

1 **DIVISION OF OCCUPATIONAL AND PROFESSIONAL**
2 **LICENSING AMENDMENTS**

3 2020 GENERAL SESSION

4 STATE OF UTAH

5
6 **LONG TITLE**

7 **General Description:**

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

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ modifies the division's administrative fine authority;
- 13 ▶ modifies the responsibilities of the Uniform Building Code Commission;
- 14 ▶ modifies the division's licensing fees for active duty personnel;
- 15 ▶ modifies licensing regulations during disasters;
- 16 ▶ removes good moral character provisions for many licensed professions;
- 17 ▶ modifies provisions concerning the licensing requirements for certain cosmetology
18 related professions;
- 19 ▶ modifies the division's required uses of surcharges for certain professions;
- 20 ▶ modifies background check provisions for certain medical professions and for
21 licensed security guards;
- 22 ▶ modifies provisions related to the health facility administrator license;
- 23 ▶ modifies the citation authority of the division;
- 24 ▶ modifies provisions related to the incidental practice of architecture by licensed
25 professional engineers and the incidental practice of professional engineering by
26 licensed architects;
- 27 ▶ modifies provisions related to prelitigation panels under the Utah Health Care
28 Malpractice Act;
- 29 ▶ modifies provisions related to disclosing information from the controlled substance
30 database in criminal proceedings;
- 31 ▶ modifies provisions related to unprofessional and unlawful conduct for professions

32 regulated by the division; and
33 ▶ makes technical and conforming changes.

34 **Money Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **15A-1-203**, as last amended by Laws of Utah 2019, Chapters 20 and 119
41 **38-11-102**, as last amended by Laws of Utah 2018, Chapter 229
42 **58-1-301.3**, as enacted by Laws of Utah 2018, Chapter 331
43 **58-1-301.5**, as last amended by Laws of Utah 2018, Chapter 318
44 **58-1-301.7**, as last amended by Laws of Utah 2013, Chapter 262
45 **58-1-302**, as last amended by Laws of Utah 2019, Chapter 215
46 **58-1-307**, as last amended by Laws of Utah 2019, Chapters 136 and 349
47 **58-1-501**, as last amended by Laws of Utah 2019, Chapter 198
48 **58-1-502**, as last amended by Laws of Utah 2018, Chapter 318
49 **58-3a-102**, as last amended by Laws of Utah 2011, Chapter 14
50 **58-3a-105**, as enacted by Laws of Utah 2019, Chapter 215
51 **58-3a-302**, as last amended by Laws of Utah 2009, Chapter 183
52 **58-3a-304**, as last amended by Laws of Utah 2016, Chapter 268
53 **58-5a-302**, as last amended by Laws of Utah 2017, Chapter 244
54 **58-11a-102**, as last amended by Laws of Utah 2017, Chapters 215 and 342
55 **58-11a-302**, as last amended by Laws of Utah 2018, Chapters 415 and 445
56 **58-11a-304**, as last amended by Laws of Utah 2018, Chapter 318
57 **58-11a-306**, as last amended by Laws of Utah 2018, Chapter 318
58 **58-11a-502**, as last amended by Laws of Utah 2016, Chapters 249 and 274
59 **58-15-11**, as last amended by Laws of Utah 1993, Chapter 297
60 **58-16a-302**, as last amended by Laws of Utah 2016, Chapter 238
61 **58-16a-501**, as last amended by Laws of Utah 2012, Chapter 256
62 **58-16a-503**, as last amended by Laws of Utah 2000, Chapter 160

- 63 **58-17b-303**, as last amended by Laws of Utah 2012, Chapter 93
- 64 **58-17b-304**, as last amended by Laws of Utah 2013, Chapter 166
- 65 **58-17b-305**, as last amended by Laws of Utah 2013, Chapter 166
- 66 **58-17b-305.1**, as enacted by Laws of Utah 2014, Chapter 385
- 67 **58-17b-308**, as last amended by Laws of Utah 2017, Chapter 384
- 68 **58-20b-302**, as enacted by Laws of Utah 2018, Third Special Session, Chapter 1
- 69 **58-22-102**, as last amended by Laws of Utah 2017, Chapter 218
- 70 **58-22-104**, as enacted by Laws of Utah 2019, Chapter 215
- 71 **58-22-302**, as last amended by Laws of Utah 2017, Chapter 382
- 72 **58-22-305**, as last amended by Laws of Utah 2013, Chapter 262
- 73 **58-24b-302**, as last amended by Laws of Utah 2019, Chapter 101
- 74 **58-26a-302**, as last amended by Laws of Utah 2017, Chapter 229
- 75 **58-26a-305**, as last amended by Laws of Utah 2008, Chapter 265
- 76 **58-26a-306**, as last amended by Laws of Utah 2019, Chapter 122
- 77 **58-28-301**, as enacted by Laws of Utah 2006, Chapter 109
- 78 **58-28-302**, as last amended by Laws of Utah 2009, Chapter 183
- 79 **58-28-304**, as renumbered and amended by Laws of Utah 2006, Chapter 109
- 80 **58-31b-502**, as last amended by Laws of Utah 2019, Chapter 233
- 81 **58-31b-803**, as last amended by Laws of Utah 2019, Chapter 233
- 82 **58-37f-203**, as last amended by Laws of Utah 2019, Chapter 59
- 83 **58-37f-301**, as last amended by Laws of Utah 2018, Chapter 123
- 84 **58-37f-302**, as enacted by Laws of Utah 2010, Chapter 287
- 85 **58-37f-303**, as enacted by Laws of Utah 2016, Chapter 112
- 86 **58-40-302**, as last amended by Laws of Utah 2015, Chapter 77
- 87 **58-40-501**, as enacted by Laws of Utah 2012, Chapter 82
- 88 **58-41-5**, as last amended by Laws of Utah 2010, Chapter 397
- 89 **58-42a-302**, as last amended by Laws of Utah 2015, Chapters 28, 432 and last amended
- 90 by Coordination Clause, Laws of Utah 2015, Chapter 28
- 91 **58-42a-501**, as repealed and reenacted by Laws of Utah 2015, Chapter 432
- 92 **58-46a-302**, as last amended by Laws of Utah 2013, Chapter 87

- 93 **58-47b-302**, as last amended by Laws of Utah 2009, Chapter 183
- 94 **58-49-4**, as last amended by Laws of Utah 1989, Chapter 225
- 95 **58-49-5**, as enacted by Laws of Utah 1986, Chapter 192
- 96 **58-49-9**, as enacted by Laws of Utah 1986, Chapter 192
- 97 **58-54-302**, as last amended by Laws of Utah 2012, Chapter 369
- 98 **58-55-103**, as last amended by Laws of Utah 2016, Chapter 25
- 99 **58-55-106**, as enacted by Laws of Utah 2019, Chapter 215
- 100 **58-55-302**, as last amended by Laws of Utah 2019, Chapter 215
- 101 **58-55-305**, as last amended by Laws of Utah 2019, Chapters 136 and 215
- 102 **58-55-308**, as last amended by Laws of Utah 2019, Chapter 340
- 103 **58-55-401**, as last amended by Laws of Utah 2011, Chapter 413
- 104 **58-55-501**, as last amended by Laws of Utah 2018, Chapter 318
- 105 **58-55-503**, as last amended by Laws of Utah 2018, Chapter 318
- 106 **58-57-4**, as last amended by Laws of Utah 2009, Chapter 183
- 107 **58-60-109**, as last amended by Laws of Utah 2015, Chapter 323
- 108 **58-60-115**, as last amended by Laws of Utah 2012, Chapter 179
- 109 **58-60-117**, as last amended by Laws of Utah 2018, Chapter 318
- 110 **58-60-205**, as last amended by Laws of Utah 2019, Chapter 393
- 111 **58-60-207**, as last amended by Laws of Utah 2019, Chapter 393
- 112 **58-60-305.5**, as last amended by Laws of Utah 2009, Chapter 183
- 113 **58-60-305**, as last amended by Laws of Utah 2019, Chapter 393
- 114 **58-60-308**, as last amended by Laws of Utah 2019, Chapter 393
- 115 **58-60-405**, as last amended by Laws of Utah 2015, Chapter 77
- 116 **58-60-407**, as last amended by Laws of Utah 2019, Chapter 393
- 117 **58-60-506**, as last amended by Laws of Utah 2015, Chapter 77
- 118 **58-61-304**, as last amended by Laws of Utah 2013, Chapters 16 and 262
- 119 **58-61-501**, as last amended by Laws of Utah 2001, Chapter 281
- 120 **58-61-704**, as enacted by Laws of Utah 2015, Chapter 367
- 121 **58-61-705**, as enacted by Laws of Utah 2015, Chapter 367
- 122 **58-63-302**, as last amended by Laws of Utah 2018, Chapter 177
- 123 **58-63-306**, as last amended by Laws of Utah 2008, Chapter 246

