to be supervised by that licensed deception detection examiner.

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- 2144 (3) ~~[Each]~~ An applicant for licensure as a deception detection examination administrator:
- 2145 (a) shall submit an application in a form ~~[prescribed by]~~ the division approves;
- 2146 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2147 (c) may not have been convicted of a felony or any other crime that when considered with the duties and responsibilities of a deception detection examination administrator is considered by the division to indicate that the best interests of the public will not be served by granting the applicant a license;
- 2151 (d) may not have been declared by a court of competent jurisdiction incompetent by reason of mental defect or disease and not been restored;
- 2153 (e) may not be currently suffering from habitual drunkenness or from drug addiction or dependence;
- 2155 (f) shall have earned an associate degree from a state-accredited university or college or have an equivalent number of years' work experience;
- 2157 (g) ~~[shall submit to and pass a background check in accordance with Section 58-64-302.1 and requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 2160 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2162 (ii) meet any other standard related to the criminal background check described in Subsection (3)(g)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2165 (iii) disclose any criminal history the division requests on a form the division approves; and
- 2167 (h) 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 approves.
- 2179 Section 21. Section **58-67-302** is amended to read:
- 2180 **58-67-302. Qualifications for licensure.**
- 2173 (1) An applicant for licensure as a physician and surgeon, except as set forth in Subsection (2), shall:
- 2175 (a) submit an application in a form ~~[prescribed by]~~ the division approves, which may include:
- 2177 (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant;
- 2179 (ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant; and

2181

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- (iii) authorization to use a record coordination and verification service [~~approved by~~]the division in collaboration with the board approves;
- 2183 (b) pay a fee determined by the department under Section 63J-1-504;
- 2184 [~~(e) if the applicant is applying to participate in the Interstate Medical Licensure Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a criminal background check in accordance with Section 58-67-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~]
- 2189 (c)
- . (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2191 (ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2194 (iii) disclose any criminal history the division requests on a form the division approves;
- 2196 (d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as a physician and surgeon, as evidenced by:
- 2199 (i) having received an earned degree of doctor of medicine from an LCME accredited medical school or college; or
- 2201 (ii) if the applicant graduated from a medical school or college located outside the United States or [~~its~~] the United States' territories, submitting a current certification by the Educational Commission for Foreign Medical Graduates or any successor organization approved by the division in collaboration with the board;
- 2205 (e) satisfy the division and board that the applicant:
- 2206 (i) has successfully completed 24 months of progressive resident training in a program approved by the ACGME, the Royal College of Physicians and Surgeons, the College of Family Physicians of Canada, or any similar body in the United States or Canada approved by the division in collaboration with the board; or
- 2211 (ii)
- . (A) has successfully completed 12 months of resident training in an ACGME approved program after receiving a degree of doctor of medicine as required under Subsection (1)(d);
- 2214 (B) has been accepted in and is successfully participating in progressive resident training in an ACGME approved program within Utah, in the applicant's second or third year of postgraduate training; and

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- 2217 (C) has agreed to surrender to the division the applicant's license as a physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act, and has agreed the applicant's license as a physician and surgeon [~~will~~] may be automatically revoked by the division if the applicant fails to continue in good standing in an ACGME approved progressive resident training program within the state;
- 2223 (f) pass the licensing examination sequence required by division rule made in collaboration with the board;
- 2225 (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;
- 2227 (h) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure;
- 2229 (i) designate:
- 2230 (i) a contact person for access to medical records in accordance with the federal Health Insurance Portability and Accountability Act; and
- 2232 (ii) an alternate contact person for access to medical records, in the event the original contact person is unable or unwilling to serve as the contact person for access to medical records; and
- 2235 (j) establish a method for notifying patients of the identity and location of the contact person and alternate contact person, if the applicant will practice in a location with no other persons licensed under this chapter.
- 2238 (2) An applicant for licensure as a physician and surgeon by endorsement who is currently licensed to practice medicine in any state other than Utah, a district or territory of the United States, or Canada shall:
- 2241 (a) be currently licensed with a full unrestricted license in good standing in any state, district, or territory of the United States, or Canada;
- 2243 (b) have been actively engaged in the legal practice of 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 date of application for licensure in Utah;
- 2246 (c) comply with the requirements for licensure under Subsections (1)(a) through (d), (1)(e)(i), and (1)(g) through (j);
- 2248 (d) have passed the licensing examination sequence required in Subsection (1)(f) or another medical licensing examination sequence in another state, district or territory of the United States, or Canada

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that the division in collaboration with the board by rulemaking determines is equivalent to [its] the board's own required examination;

- 2252 (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:
- 2256 (i) the license was subsequently reinstated as a full unrestricted license in good standing; or
- 2258 (ii) the division in collaboration with the board determines to [its] the board's satisfaction, after full disclosure by the applicant, that:
- 2260 (A) the conduct has been corrected, monitored, and resolved; or
- 2261 (B) a mitigating circumstance exists that prevents [its] the investigation's or action's resolution, and the division in collaboration with the board is satisfied that, but for the mitigating circumstance, the license would be reinstated;
- 2264 (f) submit to a records review, a practice history review, and comprehensive assessments, if requested by the division in collaboration with the board; and
- 2266 (g) produce satisfactory evidence that the applicant meets the requirements of this Subsection (2) to the satisfaction of the division in collaboration with the board.
- 2268 (3) An applicant for licensure by endorsement may engage in the practice of medicine under a temporary license while the division processes the applicant's application for licensure ~~{f} [is-being processed by the division, provided] {-} if:~~
- 2271 (a) the applicant submits a complete application required for temporary licensure to the division;
- 2273 (b) the applicant submits a written document to the division from:
- 2274 (i) a health care facility licensed under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection, stating that the applicant is practicing under the:
- 2276 (A) invitation of the health care facility; and
- 2277 (B) the general supervision of a physician practicing at the facility; or
- 2278 (ii) two individuals licensed under this chapter, whose license is in good standing and who practice in the same clinical location, both stating that:
- 2280 (A) the applicant is practicing under the invitation and general supervision of the individual; and
- 2282 (B) the applicant will practice at the same clinical location as the individual;
- 2283

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- (c) the applicant submits a signed certification to the division that the applicant meets the requirements of Subsection (2);
- 2285 (d) the applicant does not engage in the practice of medicine until the division [~~has issued~~] issues a temporary license;
- 2287 (e) the temporary license is [~~only~~] issued for only one year from the date of issuance and may not be extended or renewed[~~-beyond the duration of one year from issuance~~]; and
- 2289 (f) the temporary license expires immediately and [~~prior to~~] before the expiration of one year from issuance, upon notification from the division that the division denied the applicant's application for licensure by endorsement[~~-is denied~~].
- 2292 (4) The division shall issue a temporary license under Subsection (3) within 15 business days after the day on which the applicant satisfies the requirements of Subsection (3).
- 2294 (5) The division may not require the following requirements for licensure:
- 2295 (a) a post-residency board certification; or
- 2296 (b) a cognitive test when the physician reaches a specified age, unless:
- 2297 (i) the screening is based on evidence of cognitive changes associated with aging that are relevant to physician performance;
- 2299 (ii) the screening is based on principles of medical ethics;
- 2300 (iii) physicians are involved in the development of standards for assessing competency;
- 2302 (iv) guidelines, procedures, and methods of assessment, which may include cognitive screening, are relevant to physician practice and to the physician's ability to perform the tasks specifically required in the physician's practice environment;
- 2305 (v) the primary driver for establishing assessment results is the ethical obligation of the profession to the health of the public and patient safety;
- 2307 (vi) the goal of the assessment is to optimize physician competency and performance through education, remediation, and modifications to a physician's practice environment or scope;
- 2310 (vii) a credentialing committee determines that public health or patient safety is directly threatened, the screening permits a physician to retain the right to modify the physician's practice environment to allow the physician to continue to provide safe and effective care;
- 2314 (viii) guidelines, procedures, and methods of assessment are transparent to physicians and physicians' representatives, if requested by a physician or a physician's representative, and physicians are

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made aware of the specific methods used, performance expectations and standards against which performance will be judged, and the possible outcomes of the screening or assessment;

- 2319 (ix) education or remediation practices that result from screening or assessment procedures are:  
2321 (A) supportive of physician wellness;  
2322 (B) ongoing; and  
2323 (C) proactive; and  
2324 (x) procedures and screening mechanisms that are distinctly different from for cause assessments do not result in undue cost or burden to senior physicians providing patient care.

2335 Section 22. Section 58-67-503 is amended to read:

2336 **58-67-503. Penalties and administrative actions for unlawful and unprofessional conduct.**

2338 (1) Any person [who] that violates the unlawful conduct provisions of Section 58-67-501 or Section 58-1-501 is guilty of a third degree felony.

2340 (2)

. (a) Subject to Subsection (4), the division may punish unprofessional or unlawful conduct by:

2342 (i) assessing administrative penalties; or

2343 (ii) taking other appropriate administrative action.

2344 (b) [A] The division shall deposit a monetary administrative penalty imposed under this section [shall be deposited] into the Physician Education and Enforcement Fund created in Section 58-67a-1.