- 124 **58-64-302**, as last amended by Laws of Utah 2016, Chapter 201
- 125 **58-67-302**, as last amended by Laws of Utah 2019, Chapter 445
- 126 **58-67-302.5**, as last amended by Laws of Utah 2019, Chapter 445
- 127 **58-67-302.7**, as last amended by Laws of Utah 2018, Chapter 318
- 128 **58-67-302.8**, as last amended by Laws of Utah 2018, Chapter 318
- 129 **58-67-304**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 130 **58-67-403**, as last amended by Laws of Utah 2018, Chapter 318
- 131 **58-68-302**, as last amended by Laws of Utah 2019, Chapter 445
- 132 **58-68-302.5**, as last amended by Laws of Utah 2018, Chapter 318
- 133 **58-68-304**, as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 134 **58-68-403**, as last amended by Laws of Utah 2018, Chapter 318
- 135 **58-69-302**, as last amended by Laws of Utah 2018, Chapter 66
- 136 **58-70a-302**, as last amended by Laws of Utah 2017, Chapter 309
- 137 **58-70a-306**, as last amended by Laws of Utah 2010, Chapter 37
- 138 **58-71-302**, as last amended by Laws of Utah 2009, Chapter 183
- 139 **58-72-302**, as last amended by Laws of Utah 2019, Chapter 485
- 140 **58-73-302**, as last amended by Laws of Utah 2009, Chapter 183
- 141 **58-74-102**, as last amended by Laws of Utah 2019, Chapter 379
- 142 **58-74-302**, as last amended by Laws of Utah 2019, Chapter 379
- 143 **58-75-302**, as last amended by Laws of Utah 2009, Chapter 183
- 144 **58-76-302**, as last amended by Laws of Utah 2009, Chapter 183
- 145 **58-77-302**, as last amended by Laws of Utah 2009, Chapter 183
- 146 **58-78-302**, as last amended by Laws of Utah 2011, Chapter 367
- 147 **58-79-302**, as enacted by Laws of Utah 2009, Chapter 52
- 148 **58-84-201**, as enacted by Laws of Utah 2014, Chapter 340
- 149 **58-86-202**, as enacted by Laws of Utah 2016, Chapter 294
- 150 **63G-2-305**, as last amended by Laws of Utah 2019, Chapters 128, 193, 244, and 277
- 151 **78B-3-416**, as last amended by Laws of Utah 2018, Chapter 318
- 152 ENACTS:
- 153 **58-61-304.1**, Utah Code Annotated 1953

154

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

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

157 **15A-1-203. Uniform Building Code Commission -- Unified Code Analysis**

158 **Council.**

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

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

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

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

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

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

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

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

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

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

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

177 (b) If the governor rejects a nominee, the executive director shall submit an alternative
178 nominee until the governor confirms the nomination. An appointment is effective after the
179 governor confirms the nomination.

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

183 (b) Notwithstanding the requirements of Subsection (4)(a), the executive director shall,
184 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms

185 of commission members are staggered so that approximately half of the commission is
186 appointed every two years.

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

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

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

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

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

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

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

199 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
200 63A-3-107.

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

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

205 (10) The commission shall:

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

208 ~~[(b) offer an opinion regarding the interpretation of or the application of a code if a
209 person submits a request for an opinion;]~~

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

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

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

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

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

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

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

221 ~~[(12)]~~ (11) (a) In a manner consistent with Subsection ~~[(10)(d)]~~ (10)(c), the
 222 commission shall jointly create with the Utah Fire Prevention Board an advisory peer
 223 committee known as the "Unified Code Analysis Council" to review fire prevention and
 224 construction code issues that require definitive and specific analysis.

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

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

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

229 ~~[(13)]~~ (12) (a) As used in this Subsection ~~[(13)]~~ (12), "mass timber products" means a
 230 type of building component or system that uses large panelized wood construction, including:

231 (i) cross laminated timber;

232 (ii) nail laminated timber;

233 (iii) glue laminated timber;

234 (iv) laminated strand timber;

235 (v) dowel laminated timber;

236 (vi) laminated veneer lumber;

237 (vii) structural composite lumber; and

238 (viii) wood concrete composites.

239 (b) On or before October 1, 2019, the commission shall prepare and submit, in
 240 accordance with Section 68-3-14, a written report to the Business and Labor Interim
 241 Committee recommending building standards for the use of mass timber products for
 242 residential and commercial building construction.

243 (c) In making the recommendations described in Subsection ~~[(13)]~~ (12)(b), the
 244 commission shall consider applicable national and international standards.

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

246 **38-11-102. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

266 (12) "Fund" means the Residence Lien Recovery Fund established under Section
267 38-11-201.

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

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

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

277 (16) "Original contractor" means a person who contracts with the owner of real

278 property or the owner's agent to provide services, labor, or material for the construction of an
279 owner-occupied residence.

280 (17) "Owner" means a person who:

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

284 (i) owns; or

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

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

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

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

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

296 (a) provides qualified services;

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

298 (c) registers with the division:

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

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

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

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

308 (ii) architectural services provided by an architect licensed under Title 58, Chapter 3a,

309 Architects Licensing Act;

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

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

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

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

318 (vii) providing materials, supplies, components, or similar products;

319 (viii) renting equipment or materials;

320 (ix) labor at the site of the construction on the owner-occupied residence; and

321 (x) site preparation, set up, and installation of factory built housing.

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

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

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

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

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

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

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

336 (b) "Residence" includes factory built housing.

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

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

340 **58-1-301.3. Waiver of licensing fees.**

341 An individual applying for initial licensure or licensure renewal under this title may
342 apply for initial licensure or licensure renewal without paying the fees described in Subsection
343 58-1-301(1) if the applicant provides evidence to the division in a form prescribed by the
344 division that at the time of the application the applicant is:

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

348 (2) receiving public assistance through one of the following programs administered by
349 the Department of Workforce Services:

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

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

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

353 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

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

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

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

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

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

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

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

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

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

370 ~~(h)~~ (i) Sections 58-67-302 and 58-67-302.1 of Title 58, Chapter 67, Utah Medical

371 Practice Act; and

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

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

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

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

378 (3) The division may not disseminate outside of the division any criminal history
379 record information that the division obtains from the Bureau of Criminal Identification or the
380 Federal Bureau of Investigation under the criminal background check requirements of this
381 section.

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

383 **58-1-301.7. Change of information.**

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

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

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

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

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

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

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

401 **58-1-302. License by endorsement.**

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

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

408 (b) after being licensed outside of this state, the person has at least one year of
409 experience in the state, district, or territory of the United States where the license was issued,
410 and the division determines the person has the education, experience, and skills necessary to
411 demonstrate competency in the occupation or profession for which licensure is sought.

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

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

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

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

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

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

424 **58-1-307. Exemptions from licensure.**

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

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

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

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

440 (d) an individual residing in another state and licensed to practice a regulated
441 occupation or profession in that state, who is called in for a consultation by an individual
442 licensed in this state, and the services provided are limited to that consultation;

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

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

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

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

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

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

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

462 and

463 (iii) for a limited period of time not to exceed the duration of that event, together with

464 any necessary preparatory and conclusionary periods; and

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

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

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

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

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

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

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

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

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

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

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

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

494 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,

495 Pharmacy Practice Act;

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

497 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist

498 Practice Act; and

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

500 (c) suspend the requirements for licensure under this title and modify the scope of

501 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical

502 services personnel or paramedics required to be licensed under Section 26-8a-302;

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

504 certain prescriptive procedures;

505 (e) exempt or modify the requirement for licensure of an individual who is activated as

506 a member of a medical reserve corps during a time of emergency as provided in Section

507 26A-1-126; [~~and~~]

508 (f) exempt or modify the requirement for licensure of an individual who is registered as

509 a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency

510 Volunteer Health Practitioners Act~~[.];~~ and

511 (g) in accordance with rules made by the division in accordance with Title 63G,

512 Chapter 3, Utah Administrative Rulemaking Act, exempt or modify the requirements for

513 licensure of an individual engaged in one or more of the construction trades described in

514 Chapter 55, Utah Construction Trades Licensing Act.

515 (5) Individuals exempt under Subsection (4)(c) and individuals operating under

516 modified scope of practice provisions under Subsection (4)(b):

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

518 of the emergency;

519 (b) must be engaged in the distribution of medicines or medical devices in response to

520 the emergency or declaration; and

521 (c) must be employed by or volunteering for:

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

523 (ii) a host entity as defined in Section 26-49-102.