2347 (3) If a licensee [has been] is convicted of unlawful conduct, described in Section 58-67-501, before an administrative proceeding regarding the same conduct, the division may not assess an additional administrative fine under this chapter for the same conduct.

2350 (4)

. (a) If the division concludes that an individual has violated provisions of Section 58-67-501, Section 58-67-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Utah Controlled Substances Act, or any rule or order issued with respect to these provisions, and disciplinary action is appropriate, the director or director's designee shall:

2355 (i) issue a citation to the individual;

2356 (ii) attempt to negotiate a stipulated settlement; or

2357 (iii)

. (A) notify the individual that the division will commence an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act[, will be commenced-] ; and

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- 2360 (B) invite the individual [~~is invited~~]to appear.
- 2361 (b) The division may take the following action against an individual who is in violation of a provision described in Subsection (4)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding:
- 2365 (i) assess a fine of up to \$10,000 per single violation or up to \$2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; or
- 2368 (ii) order to cease and desist from the behavior that constitutes a violation of the provisions described in Subsection (4)(a).
- 2370 (c) [~~An~~] The division may not suspend or revoke an individual's license [~~may not be suspended or revoked~~]through a citation.
- 2372 (d) Each citation issued under this section shall:
- 2373 (i) be in writing;
- 2374 (ii) clearly describe or explain:
- 2375 (A) the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
- 2377 (B) that the recipient must notify the division in writing within 20 calendar days from the day on which the citation is served if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
- 2381 (C) the consequences of failure to timely contest the citation or pay the fine assessed by the citation within the time specified in the citation; and
- 2383 (iii) be served in accordance with the Utah Rules of Civil Procedure.
- 2384 (e)
- . (i) If the individual to whom [~~the citation is issued~~] the division issues the citation fails to request a hearing to contest the citation within 20 calendar days from the day on which the division serves the citation [~~is served~~], the citation[-] :
- 2387 (A) becomes the final order of the division; and
- 2388 (B) [-]is not subject to further agency review.[-]
- 2389 (ii) [~~The~~] The division may extend the period to contest the citation [~~may be extended by the division~~]for cause.
- 2391 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation the license of an individual who fails to comply with a citation after the citation becomes final.



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- 2394 (g) The failure of an applicant for licensure to comply with a citation after [it] the citation becomes final  
is [~~a ground~~] grounds for denial of license.
- 2396 (h) [~~No citation may be issued-~~] The division may not issue a citation under this section after the  
expiration of one year following the date on which the division receives the report of the violation  
that is the subject of the citation[~~is reported to the division~~].
- 2399 (5)
- . (a) The director may collect a penalty imposed under this section that is not paid by:
- 2400 (i) referring the matter to a collection agency; or
- 2401 (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.
- 2404 (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.
- 2406 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by  
the division to collect a penalty.
- 2408 Section 23. Section 58-67a-1 is amended to read:
- 2409 **58-67a-1. Physicians Education and Enforcement Fund.**
- 2410 (1) There is created an expendable special revenue fund known as the "Physicians Education and  
Enforcement Fund." [~~to receive and account for revenue and expenditures for making education~~  
~~available to physicians and surgeons, osteopathic physicians and surgeons, and naturopathic~~  
~~physicians, concerning the requirements of Title 58, Occupations and Professions, division rules,~~  
~~and requirements under Title 58, Chapter 37, Utah Controlled Substances Act, and division rules~~  
~~made under that chapter.~~]
- 2416 (2) [~~Administrative-~~] The division shall deposit penalties ordered and collected [~~pursuant to~~] under this  
section [~~shall be deposited in the account~~] into the Physicians Education and Enforcement Fund.
- 2419 (3) The [~~fund~~] Physicians Education and Enforcement Fund shall earn interest, and the division shall  
deposit all interest earned on account money [~~shall be deposited-~~] into the account.
- 2422 (4) The director, with the concurrence of the board, may make distributions from the fund for the  
following purposes:
- 2424 (a) [~~to make available-~~] education and training[-] :
- 2425 (i) that covers:
- 2426 (A) the requirements of this title;