524 (6) In accordance with the protocols established under Subsection (8), upon the

525 declaration of a national, state, or local emergency, the Department of Health or a local health

526 department shall coordinate with public safety authorities as defined in Subsection
527 26-23b-110(1) and may:

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

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

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

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

538 (A) a pharmacy;

539 (B) a prescribing practitioner;

540 (C) a licensed health care facility;

541 (D) a federally qualified community health clinic; or

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

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

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

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

550 (8) The Department of Health shall establish by rule, made in accordance with Title
551 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for administering, dispensing,
552 and distributing a vaccine, an antiviral, an antibiotic, or other prescription medication that is
553 not a controlled substance in the event of a declaration of a national, state, or local emergency.
554 The protocol shall establish procedures for the Department of Health or a local health
555 department to:

556 (a) coordinate the distribution of:

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

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

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

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

569 (i) is working in a triage situation;

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

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

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

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

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

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

579 **58-1-501. Unlawful and unprofessional conduct.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

619 includes:

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

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

625 (c) engaging in conduct that results in conviction, a plea of nolo contendere, or a plea
626 of guilty or nolo contendere which is held in abeyance pending the successful completion of
627 probation with respect to a crime of moral turpitude or any other crime that, when considered
628 with the functions and duties of the occupation or profession for which the license was issued
629 or is to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely
630 or competently practice the occupation or profession;

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

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

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

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

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

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

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

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

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

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

657 (i) without first obtaining information in the usual course of professional practice, that
658 is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to
659 the proposed treatment; or

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

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

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

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

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

672 **58-1-502. Unlawful and unprofessional conduct -- Penalties.**

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

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

678 (2) (a) In addition to any other statutory penalty for a violation related to a specific
679 occupation or profession regulated by this title, if upon inspection or investigation, the division
680 concludes that a person has violated Subsection 58-1-501(1)(a), (1)(c), (1)(g), or (2)(o), or a

681 rule or order issued with respect to those subsections, and that disciplinary action is
682 appropriate, the director or the director's designee from within the division shall promptly:

- 683 (i) issue a citation to the person according to this section and any pertinent rules;
- 684 (ii) attempt to negotiate a stipulated settlement; or
- 685 (iii) notify the person to appear before an adjudicative proceeding conducted under
686 Title 63G, Chapter 4, Administrative Procedures Act.

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

- 690 (A) an uncontested citation;
- 691 (B) a stipulated settlement; or
- 692 (C) a finding of a violation in an adjudicative proceeding.

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

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

698 (d) A citation shall:

- 699 (i) be in writing;
- 700 (ii) describe with particularity the nature of the violation, including a reference to the
701 provision of the chapter, rule, or order alleged to have been violated;

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

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

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

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

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

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

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

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

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

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

722 (ii) for a second offense handled pursuant to Subsection (2)(a), a fine of up to \$2,000;

723 and

724 (iii) for each subsequent offense handled pursuant to Subsection (2)(a), a fine of up to
725 \$2,000 for each day of continued offense.

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

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

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

733 (i) referring the matter to a collection agency; or

734 (ii) bringing an action in the district court of the county where the person against whom
735 the penalty is imposed resides or in the county where the office of the director is located.

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

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

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

741 **58-3a-102. Definitions.**

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

- 743 (1) "Architect" means a person licensed under this chapter as an architect.
- 744 (2) "Board" means the Architects Licensing Board created in Section 58-3a-201.
- 745 (3) "Building" means a structure which has human occupancy or habitation as its
746 principal purpose, and includes the structural, mechanical, and electrical systems, utility
747 services, and other facilities required for the building, and is otherwise governed by the State
748 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
749 Act.
- 750 (4) "Complete construction plans" means a final set of plans and specifications for a
751 building that normally includes:
- 752 (a) floor plans;
- 753 (b) elevations;
- 754 (c) site plans;
- 755 (d) foundation, structural, and framing detail;
- 756 (e) electrical, mechanical, and plumbing design;
- 757 (f) information required by the energy code;
- 758 (g) specifications and related calculations as appropriate; and
- 759 (h) all other documents required to obtain a building permit.
- 760 (5) "Fund" means the Architects Education and Enforcement Fund created in Section
761 58-3a-103.
- 762 (6) (a) "Practice of architecture" means rendering or offering to render the following
763 services in connection with the design, construction, enlargement, or alteration of a building or
764 group of buildings, and the space within and surrounding such buildings:
- 765 (i) planning;
- 766 (ii) facility programming;
- 767 (iii) preliminary studies;
- 768 (iv) preparation of designs, drawings, and specifications;
- 769 (v) preparation of technical submissions and coordination of any element of technical
770 submissions prepared by others including, as appropriate and without limitation, professional
771 engineers, and landscape architects; and
- 772 (vi) administration of construction contracts.
- 773 (b) "Practice of architecture" does not include the practice of professional engineering

774 as defined in Section 58-22-102, but a licensed architect may perform such professional
775 engineering work as is incidental to the practice of architecture[-] if:

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

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

780 (iii) the licensee is fully responsible for the incidental work as described in Subsection
781 58-3a-603(1);

782 (iv) except for incidental work where the licensee is exempt from licensure as provided
783 in Subsection 58-3a-603(1), the incidental work affects not more than 49 occupants as
784 determined by the provisions of Title 15A, State Construction and Fire Codes Act;

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

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

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

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

800 (9) "Unlawful conduct" as defined in Section 58-1-501 is further defined in Section
801 58-3a-501.

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

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

805 **58-3a-105. Surcharge fee.**

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

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

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

815 **58-3a-302. Qualifications for licensure.**

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

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

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

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

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

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

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

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

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

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

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

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

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

835 (i) current licensure in good standing in a jurisdiction recognized by rule by the

836 division in collaboration with the board; and

837 (ii) current certification from the National Council of Architectural Registration

838 Boards; or

839 (iii) current license in good standing in a jurisdiction recognized by rule by the division

840 in collaboration with the board; and

841 (iv) full-time employment as a licensed architect as a principal for at least five of the

842 last seven years immediately preceding the date of the application;

843 ~~(c)~~ (d) have successfully passed any examination established by rule by the division

844 in collaboration with the board; and

845 ~~(f)~~ (e) meet with the board or representative of the division upon request for the

846 purpose of evaluating the applicant's qualifications for license.

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

848 **58-3a-304. Exemptions from licensure.**

849 (1) In addition to the exemptions from licensure in Section 58-1-307, the following

850 may engage in the stated limited acts or practices without being licensed under this chapter:

851 (a) a person offering to render architectural services in this state when not licensed

852 under this chapter if the person:

853 (i) holds a current and valid architect license issued by a licensing authority recognized

854 by rule by the division in collaboration with the board;

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

856 (A) is not licensed in the state;

857 (B) may not provide architectural services in the state until the architect is licensed in

858 the state; and

859 (C) that such condition may cause a delay in the ability of the architect to provide

860 architectural services in the state;

861 (iii) notifies the division in writing of his intent to offer to render architectural services

862 in the state; and

863 (iv) does not provide architectural services or engage in the practice of architecture in

864 this state until licensed to do so;

865 (b) a person preparing a plan and specification for one or two-family dwellings,

866 including townhouses;

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

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

874 (e) a person preparing a plan or specification for, or supervising the alteration of or
875 repair to, an existing building affecting an area not exceeding 3,000 square feet when structural
876 elements of a building are not changed, such as foundations, beams, columns, and structural
877 slabs, joists, bearing walls, and trusses; and

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

879 (i) the organization employs a principal; and

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

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

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

887 **58-5a-302. Qualifications to practice podiatry.**

888 An applicant for licensure to practice podiatry shall:

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

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

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

892 ~~[(4)]~~ (3) provide satisfactory documentation of having successfully completed a

893 program of professional education preparing an individual as a podiatric physician, as

894 evidenced by having received an earned degree of doctor of podiatric medicine from a podiatry

895 school or college accredited by the Council on Podiatric Medical Education;

896 ~~[(5)]~~ (4) if licensed on or after July 1, 2015, satisfy the division and board that the

897 applicant:

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

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

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

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

911 [~~(6)~~] (5) pass examinations required by rule.