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- 2427 (B) division rules related to this title;
- 2428 (C) the requirements of Chapter 37, Utah Controlled Substances Act; and
- 2429 (D) any division rules related to Chapter 37, Utah Controlled Substances Act; and
- 2430 (ii) that the division makes available for[-] :
- 2431 (A) physicians and surgeons[-] ;
- 2432 (B) osteopathic physicians and surgeons[-and] ;
- 2433 (C) [-]naturopathic physicians[-] ;
- 2434 (D) division staff; and
- 2435 (E) members of the board; and
- 2436 (b) enforcement of Chapter 67, Utah Medical Practice Act, Chapter 68, Utah Osteopathic Medical Practice Act, and Chapter 71, Naturopathic Physician Practice Act, by:
- 2439 (i) investigating unprofessional or unlawful conduct;
- 2440 (ii) obtaining legal representation for the division to bring an action against a person engaging in unprofessional or unlawful conduct; and
- 2442 (iii) monitoring compliance of renewal requirements.
- 2443 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the ~~[excess shall be transferred]~~ division shall transfer any amount that exceeds \$100,000 to the General Fund.
- 2446 (6) The division shall report on the fund annually to the appropriate appropriations subcommittee of the Legislature.
- 2448 Section 24. Section **58-68-302** is amended to read:
- 2449 **58-68-302. Qualifications for licensure.**
- 2329 (1) An applicant for licensure as an osteopathic physician and surgeon, except as set forth in Subsection (2), shall:
- 2331 (a) submit an application in a form ~~[prescribed by]~~ the division approves, which may include:
- 2333 (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant;
- 2335 (ii) a record of professional liability claims made against the applicant and settlements paid by or on behalf of the applicant; and
- 2337 (iii) authorization to use a record coordination and verification service approved by the division in collaboration with the board;
- 2339 (b) pay a fee determined by the department under Section 63J-1-504;

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- 2340 [~~(e) if the applicant is applying to participate in the Interstate Medical Licensure Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a criminal background check in accordance with Section 58-68-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~]
- 2345 (c)
- . (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2347 (ii) meet any other standard related to the criminal background check described in Subsection (1)(c)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2350 (iii) disclose any criminal history the division requests on a form the division approves;
- 2352 (d) provide satisfactory documentation of having successfully completed a program of professional education preparing an individual as an osteopathic physician and surgeon, as evidenced by:
- 2355 (i) having received an earned degree of doctor of osteopathic medicine from an AOA approved medical school or college; or
- 2357 (ii) submitting a current certification by the Educational Commission for Foreign Medical Graduates or any successor organization approved by the division in collaboration with the board, if the applicant is graduated from an osteopathic medical school or college located outside of the United States or its territories which at the time of the applicant's graduation, met criteria for accreditation by the AOA;
- 2363 (e) satisfy the division and board that the applicant:
- 2364 (i) has successfully completed 24 months of progressive resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine required under Subsection (1)(d); or
- 2367 (ii)
- . (A) has successfully completed 12 months of resident training in an ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine as required under Subsection (1)(d);
- 2370 (B) has been accepted in and is successfully participating in progressive resident training in an ACGME or AOA approved program within Utah, in the applicant's second or third year of postgraduate training; and
- 2373 (C) has agreed to surrender to the division the applicant's license as an osteopathic physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act, and

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has agreed the applicant's license as an osteopathic physician and surgeon will be automatically revoked by the division if the applicant fails to continue in good standing in an ACGME or AOA approved progressive resident training program within the state;

- 2379 (f) pass the licensing examination sequence required by division rule, as made in collaboration with the board;
- 2381 (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;
- 2383 (h) meet with the board and representatives of the division, if requested for the purpose of evaluating the applicant's qualifications for licensure;
- 2385 (i) designate:
- 2386 (i) a contact person for access to medical records in accordance with the federal Health Insurance Portability and Accountability Act; and
- 2388 (ii) an alternate contact person for access to medical records, in the event the original contact person is unable or unwilling to serve as the contact person for access to medical records; and
- 2391 (j) establish a method for notifying patients of the identity and location of the contact person and alternate contact person, if the applicant will practice in a location with no other persons licensed under this chapter.
- 2394 (2) An applicant for licensure as an osteopathic physician and surgeon by endorsement who is currently licensed to practice osteopathic medicine in any state other than Utah, a district or territory of the United States, or Canada shall:
- 2397 (a) be currently licensed with a full unrestricted license in good standing in any state, district or territory of the United States, or Canada;
- 2399 (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;
- 2403 (c) comply with the requirements for licensure under Subsections (1)(a) through (d), (1)(e)(i), and (1)(g) through (j);
- 2405 (d) have passed the licensing examination sequence required in Subsection (1)(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] the board's own required examination;

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- 2409 (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:
- 2413 (i) the license was subsequently reinstated as a full unrestricted license in good standing; or
- 2415 (ii) the division in collaboration with the board determines, after full disclosure by the applicant, that:
- 2417 (A) the conduct has been corrected, monitored, and resolved; or
- 2418 (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;
- 2421 (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
- 2423 (g) produce evidence that the applicant meets the requirements of this Subsection (2) to the satisfaction of the division in collaboration with the board.
- 2425 (3) An applicant for licensure by endorsement may engage in the practice of medicine under a temporary license while the division processes the applicant's application for licensure ~~{f} is being processed by the division, provided~~ {-} if:
- 2428 (a) the applicant submits a complete application required for temporary licensure to the division;
- 2430 (b) the applicant submits a written document to the division from:
- 2431 (i) a health care facility licensed under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection, stating that the applicant is practicing under the:
- 2433 (A) invitation of the health care facility; and
- 2434 (B) the general supervision of a physician practicing at the health care facility; or
- 2435 (ii) two individuals licensed under this chapter, whose license is in good standing and who practice in the same clinical location, both stating that:
- 2437 (A) the applicant is practicing under the invitation and general supervision of the individual; and
- 2439 (B) the applicant will practice at the same clinical location as the individual;
- 2440 (c) the applicant submits a signed certification to the division that the applicant meets the requirements of Subsection (2);
- 2442 (d) the applicant does not engage in the practice of medicine until the division ~~[has issued]~~ issues a temporary license;
- 2444

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- (e) the temporary license is ~~[only]~~ issued for only one year from the date of issuance and may not be extended or renewed~~[-beyond the duration of one year from issuance]~~; and
- 2446 (f) the temporary license expires immediately and ~~[prior to]~~ before the expiration of one year from issuance, upon notification from the division that the division denied the applicant's application for licensure by endorsement~~[-is denied]~~.
- 2449 (4) The division shall issue a temporary license under Subsection (3) within 15 business days after the applicant satisfies the requirements of Subsection (3).
- 2451 (5) The division may not require a:
- 2452 (a) post-residency board certification; or
- 2453 (b) a cognitive test when the physician reaches a specified age, unless the test reflects the standards described in Subsections 58-67-302(5)(b)(i) through (x).
- 2576 Section 25. Section 58-68-503 is amended to read:
- 2577 **58-68-503. Penalties and administrative actions for unlawful and unprofessional conduct.**
- 2579 (1) Any person ~~[who]~~ that violates the unlawful conduct provisions of Section 58-68-501 or Section 58-1-501 is guilty of a third degree felony.
- 2581 (2)
- . (a) Subject to Subsection (4), the division may punish unprofessional or unlawful conduct by:
- 2583 (i) assessing administrative penalties; or
- 2584 (ii) taking any other appropriate administrative action.
- 2585 (b) ~~[A]~~ The division shall deposit a monetary administrative penalty imposed under this section [shall be deposited] into the Physician Education and Enforcement Fund ~~[described]~~ created in Section 58-67a-1.
- 2588 (3) If a licensee is convicted of unlawful conduct, described in Section 58-68-501, before an administrative proceeding regarding the same conduct, ~~[the licensee may not be assessed]~~ the division may not assess an additional administrative fine under this chapter for the same conduct.
- 2592 (4)
- . (a) If the division concludes that an individual has violated the provisions of Section 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act, Chapter 37, Utah Controlled Substances Act, or any rule or order issued with respect to these provisions, and disciplinary action is appropriate, the director or director's designee shall:
- 2597 (i) issue a citation to the individual;

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- 2598 (ii) attempt to negotiate a stipulated settlement; or  
2599 (iii)
- . (A) notify the individual that the division will commence an adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act~~[-will be commenced-]~~ ; and
- 2602 (B) ~~[-]~~ invite the individual ~~[is invited-]~~ to appear.
- 2603 (b) The division may take the following action against an individual who ~~[is in violation of]~~ violates a provision described in Subsection (4)(a), as evidenced by an uncontested citation, a stipulated settlement, or a finding of violation in an adjudicative proceeding:
- 2607 (i) assess a fine of up to \$10,000 per single violation or \$2,000 per day of ongoing violation, whichever is greater, in accordance with a fine schedule established by rule; or
- 2610 (ii) order to cease and desist from the behavior that constitutes a violation of provisions described in Subsection (4)(a).
- 2612 (c) Except for an administrative fine and a cease and desist order, the division may not assess the licensure sanctions cited in Section 58-1-401 ~~[may not be assessed-]~~ through a citation.
- 2615 (d) Each citation issued under this section shall:
- 2616 (i) be in writing;
- 2617 (ii) clearly describe or explain:
- 2618 (A) the nature of the violation, including a reference to the provision of the chapter, rule, or order alleged to have been violated;
- 2620 (B) that the recipient must notify the division in writing within 20 calendar days from the day on which the citation is served if the recipient wishes to contest the citation at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act; and
- 2624 (C) the consequences of failure to timely contest the citation or pay the fine assessed by the citation within the time specified in the citation; and
- 2626 (iii) be served in accordance with the requirements of the Utah Rules of Civil Procedure.
- 2628 (e)
- . (i) If the individual to whom ~~[the citation is issued]~~ the division issues the citation fails to request a hearing to contest the citation within 20 calendar days from the day on which the citation is served, the citation becomes the final order of the division and is not subject to further agency review.~~[-]~~
- 2632 (ii) ~~[The-]~~ The division may extend the period to contest the citation~~[-may be extended by the division]~~ for cause.