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

913 **58-11a-102. Definitions.**

914 As used in this chapter:

915 (1) "Approved barber or cosmetologist/barber apprenticeship" means an apprenticeship
916 that meets the requirements of Subsection 58-11a-306(1) for barbers or Subsection
917 58-11a-306(2) for cosmetologist/barbers and the requirements established by rule by the
918 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
919 Administrative Rulemaking Act.

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

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

928 [~~(3)~~] (4) "Approved master esthetician apprenticeship" means an apprenticeship that

929 meets the requirements of Subsection 58-11a-306~~(4)~~(5) and the requirements established by
930 rule by the division in collaboration with the board in accordance with Title 63G, Chapter 3,
931 Utah Administrative Rulemaking Act.

932 ~~(4)~~ (5) "Approved nail technician apprenticeship" means an apprenticeship that meets
933 the requirements of Subsection 58-11a-306~~(5)~~(6) and the requirements established by rule by
934 the division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
935 Administrative Rulemaking Act.

936 ~~(5)~~ (6) "Barber" means a person who is licensed under this chapter to engage in the
937 practice of barbering.

938 ~~(6)~~ (7) "Barber instructor" means a barber who is licensed under this chapter to
939 engage in the practice of barbering instruction.

940 ~~(7)~~ (8) "Board" means the Cosmetology and Associated Professions Licensing Board
941 created in Section 58-11a-201.

942 ~~(8)~~ (9) "Cosmetic laser procedure" includes a nonablative procedure as defined in
943 Section 58-67-102.

944 ~~(9)~~ (10) "Cosmetic supervisor" means a supervisor as defined in Section 58-1-505.

945 ~~(10)~~ (11) "Cosmetologist/barber" means a person who is licensed under this chapter
946 to engage in the practice of cosmetology/barbering.

947 ~~(11)~~ (12) "Cosmetologist/barber instructor" means a cosmetologist/barber who is
948 licensed under this chapter to engage in the practice of cosmetology/barbering instruction.

949 ~~(12)~~ (13) "Direct supervision" means that the supervisor of an apprentice or the
950 instructor of a student is immediately available for consultation, advice, instruction, and
951 evaluation.

952 ~~(13)~~ (14) "Electrologist" means a person who is licensed under this chapter to engage
953 in the practice of electrology.

954 ~~(14)~~ (15) "Electrologist instructor" means an electrologist who is licensed under this
955 chapter to engage in the practice of electrology instruction.

956 ~~(15)~~ (16) "Esthetician" means a person who is licensed under this chapter to engage
957 in the practice of esthetics.

958 ~~(16)~~ (17) "Esthetician instructor" means a master esthetician who is licensed under
959 this chapter to engage in the practice of esthetics instruction.

960 [~~(17)~~] (18) "Fund" means the Cosmetology and Associated Professions Education and
961 Enforcement Fund created in Section 58-11a-103.

962 [~~(18)~~] (19) (a) "Hair braiding" means the twisting, weaving, or interweaving of a
963 person's natural human hair.

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

965 (i) African-style braiding;

966 (ii) box braids;

967 (iii) cornrows;

968 (iv) dreadlocks;

969 (v) french braids;

970 (vi) invisible braids;

971 (vii) micro braids;

972 (viii) single braids;

973 (ix) single plaits;

974 (x) twists;

975 (xi) visible braids;

976 (xii) the use of lock braids; and

977 (xiii) the use of decorative beads, accessories, and nonhair extensions.

978 (c) "Hair braiding" does not include:

979 (i) the use of:

980 (A) wefts;

981 (B) synthetic tape;

982 (C) synthetic glue;

983 (D) keratin bonds;

984 (E) fusion bonds; or

985 (F) heat tools;

986 (ii) the cutting of human hair; or

987 (iii) the application of heat, dye, a reactive chemical, or other preparation to:

988 (A) alter the color of the hair; or

989 (B) straighten, curl, or alter the structure of the hair.

990 [~~(19)~~] (20) "Hair designer" means a person who is licensed under this chapter to

- 991 engage in the practice of hair design.
- 992 ~~[(20)]~~ (21) "Hair designer instructor" means a hair designer who is licensed under this
- 993 chapter to engage in the practice of hair design instruction.
- 994 ~~[(21)]~~ (22) "Licensed barber or cosmetology/barber school" means a barber or
- 995 cosmetology/barber school licensed under this chapter.
- 996 ~~[(22)]~~ (23) "Licensed electrology school" means an electrology school licensed under
- 997 this chapter.
- 998 ~~[(23)]~~ (24) "Licensed esthetics school" means an esthetics school licensed under this
- 999 chapter.
- 1000 ~~[(24)]~~ (25) "Licensed hair design school" means a hair design school licensed under
- 1001 this chapter.
- 1002 ~~[(25)]~~ (26) "Licensed nail technology school" means a nail technology school licensed
- 1003 under this chapter.
- 1004 ~~[(26)]~~ (27) "Master esthetician" means an individual who is licensed under this chapter
- 1005 to engage in the practice of master-level esthetics.
- 1006 ~~[(27)]~~ (28) "Nail technician" means an individual who is licensed under this chapter to
- 1007 engage in the practice of nail technology.
- 1008 ~~[(28)]~~ (29) "Nail technician instructor" means a nail technician licensed under this
- 1009 chapter to engage in the practice of nail technology instruction.
- 1010 ~~[(29)]~~ (30) "Practice of barbering" means:
- 1011 (a) cutting, clipping, or trimming the hair of the head of any person by the use of
- 1012 scissors, shears, clippers, or other appliances;
- 1013 (b) draping, shampooing, scalp treatments, basic wet styling, and blow drying;
- 1014 (c) removing hair from the face or neck of a person by the use of shaving equipment;
- 1015 and
- 1016 (d) when providing other services described in this Subsection ~~[(29)]~~ (30), gently
- 1017 massaging the head, back of the neck, and shoulders by manual or mechanical means.
- 1018 ~~[(30)]~~ (31) "Practice of barbering instruction" means teaching the practice of barbering
- 1019 at a licensed barber school, at a licensed cosmetology/barber school, or for an approved barber
- 1020 apprenticeship.
- 1021 ~~[(31)]~~ (32) "Practice of basic esthetics" means any one of the following skin care

1022 procedures done on the body for cosmetic purposes and not for the treatment of medical,
1023 physical, or mental ailments:

1024 (a) cleansing, stimulating, manipulating, exercising, applying oils, antiseptics, clays, or
1025 masks, manual extraction, including a comedone extractor, depilatories, waxes, tweezing, the
1026 application of eyelash or eyebrow extensions, natural nail manicures or pedicures, or callous
1027 removal by buffing or filing;

1028 (b) limited chemical exfoliation as defined by rule;

1029 (c) removing superfluous hair by means other than electrolysis, except that an
1030 individual is not required to be licensed as an esthetician to engage in the practice of threading;

1031 (d) other esthetic preparations or procedures with the use of the hands, a
1032 high-frequency or galvanic electrical apparatus, or a heat lamp for cosmetic purposes and not
1033 for the treatment of medical, physical, or mental ailments;

1034 (e) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, or applying
1035 eyelash or eyebrow extensions; or

1036 (f) except as provided in Subsection [~~(31)(f)(i)~~] (32)(f)(i), cosmetic laser procedures
1037 under the direct cosmetic medical procedure supervision of a cosmetic supervisor limited to the
1038 following:

1039 (i) superfluous hair removal which shall be under indirect supervision;

1040 (ii) anti-aging resurfacing enhancements;

1041 (iii) photo rejuvenation; or

1042 (iv) tattoo removal.