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- 2634 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation the license of an individual who fails to comply with a citation after the citation becomes final.
- 2637 (g) The failure of an applicant for licensure to comply with a citation after ~~[it]~~ the citation becomes final is ~~[a ground]~~ grounds for denial of a license.
- 2639 (h) ~~[No citation may be issued-]~~ The division may not issue a citation under this section after the expiration of one year following the date on which the division receives the report of the violation that is the subject of the citation~~[-is reported to the division].~~
- 2642 (5)
- . (a) The director may collect a penalty imposed under this section that is not paid by:
- 2643 (i) referring the matter to a collection agency; or
- 2644 (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.
- 2647 (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.
- 2649 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an action brought by the division to collect a penalty.

2651 Section 26. Section **58-69-302** is amended to read:

2652 **58-69-302. Qualifications -- Licensure as a dentist -- Licensure as a dental hygienist.**

- 2458 (1) An applicant for licensure as a dentist, except as provided in Subsection (2), shall:
- 2459 (a) submit an application in a form ~~[as prescribed by]~~ the division approves;
- 2460 (b) pay a fee as determined by the department under Section 63J-1-504;
- 2461 (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;
- 2465 (d) pass the National Board Dental Examinations as administered by the Joint Commission on National Dental Examinations of the American Dental Association;
- 2467 (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;

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- (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;
- 2473 (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~~
- 2476 (h) meet with the board if requested by the board or division for the purpose of examining the applicant's qualifications for licensure~~[-]~~ ; and
- 2478 (i)
- . (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2480 (ii) meet any other standard related to the criminal background check described in Subsection (1)(i)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2483 (iii) disclose any criminal history the division requests on a form the division provides.
- 2485 (2) An applicant for licensure as a dentist qualifying under the endorsement provision of Section 58-1-302 shall:
- 2487 (a) be currently licensed in good standing with an unrestricted license in another jurisdiction described in Section 58-1-302;
- 2489 (b) document having met all requirements for licensure under Subsection (1) except Subsection (1)(c); and
- 2491 (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 licensure in Utah.
- 2494 (3) ~~[An]~~ Except as provided in Subsection (4), an applicant for licensure as a dental hygienist~~[-except as set forth in Subsection (4);]~~ shall:
- 2496 (a) submit an application in a form ~~[as prescribed by]~~the division approves;
- 2497 (b) pay a fee as determined by the department pursuant to Section 63J-1-504;
- 2498 (c) be a graduate holding a certificate or degree in dental hygiene from a school accredited by the Commission on Dental Accreditation of the American Dental Association;
- 2501 (d) pass the National Board Dental Hygiene Examination as administered by the Joint Commission on National Dental Examinations of the American Dental Association;
- 2503

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- (e) pass an examination consisting of practical demonstrations in the practice of dental hygiene and written or oral examination in the theory and practice of dental hygiene as established by division rule made in collaboration with the board;
- 2506 (f) pass any other examinations regarding applicable law, rules, and ethics as established by rule by division rule made in collaboration with the board;
- 2508 (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]
- 2511 (h) meet with the board if requested by the board or division for the purpose of examining the applicant's qualifications for licensure[-] ; and
- 2513 (i)
- . (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2515 (ii) meet any other standard related to the criminal background check described in Subsection (3)(i)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2518 (iii) disclose any criminal history the division requests on a form the division provides.
- 2520 (4) An applicant for licensure as a dental hygienist qualifying under the endorsement provision of Section 58-1-302 shall:
- 2522 (a) be currently licensed in another jurisdiction set forth in Section 58-1-302;
- 2523 (b)
- . (i) document having met all requirements for licensure under Subsection (3) except, an applicant having received licensure in another state or jurisdiction [~~prior to~~ before 1962, the year when the National Board Dental Hygiene Examinations were first administered, shall document having passed a state administered examination acceptable to the division in collaboration with the board; or
- 2529 (ii) document having obtained licensure in another state or jurisdiction upon which licensure by endorsement is based [~~by~~ upon meeting requirements [~~which~~ that were equal to licensure requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction; and
- 2533 (c) document having been successfully engaged in practice as a dental hygienist for not less than 2,000 hours in the two years immediately preceding the date of application for licensure in Utah.
- 2732 Section 27. Section **58-70a-302** is amended to read:
- 2733 **58-70a-302. Qualifications for licensure.**