1043 [~~(32)~~] (33) (a) "Practice of cosmetology/barbering" means:

1044 (i) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
1045 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
1046 person;

1047 (ii) cutting, clipping, or trimming the hair by the use of scissors, shears, clippers, or
1048 other appliances;

1049 (iii) arching eyebrows, tinting eyebrows or eyelashes, perming eyelashes, applying
1050 eyelash or eyebrow extensions;

1051 (iv) removing hair from the body of a person by the use of depilatories, waxing, or
1052 shaving equipment;

- 1053 (v) cutting, curling, styling, fitting, measuring, or forming caps for wigs or hairpieces
1054 or both on the human head; or
- 1055 (vi) practicing hair weaving or hair fusing or servicing previously medically implanted
1056 hair.
- 1057 (b) The term "practice of cosmetology/barbering" includes:
- 1058 (i) the practice of barbering;
- 1059 (ii) the practice of basic esthetics; and
- 1060 (iii) the practice of nail technology.
- 1061 (c) An individual is not required to be licensed as a cosmetologist/barber to engage in
1062 the practice of threading.
- 1063 [~~33~~] (34) "Practice of cosmetology/barbering instruction" means teaching the practice
1064 of cosmetology/barbering:
- 1065 (a) at a licensed cosmetology/barber school, a licensed barber school, or a licensed nail
1066 technology school; or
- 1067 (b) for an approved cosmetologist/barber apprenticeship.
- 1068 [~~34~~] (35) "Practice of electrology" means:
- 1069 (a) the removal of superfluous hair from the body of a person by the use of electricity,
1070 waxing, shaving, or tweezing; or
- 1071 (b) cosmetic laser procedures under the supervision of a cosmetic supervisor limited to
1072 superfluous hair removal.
- 1073 [~~35~~] (36) "Practice of electrology instruction" means teaching the practice of
1074 electrology at a licensed electrology school.
- 1075 [~~36~~] (37) "Practice of esthetics instruction" means teaching the practice of basic
1076 esthetics or the practice of master-level esthetics:
- 1077 (a) at a licensed esthetics school or a licensed cosmetology/barber school; or
- 1078 (b) for an approved esthetician apprenticeship or an approved master esthetician
1079 apprenticeship.
- 1080 [~~37~~] (38) "Practice of hair design" means:
- 1081 (a) styling, arranging, dressing, curling, waving, permanent waving, cleansing,
1082 singeing, bleaching, dyeing, tinting, coloring, or similarly treating the hair of the head of a
1083 person;

1084 (b) barbering, cutting, clipping, shaving, or trimming the hair by the use of scissors,
1085 shears, clippers, or other appliances;

1086 (c) cutting, curling, styling, fitting, measuring, or forming caps for wigs, hairpieces, or
1087 both on the human head; or

1088 (d) practicing hair weaving, hair fusing, or servicing previously medically implanted
1089 hair.

1090 [~~(38)~~] (39) "Practice of hair design instruction" means teaching the practice of hair
1091 design at a licensed cosmetology/barber school, a licensed hair design school, or a licensed
1092 barber school.

1093 [~~(39)~~] (40) (a) "Practice of master-level esthetics" means:

1094 (i) any of the following when done for cosmetic purposes on the body and not for the
1095 treatment of medical, physical, or mental ailments:

1096 (A) body wraps as defined by rule;

1097 (B) hydrotherapy as defined by rule;

1098 (C) chemical exfoliation as defined by rule;

1099 (D) advanced pedicures as defined by rule;

1100 (E) sanding, including microdermabrasion;

1101 (F) advanced extraction;

1102 (G) other esthetic preparations or procedures with the use of:

1103 (I) the hands; or

1104 (II) a mechanical or electrical apparatus which is approved for use by division rule for
1105 beautifying or similar work performed on the body for cosmetic purposes and not for the
1106 treatment of a medical, physical, or mental ailment; or

1107 (H) cosmetic laser procedures under the supervision of a cosmetic supervisor with a
1108 physician's evaluation before the procedure, as needed, unless specifically required under
1109 Section 58-1-506, and limited to the following:

1110 (I) superfluous hair removal;

1111 (II) anti-aging resurfacing enhancements;

1112 (III) photo rejuvenation; or

1113 (IV) tattoo removal with a physician's, advanced practice nurse's, or physician
1114 assistant's evaluation before the tattoo removal procedure, as required by Subsection

1115 58-1-506(3)(a); and

1116 (ii) lymphatic massage by manual or other means as defined by rule.

1117 (b) Notwithstanding the provisions of Subsection [~~(39)(a)~~] (40)(a), a master-level
1118 esthetician may perform procedures listed in Subsection [~~(39)(a)(i)(H)~~] (40)(a)(i)(H) if done
1119 under the supervision of a cosmetic supervisor acting within the scope of the cosmetic
1120 supervisor license.

1121 (c) The term "practice of master-level esthetics" includes the practice of esthetics, but
1122 an individual is not required to be licensed as an esthetician or master-level esthetician to
1123 engage in the practice of threading.

1124 [~~(40)~~] (41) "Practice of nail technology" means to trim, cut, clean, manicure, shape,
1125 massage, or enhance the appearance of the hands, feet, and nails of an individual by the use of
1126 hands, mechanical, or electrical preparation, antiseptic, lotions, or creams, including the
1127 application and removal of sculptured or artificial nails.

1128 [~~(41)~~] (42) "Practice of nail technology instruction" means teaching the practice of nail
1129 technology at a licensed nail technician school, at a licensed cosmetology/barber school, or for
1130 an approved nail technician apprenticeship.

1131 [~~(42)~~] (43) "Recognized barber school" means a barber school located in a state other
1132 than Utah, whose students, upon graduation, are recognized as having completed the
1133 educational requirements for licensure in that state.

1134 [~~(43)~~] (44) "Recognized cosmetology/barber school" means a cosmetology/barber
1135 school located in a state other than Utah, whose students, upon graduation, are recognized as
1136 having completed the educational requirements for licensure in that state.

1137 [~~(44)~~] (45) "Recognized electrology school" means an electrology school located in a
1138 state other than Utah, whose students, upon graduation, are recognized as having completed the
1139 educational requirements for licensure in that state.

1140 [~~(45)~~] (46) "Recognized esthetics school" means an esthetics school located in a state
1141 other than Utah, whose students, upon graduation, are recognized as having completed the
1142 educational requirements for licensure in that state.

1143 [~~(46)~~] (47) "Recognized hair design school" means a hair design school located in a
1144 state other than Utah, whose students, upon graduation, are recognized as having completed the
1145 educational requirements for licensure in that state.

1146 ~~[(47)]~~ (48) "Recognized nail technology school" means a nail technology school
 1147 located in a state other than Utah, whose students, upon graduation, are recognized as having
 1148 completed the educational requirements for licensure in that state.

1149 ~~[(48)]~~ (49) "Salon" means a place, shop, or establishment in which
 1150 cosmetology/barbering, esthetics, electrology, or nail technology is practiced.

1151 ~~[(49)]~~ (50) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-11a-502.

1152 ~~[(50)]~~ (51) "Unprofessional conduct" is as defined in Sections 58-1-501 and
 1153 58-11a-501 and as may be further defined by rule by the division in collaboration with the
 1154 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1155 Section 16. Section **58-11a-302** is amended to read:

1156 **58-11a-302. Qualifications for licensure.**

1157 (1) Each applicant for licensure as a barber shall:

1158 (a) submit an application in a form prescribed by the division;

1159 (b) pay a fee determined by the department under Section 63J-1-504;

1160 ~~[(c) be of good moral character;]~~

1161 ~~[(d)]~~ (c) provide satisfactory documentation of:

1162 (i) graduation from a licensed or recognized barber school, or a licensed or recognized
 1163 cosmetology/barber school, whose curriculum consists of a minimum of 1,000 hours of
 1164 instruction, or the equivalent number of credit hours, over a period of not less than 25 weeks;

1165 (ii) (A) graduation from a recognized barber school located in a state other than Utah
 1166 whose curriculum consists of less than 1,000 hours of instruction or the equivalent number of
 1167 credit hours; and

1168 (B) practice as a licensed barber in a state other than Utah for not less than the number
 1169 of hours required to equal 1,000 total hours when added to the hours of instruction described in

1170 Subsection ~~[(1)(d)(ii)(A)]~~ (1)(c)(ii)(A); or

1171 (iii) completion of an approved barber apprenticeship; and

1172 ~~[(e)]~~ (d) meet the examination requirement established by rule.

1173 (2) Each applicant for licensure as a barber instructor shall:

1174 (a) submit an application in a form prescribed by the division;

1175 (b) subject to Subsection (24), pay a fee determined by the department under Section

1176 63J-1-504;

- 1177 (c) provide satisfactory documentation that the applicant is currently licensed as a
1178 barber;
- 1179 ~~[(d) be of good moral character;]~~
- 1180 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:
- 1181 (i) an instructor training program conducted by a licensed or recognized school, as
1182 defined by rule, consisting of a minimum of 250 hours or the equivalent number of credit
1183 hours;
- 1184 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
1185 recognized school, as defined by rule, consisting of a minimum of 250 hours or the equivalent
1186 number of credit hours; or
- 1187 (iii) a minimum of 2,000 hours of experience as a barber; and
- 1188 ~~[(f)]~~ (e) meet the examination requirement established by rule.
- 1189 (3) Each applicant for licensure as a barber school shall:
- 1190 (a) submit an application in a form prescribed by the division;
- 1191 (b) pay a fee determined by the department under Section 63J-1-504; and
- 1192 (c) provide satisfactory documentation:
- 1193 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 1194 (ii) of business licensure from the city, town, or county in which the school is located;
- 1195 (iii) that the applicant's physical facilities comply with the requirements established by
1196 rule; and
- 1197 (iv) that the applicant meets:
- 1198 (A) the standards for barber schools, including staff and accreditation requirements,
1199 established by rule; and
- 1200 (B) the requirements for recognition as an institution of postsecondary study as
1201 described in Subsection (22).
- 1202 (4) Each applicant for licensure as a cosmetologist/barber shall:
- 1203 (a) submit an application in a form prescribed by the division;
- 1204 (b) pay a fee determined by the department under Section 63J-1-504;
- 1205 ~~[(c) be of good moral character;]~~
- 1206 ~~[(d)]~~ (c) provide satisfactory documentation of:
- 1207 (i) graduation from a licensed or recognized cosmetology/barber school whose

1208 curriculum consists of a minimum of 1,600 hours of instruction, or the equivalent number of
1209 credit hours, with full flexibility within those hours;

1210 (ii) (A) graduation from a recognized cosmetology/barber school located in a state
1211 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
1212 equivalent number of credit hours, with full flexibility within those hours; and

1213 (B) practice as a licensed cosmetologist/barber in a state other than Utah for not less
1214 than the number of hours required to equal 1,600 total hours when added to the hours of
1215 instruction described in Subsection ~~[(4)(d)(ii)(A)]~~ (4)(c)(ii)(A); or

1216 (iii) completion of an approved cosmetology/barber apprenticeship; and

1217 ~~[(e)]~~ (d) meet the examination requirement established by rule.

1218 (5) Each applicant for licensure as a cosmetologist/barber instructor shall:

1219 (a) submit an application in a form prescribed by the division;

1220 (b) subject to Subsection (24), pay a fee determined by the department under Section
1221 63J-1-504;

1222 (c) provide satisfactory documentation that the applicant is currently licensed as a
1223 cosmetologist/barber;

1224 ~~[(d) be of good moral character;]~~

1225 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:

1226 (i) an instructor training program conducted by a licensed or recognized school, as
1227 defined by rule, consisting of a minimum of 400 hours or the equivalent number of credit
1228 hours;

1229 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
1230 recognized school, as defined by rule, consisting of a minimum of 400 hours or the equivalent
1231 number of credit hours; or

1232 (iii) a minimum of 3,000 hours of experience as a cosmetologist/barber; and

1233 ~~[(f)]~~ (e) meet the examination requirement established by rule.

1234 (6) Each applicant for licensure as a cosmetologist/barber school shall:

1235 (a) submit an application in a form prescribed by the division;

1236 (b) pay a fee determined by the department under Section 63J-1-504; and

1237 (c) provide satisfactory documentation:

1238 (i) of appropriate registration with the Division of Corporations and Commercial Code;

- 1239 (ii) of business licensure from the city, town, or county in which the school is located;
- 1240 (iii) that the applicant's physical facilities comply with the requirements established by
- 1241 rule; and
- 1242 (iv) that the applicant meets:
- 1243 (A) the standards for cosmetology schools, including staff and accreditation
- 1244 requirements, established by rule; and
- 1245 (B) the requirements for recognition as an institution of postsecondary study as
- 1246 described in Subsection (22).
- 1247 (7) Each applicant for licensure as an electrologist shall:
- 1248 (a) submit an application in a form prescribed by the division;
- 1249 (b) pay a fee determined by the department under Section 63J-1-504;
- 1250 [~~(c) be of good moral character;~~]
- 1251 [~~(d)~~ (c) provide satisfactory documentation of having graduated from a licensed or
- 1252 recognized electrology school after completing a curriculum of 600 hours of instruction or the
- 1253 equivalent number of credit hours; and
- 1254 [~~(e)~~ (d) meet the examination requirement established by rule.
- 1255 (8) Each applicant for licensure as an electrologist instructor shall:
- 1256 (a) submit an application in a form prescribed by the division;
- 1257 (b) subject to Subsection (24), pay a fee determined by the department under Section
- 1258 63J-1-504;
- 1259 (c) provide satisfactory documentation that the applicant is currently licensed as an
- 1260 electrologist;
- 1261 [~~(d) be of good moral character;~~]
- 1262 [~~(e)~~ (d) provide satisfactory documentation of completion of:
- 1263 (i) an instructor training program conducted by a licensed or recognized school, as
- 1264 defined by rule, consisting of a minimum of 150 hours or the equivalent number of credit
- 1265 hours;
- 1266 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 1267 recognized school, as defined by rule, consisting of a minimum of 150 hours or the equivalent
- 1268 number of credit hours; or
- 1269 (iii) a minimum of 1,000 hours of experience as an electrologist; and

- 1270 ~~[(f)]~~ (e) meet the examination requirement established by rule.
- 1271 (9) Each applicant for licensure as an electrologist school shall:
- 1272 (a) submit an application in a form prescribed by the division;
- 1273 (b) pay a fee determined by the department under Section 63J-1-504; and
- 1274 (c) provide satisfactory documentation:
- 1275 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 1276 (ii) of business licensure from the city, town, or county in which the school is located;
- 1277 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 1278 (iv) that the applicant meets:
- 1279 (A) the standards for electrologist schools, including staff, curriculum, and
- 1280 accreditation requirements, established by rule; and
- 1281 (B) the requirements for recognition as an institution of postsecondary study as
- 1282 described in Subsection (22).
- 1283 (10) Each applicant for licensure as an esthetician shall:
- 1284 (a) submit an application in a form prescribed by the division;
- 1285 (b) pay a fee determined by the department under Section 63J-1-504;
- 1286 ~~[(c) be of good moral character;]~~
- 1287 ~~[(d)]~~ (c) provide satisfactory documentation of one of the following:
- 1288 (i) graduation from a licensed or recognized esthetic school or a licensed or recognized
- 1289 cosmetology/barber school whose curriculum consists of not less than 15 weeks of esthetic
- 1290 instruction with a minimum of 600 hours or the equivalent number of credit hours;
- 1291 (ii) completion of an approved esthetician apprenticeship; or
- 1292 (iii) (A) graduation from a recognized cosmetology/barber school located in a state
- 1293 other than Utah whose curriculum consists of less than 1,600 hours of instruction, or the
- 1294 equivalent number of credit hours, with full flexibility within those hours; and
- 1295 (B) practice as a licensed cosmetologist/barber for not less than the number of hours
- 1296 required to equal 1,600 total hours when added to the hours of instruction described in
- 1297 Subsection ~~[(10)(d)(iii)(A)]~~ (10)(c)(iii)(A); and
- 1298 ~~[(e)]~~ (d) meet the examination requirement established by division rule.
- 1299 (11) Each applicant for licensure as a master esthetician shall:
- 1300 (a) submit an application in a form prescribed by the division;