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Each applicant for licensure as a physician assistant shall:

- 2539 (1) submit an application in a form [~~prescribed by~~] the division approves;
- 2540 (2) pay a fee determined by the department under Section 63J-1-504;
- 2541 (3) have successfully completed a physician assistant program accredited by:
- 2542 (a) the Accreditation Review Commission on Education for the Physician Assistant; or
- 2543 (b) if [~~prior to~~] before January 1, 2001, either the:
- 2544 (i) Committee on Accreditation of Allied Health Education Programs; or
- 2545 (ii) Committee on Allied Health Education and Accreditation;
- 2546 (4) have passed the licensing examinations required by division rule made in collaboration with the board;
- 2548 (5) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and
- 2550 ~~[(6) {f} if the applicant is applying to participate in the PA Licensure Compact under Chapter 70c, PA Licensure Compact, consent to a criminal background check in accordance with Section 58-70a-301.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~
- 2554 ~~{(a)}~~ (6)
- . (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2556 (b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2559 (c) disclose any criminal history the division requests on a form the division provides.
- 2756 Section 28. Section **58-70b-302** is amended to read:
- 2757 **58-70b-302. Qualifications for licensure.**
- Each applicant for licensure as an anesthesiologist assistant under this chapter shall:
- 2564 (1) submit an application on a form [~~established by~~]the division approves;
- 2565 (2) pay a fee determined by the division under Section 63J-1-504;
- 2566 (3) provide satisfactory documentation of having graduated from a program certified by the Commission on Accreditation of Allied Health Education Programs or the commission's successor organization;

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- 2569 (4) within 12 months of completing the training under Subsection (3), pass the certification exam offered by the National Commission for Certification of Anesthesiologist Assistants;~~and]~~
- 2572 (5) have the certification described in Subsection (4) at the time of the application and maintain the certification throughout the term of the license~~]~~ ; and
- 2574 (6)
- . (a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2576 (b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2579 (c) disclose any criminal history the division requests on a form the division approves.
- 2775 Section 29. Section **58-71-302** is amended to read:
- 2776 **58-71-302. Qualifications for licensure.**
- 2582 (1) ~~[An] Except as provided in Subsection (2), an applicant for licensure as a naturopathic physician[;~~ except as set forth in ~~Subsection (2);]~~ shall:
- 2584 (a) submit an application in a form ~~[prescribed by]~~ the division approves, which may include:
- 2586 (i) submissions by the applicant of information maintained by practitioner data banks, as designated by division rule, with respect to the applicant; and
- 2588 (ii) a record of professional liability claims made against the applicant and settlements paid by or ~~in] on~~ behalf of the applicant;
- 2590 (b) pay a fee determined by the department under Section 63J-1-504;
- 2591 (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:
- 2595 (i) a naturopathic medical school or college accredited by the Council of Naturopathic Medical Education or ~~its] the~~ successor organization approved by the division;
- 2598 (ii) a naturopathic medical school or college that is a candidate for accreditation by the Council of Naturopathic Medical Education or ~~its] the~~ successor organization, and is approved by the division, upon a finding there is reasonable expectation the school or college ~~with] shall~~ be accredited; or
- 2602 (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] the~~ successor organization approved by the division;

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- 2605 (d) provide satisfactory documentation of having successfully completed, after successful completion of the education requirements [~~set forth~~] described in Subsection (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;
- 2611 (e) pass the licensing examination sequence required by division rule;
- 2612 (f) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the division if requested by the division; [~~and~~]
- 2615 (g) meet with representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure[~~-~~] ; and
- 2617 (h)
- . (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2619 (ii) meet any other standard related to the criminal background check described in Subsection (1)(h)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2622 (iii) disclose any criminal history the division requests on a form the division approves.
- 2624 (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:
- 2626 (i) meet the requirements of Section 58-1-302;
- 2627 (ii) document having met all requirements for licensure under Subsection (1) except the clinical experience requirement of Subsection (1)(d);
- 2629 (iii) have passed the examination requirements established under Subsection (1)(e) that:
- 2631 (A) the applicant has not passed in connection with licensure in another state or jurisdiction; and
- 2633 (B) are available to the applicant to take without requiring additional professional education;
- 2635 (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
- 2638 (v) meet with representatives of the division for the purpose of evaluating the applicant's qualifications for licensure.
- 2640

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(b) The division may rely, either wholly or in part, on one or more credentialing associations designated by division rule 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, and that:

2644 (i) the applicant holds a current license;

2645 (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

2649 (iii) the applicant has produced evidence satisfactory to the division of the applicant's qualifications, identity, and good standing as a naturopathic physician.