- 1301 (b) pay a fee determined by the department under Section 63J-1-504;
- 1302 [~~(c)~~ be of good moral character;]
- 1303 [~~(d)~~ (c) provide satisfactory documentation of:
- 1304 (i) completion of at least 1,200 hours of training, or the equivalent number of credit
- 1305 hours, at a licensed or recognized esthetics school, except that up to 600 hours toward the
- 1306 1,200 hours may have been completed:
- 1307 (A) at a licensed or recognized cosmetology/barbering school, if the applicant
- 1308 graduated from the school and its curriculum consisted of at least 1,600 hours of instruction, or
- 1309 the equivalent number of credit hours, with full flexibility within those hours; or
- 1310 (B) at a licensed or recognized cosmetology/barber school located in a state other than
- 1311 Utah, if the applicant graduated from the school and its curriculum contained full flexibility
- 1312 within its hours of instruction; or
- 1313 (ii) completion of an approved master esthetician apprenticeship;
- 1314 [~~(e)~~ (d) if the applicant will practice lymphatic massage, provide satisfactory
- 1315 documentation to show completion of 200 hours of training, or the equivalent number of credit
- 1316 hours, in lymphatic massage as defined by division rule; and
- 1317 [~~(f)~~ (e) meet the examination requirement established by division rule.
- 1318 (12) Each applicant for licensure as an esthetician instructor shall:
- 1319 (a) submit an application in a form prescribed by the division;
- 1320 (b) subject to Subsection (24), pay a fee determined by the department under Section
- 1321 63J-1-504;
- 1322 (c) provide satisfactory documentation that the applicant is currently licensed as a
- 1323 master esthetician;
- 1324 [~~(d)~~ be of good moral character;]
- 1325 [~~(e)~~ (d) provide satisfactory documentation of completion of:
- 1326 (i) an instructor training program conducted by a licensed or recognized school, as
- 1327 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
- 1328 hours;
- 1329 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
- 1330 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
- 1331 number of credit hours; or

- 1332 (iii) a minimum of 1,000 hours of experience in esthetics; and
 1333 [~~(f)~~] (e) meet the examination requirement established by rule.
 1334 (13) Each applicant for licensure as an esthetics school shall:
 1335 (a) submit an application in a form prescribed by the division;
 1336 (b) pay a fee determined by the department under Section 63J-1-504; and
 1337 (c) provide satisfactory documentation:
 1338 (i) of appropriate registration with the Division of Corporations and Commercial Code;
 1339 (ii) of business licensure from the city, town, or county in which the school is located;
 1340 (iii) that the applicant's physical facilities comply with the requirements established by
 1341 rule; and
 1342 (iv) that the applicant meets:
 1343 (A) the standards for esthetics schools, including staff, curriculum, and accreditation
 1344 requirements, established by division rule made in collaboration with the board; and
 1345 (B) the requirements for recognition as an institution of postsecondary study as
 1346 described in Subsection (22).
 1347 (14) Each applicant for licensure as a hair designer shall:
 1348 (a) submit an application in a form prescribed by the division;
 1349 (b) pay a fee determined by the department under Section 63J-1-504;
 1350 [~~(c) be of good moral character;~~]
 1351 [~~(d)~~] (c) provide satisfactory documentation of:
 1352 (i) graduation from a licensed or recognized cosmetology/barber, hair design, or
 1353 barbering school whose curriculum consists of a minimum of 1,200 hours of instruction, or the
 1354 equivalent number of credit hours, with full flexibility within those hours;
 1355 (ii) (A) graduation from a recognized cosmetology/barber, hair design, or barbering
 1356 school located in a state other than Utah whose curriculum consists of less than 1,200 hours of
 1357 instruction, or the equivalent number of credit hours, with full flexibility within those hours;
 1358 and
 1359 (B) practice as a licensed cosmetologist/barber or hair designer in a state other than
 1360 Utah for not less than the number of hours required to equal 1,200 total hours when added to
 1361 the hours of instruction described in Subsection [~~(14)(d)(ii)(A); or~~] (14)(c)(ii)(A);
 1362 (iii) being a state licensed cosmetologist/barber; [~~and~~] or

- 1363 (iv) completion of an approved hair designer apprenticeship; and
1364 ~~[(e)]~~ (d) meet the examination requirements established by rule.
- 1365 (15) Each applicant for licensure as a hair designer instructor shall:
1366 (a) submit an application in a form prescribed by the division;
1367 (b) subject to Subsection (24), pay a fee determined by the department under Section
1368 63J-1-504;
1369 (c) provide satisfactory documentation that the applicant is currently licensed as a hair
1370 designer or as a cosmetologist/barber;
1371 ~~[(d) be of good moral character;]~~
1372 ~~[(e)]~~ (d) provide satisfactory documentation of completion of:
1373 (i) an instructor training program conducted by a licensed or recognized school, as
1374 defined by rule, consisting of a minimum of 300 hours or the equivalent number of credit
1375 hours;
1376 (ii) on-the-job instructor training conducted by a licensed instructor at a licensed or
1377 recognized school, as defined by rule, consisting of a minimum of 300 hours or the equivalent
1378 number of credit hours; or
1379 (iii) a minimum of 2,500 hours of experience as a hair designer or as a
1380 cosmetologist/barber; and
1381 ~~[(f)]~~ (e) meet the examination requirement established by rule.
- 1382 (16) Each applicant for licensure as a hair design school shall:
1383 (a) submit an application in a form prescribed by the division;
1384 (b) pay a fee determined by the department under Section 63J-1-504; and
1385 (c) provide satisfactory documentation:
1386 (i) of appropriate registration with the Division of Corporations and Commercial Code;
1387 (ii) of business licensure from the city, town, or county in which the school is located;
1388 (iii) that the applicant's physical facilities comply with the requirements established by
1389 rule; and
1390 (iv) that the applicant meets:
1391 (A) the standards for a hair design school, including staff and accreditation
1392 requirements, established by rule; and
1393 (B) the requirements for recognition as an institution of postsecondary study as

1394 described in Subsection (22).

1395 (17) Each applicant for licensure as a nail technician shall:

1396 (a) submit an application in a form prescribed by the division;

1397 (b) pay a fee determined by the department under Section 63J-1-504;

1398 [~~(c) be of good moral character;~~]

1399 [~~(d)~~] (c) provide satisfactory documentation of:

1400 (i) graduation from a licensed or recognized nail technology school, or a licensed or
1401 recognized cosmetology/barber school, whose curriculum consists of not less than 300 hours of
1402 instruction, or the equivalent number of credit hours;

1403 (ii) (A) graduation from a recognized nail technology school located in a state other
1404 than Utah whose curriculum consists of less than 300 hours of instruction or the equivalent
1405 number of credit hours; and

1406 (B) practice as a licensed nail technician in a state other than Utah for not less than the
1407 number of hours required to equal 300 total hours when added to the hours of instruction
1408 described in Subsection [~~(17)(d)(ii)(A)~~] (17)(c)(ii)(A); or

1409 (iii) completion of an approved nail technician apprenticeship; and

1410 [~~(e)~~] (d) meet the examination requirement established by division rule.

1411 (18) Each applicant for licensure as a nail technician instructor shall:

1412 (a) submit an application in a form prescribed by the division;

1413 (b) subject to Subsection (24), pay a fee determined by the department under Section
1414 63J-1-504;

1415 (c) provide satisfactory documentation that the applicant is currently licensed as a nail
1416 technician;

1417 [~~(d) be of good moral character;~~]

1418 [~~(e)~~] (d) provide satisfactory documentation of completion of:

1419 (i) an instructor training program conducted by a licensed or recognized school, as
1420 defined by rule, consisting of a minimum of 75 hours or the equivalent number of credit hours;

1421 (ii) an on-the-job instructor training program conducted by a licensed instructor at a
1422 licensed or recognized school, as defined by rule, consisting of a minimum of 75 hours or the
1423 equivalent number of credit hours; or

1424 (iii) a minimum of 600 hours of experience in nail technology; and

- 1425 ~~[(f)]~~ (e) meet the examination requirement established by rule.
- 1426 (19) Each applicant for licensure as a nail technology school shall:
- 1427 (a) submit an application in a form prescribed by the division;
- 1428 (b) pay a fee determined by the department under Section 63J-1-504; and
- 1429 (c) provide satisfactory documentation:
- 1430 (i) of appropriate registration with the Division of Corporations and Commercial Code;
- 1431 (ii) of business licensure from the city, town, or county in which the school is located;
- 1432 (iii) that the applicant's facilities comply with the requirements established by rule; and
- 1433 (iv) that the applicant meets:
- 1434 (A) the standards for nail technology schools, including staff, curriculum, and
- 1435 accreditation requirements, established by rule; and
- 1436 (B) the requirements for recognition as an institution of postsecondary study as
- 1437 described in Subsection (22).
- 1438 (20) Each applicant for licensure under this chapter whose education in the field for
- 1439 which a license is sought was completed at a foreign school may satisfy the educational
- 1440 requirement for licensure by demonstrating, to the satisfaction of the division, the educational
- 1441 equivalency of the foreign school education with a licensed school under this chapter.
- 1442 (21) (a) A licensed or recognized school under this section shall accept credit hours
- 1443 towards graduation for documented, relevant, and substantially equivalent coursework
- 1444 previously completed by:
- 1445 (i) a student that did not complete the student's education while attending a different
- 1446 school; or
- 1447 (ii) a licensee of any other profession listed in this section, based on the licensee's
- 1448 schooling, apprenticeship, or experience.
- 1449 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and
- 1450 consistent with this section, the division may make rules governing the acceptance of credit
- 1451 hours under Subsection (21)(a).
- 1452 (22) A school licensed or applying for licensure under this chapter shall maintain
- 1453 recognition as an institution of postsecondary study by meeting the following conditions:
- 1454 (a) the school shall admit as a regular student only an individual who has earned a
- 1455 recognized high school diploma or the equivalent of a recognized high school diploma, or who

1456 is beyond the age of compulsory high school attendance as prescribed by Title 53G, Chapter 6,
1457 Part 2, Compulsory Education; and

1458 (b) the school shall be licensed by name, or in the case of an applicant, shall apply for
1459 licensure by name, under this chapter to offer one or more training programs beyond the
1460 secondary level.