2846 Section 30. Section 58-71-402 is amended to read:

2847 **58-71-402. Authority to assess penalty -- Penalty deposited into Physician Education and Enforcement Fund.**

2849 (1) After a proceeding [~~pursuant to~~] in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and Title 58, Chapter 1, Division of Professional Licensing Act, the division may impose administrative penalties of up to \$10,000 for acts of unprofessional conduct or unlawful conduct under this chapter.

2853 (2) The division shall deposit an administrative penalty imposed under this section into the Physician Education and Enforcement Fund created in Section 58-67a-1.

2855 [~~(2)~~] (3) Assessment of a penalty under this section does not affect any other action the division [~~is authorized to~~] may take regarding a license issued under this chapter.

2857 Section 31. Section **58-73-302** is amended to read:

2858 **58-73-302. Qualifications for licensure.**

2653 (1) Each applicant for licensure as a chiropractic physician, other than [~~those~~] an applicant applying for a license based on licensure as a chiropractor or chiropractic physician in another jurisdiction, shall:

2656 (a) submit an application in a form [~~prescribed by~~] the division approves;

2657 (b) pay a fee determined by the department under Section 63J-1-504;

2658 (c) demonstrate satisfactory completion of at least two years of general study in a college or university;

2660 (d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic college or university that at the time the degree was conferred was accredited by the Council on Chiropractic

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Education, Inc., or an equivalent chiropractic accrediting body recognized by the United States Department of Education and by the division rule made in collaboration with the board;

- 2665 (e) demonstrate successful completion of:
- 2666 (i) the National Chiropractic Boards:
- 2667 (A) Parts I and II;
- 2668 (B) Written Clinical Competency Examination; and
- 2669 (C) Physiotherapy;
- 2670 (ii) the Utah Chiropractic Law and Rules Examination; and
- 2671 (iii) a practical examination approved by the division in collaboration with the board;~~and]~~
- 2673 (f) meet with the board, if requested, for the purpose of reviewing the applicant's qualifications for licensure~~[-]~~ ; and
- 2675 (g)
- . (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2677 (ii) meet any other standard related to the criminal background check described in Subsection (1)(g)(i), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2680 (iii) disclose any criminal history the division requests on a form the division approves.
- 2682 (2) Each applicant for licensure as a chiropractic physician based on licensure as a chiropractor or chiropractic physician in another jurisdiction shall:
- 2684 (a) submit an application in the form~~[-prescribed by]~~ the division approves;
- 2685 (b) pay a fee determined by the department under Section 63J-1-504;
- 2686 (c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in another state under education requirements which were equivalent to the education requirements in this state to obtain a chiropractor or chiropractic physician license at the time the applicant obtained the license in the other state;
- 2690 (d) demonstrate successful completion of:
- 2691 (i) the Utah Chiropractic Law and Rules Examination; and
- 2692 (ii) the Special Purposes Examination for Chiropractic (SPEC) of the National Board of Chiropractic Examiners;
- 2694 (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]~~ Utah;

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- 2696 (f) meet with the board, if requested, for the purpose of reviewing the applicant's qualifications for  
licensure[-] ; and
- 2698 (g)
- . (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;
- 2700 (ii) meet any other standard related to the criminal background check described in Subsection (2)(g)(i),  
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative  
Rulemaking Act; and
- 2703 (iii) disclose any criminal history the division requests on a form the division provides.

2911 Section 32. **Repealer.**

This Bill Repeals:

- 2912 This bill repeals:
- 2913 Section **58-44a-302.1, Background checks.**
- 2914 Section **58-70a-301.1, Criminal background check.**
- 2915 Section **58-68-302.1, Qualifications for licensure -- Criminal background check.**
- 2916 Section **58-67-302.1, Qualifications for licensure -- Criminal background check.**
- 2917 Section **58-64-302.1, Criminal background check.**
- 2918 Section **58-63-302.1, Criminal background check.**
- 2919 Section **58-61-304.1, Criminal background check.**
- 2920 Section **58-60-103.1, Criminal background check.**
- 2921 Section **58-55-302.1, Criminal background check.**
- 2922 Section **58-47b-302.1, Criminal background check.**
- 2923 Section **58-42a-302.1, Criminal background check.**
- 2924 Section **58-24b-302.1, Criminal background check.**
- 2925 Section **58-17b-307, Qualification for licensure -- Criminal background checks.**
- 2926 Section 33. **Effective date.**

This bill takes effect on May 7, 2025.

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