1461 (23) A person seeking to qualify for licensure under this chapter by apprenticing in an
1462 approved apprenticeship shall register with the division as described in Section 58-11a-306.

1463 (24) The department may only charge a fee to a person applying for licensure as any
1464 type of instructor under this chapter if the person is not a licensed instructor in any other
1465 profession under this chapter.

1466 (25) In order to encourage economic development in the state in accordance with
1467 Subsection 63G-1-201(4)(e), the department may offer any required examination under this
1468 section, which is prepared by a national testing organization, in languages in addition to
1469 English.

1470 Section 17. Section **58-11a-304** is amended to read:

1471 **58-11a-304. Exemptions from licensure.**

1472 In addition to the exemptions from licensure in Section 58-1-307, the following persons
1473 may engage in the practice of barbering, cosmetology/barbering, hair design, esthetics,
1474 master-level esthetics, electrology, or nail technology without being licensed under this
1475 chapter:

1476 (1) a person licensed under the laws of this state to engage in the practice of medicine,
1477 surgery, osteopathy, or chiropractic when engaged in the practice of the profession for which
1478 they are licensed;

1479 (2) a commissioned physician or surgeon serving in the armed forces of the United
1480 States or another federal agency;

1481 (3) a registered nurse, undertaker, or mortician licensed under the laws of this state
1482 when engaged in the practice of the profession for which the person is licensed;

1483 (4) a person who visits the state to engage in instructional seminars, advanced classes,
1484 trade shows, or competitions of a limited duration;

1485 (5) a person who engages in the practice of barbering, cosmetology/barbering, hair
1486 design, esthetics, master-level esthetics, electrology, or nail technology without compensation;

1487 (6) a person instructing an adult education class or other educational program directed
1488 toward persons who are not licensed under this chapter and that is not intended to train persons
1489 to become licensed under this chapter, provided:

1490 (a) an attendee receives no credit toward educational requirements for licensure under
1491 this chapter;

1492 (b) the instructor informs each attendee in writing that taking such a class or program
1493 will not certify or qualify the attendee to perform a service for compensation that requires
1494 licensure under this chapter; and

1495 (c) (i) the instructor is properly licensed; or

1496 (ii) the instructor receives no compensation;

1497 (7) a person providing instruction in workshops, seminars, training meetings, or other
1498 educational programs whose purpose is to provide continuing professional development to
1499 licensed barbers, cosmetologists/barbers, hair designers, estheticians, master estheticians,
1500 electrologists, or nail technicians;

1501 (8) a person enrolled in a licensed barber [or], cosmetology/barber, or hair design
1502 school when participating in an on the job training internship under the direct supervision of a
1503 licensed barber [or], cosmetologist/barber, or hair design upon completion of a basic program
1504 under the standards established by rule by the division in collaboration with the board;

1505 (9) a person enrolled in an approved apprenticeship pursuant to Section 58-11a-306;

1506 (10) an employee of a company that is primarily engaged in the business of selling
1507 products used in the practice of barbering, cosmetology/barbering, hair design, esthetics,
1508 master-level esthetics, electrology, or nail technology when demonstrating the company's
1509 products to a potential customer, provided the employee makes no representation to a potential
1510 customer that attending such a demonstration will certify or qualify the attendee to perform a
1511 service for compensation that requires licensure under this chapter;

1512 (11) a person who:

1513 (a) is qualified to engage in the practice of barbering, cosmetology/barbering, hair
1514 design, esthetics, master-level esthetics, electrology, or nail technology in another jurisdiction
1515 as evidenced by licensure, certification, or lawful practice in the other jurisdiction;

1516 (b) is employed by, or under contract with, a motion picture company; and

1517 (c) engages in the practice of barbering, cosmetology/barbering, hair design, esthetics,

1518 master-level esthetics, electrology, or nail technology in the state:

1519 (i) solely to assist in the production of a motion picture; and

1520 (ii) for no more than 120 days per calendar year; and

1521 (12) a person who:

1522 (a) engages in hair braiding; and

1523 (b) unless it is expressly exempted under this section or Section 58-1-307, does not

1524 engage in other activity requiring licensure under this chapter.

1525 Section 18. Section **58-11a-306** is amended to read:

1526 **58-11a-306. Apprenticeship.**

1527 (1) An approved barber apprenticeship shall:

1528 (a) consist of not less than 1,250 hours of training [~~in not less than eight months~~]; and

1529 (b) be conducted by a supervisor who:

1530 (i) is licensed under this chapter as a barber instructor or a cosmetology/barber

1531 instructor; and

1532 (ii) provides one-on-one direct supervision of the barber apprentice during the

1533 apprenticeship program.

1534 (2) An approved cosmetologist/barber apprenticeship shall:

1535 (a) consist of not less than 2,500 hours of training [~~in not less than 15 months~~]; and

1536 (b) be conducted by a supervisor who:

1537 (i) is licensed under this chapter as a cosmetologist/barber instructor; and

1538 (ii) provides one-on-one direct supervision of the cosmetologist/barber apprentice

1539 during the apprenticeship program.

1540 (3) An approved hair designer apprenticeship shall:

1541 (a) consist of not less than 1,600 hours of training; and

1542 (b) be conducted by a supervisor who:

1543 (i) is licensed under this chapter as a hair designer instructor or a cosmetologist/barber

1544 instructor; and

1545 (ii) provides one-on-one direct supervision of the hair designer apprentice during the

1546 apprenticeship program.

1547 [~~(3)~~] (4) An approved esthetician apprenticeship shall:

1548 (a) consist of not less than 800 hours of training [~~in not less than five months~~]; and

- 1549 (b) be conducted by a supervisor who:
- 1550 (i) is licensed under this chapter as an esthetician instructor; and
- 1551 (ii) provides one-on-one direct supervision of the esthetician apprentice during the
- 1552 apprenticeship program.
- 1553 ~~[(4)]~~ (5) An approved master esthetician apprenticeship shall:
- 1554 (a) consist of not less than 1,500 hours of training [~~in not less than 10 months~~]; and
- 1555 (b) be conducted by a supervisor who:
- 1556 (i) is licensed under this chapter as a master-level esthetician instructor; and
- 1557 (ii) provides one-on-one direct supervision of the master esthetician apprentice during
- 1558 the apprenticeship program.
- 1559 ~~[(5)]~~ (6) An approved nail technician apprenticeship shall:
- 1560 (a) consist of not less than 375 hours of training [~~in not less than three months~~]; and
- 1561 (b) be conducted by a supervisor who:
- 1562 (i) is licensed under this chapter as a nail technician instructor or a cosmetology/barber
- 1563 instructor;
- 1564 (ii) provides direct supervision of the nail technician apprentice during the
- 1565 apprenticeship program; and
- 1566 (iii) provides direct supervision to no more than two nail technician apprentices during
- 1567 the apprentice program.
- 1568 ~~[(6)]~~ (7) A person seeking to qualify for licensure by apprenticing in an approved
- 1569 apprenticeship under this chapter shall:
- 1570 (a) register with the division before beginning the training requirements by:
- 1571 (i) submitting a form prescribed by the division, which includes the name of the
- 1572 licensed supervisor; and
- 1573 (ii) paying a fee determined by the department under Section 63J-1-504;
- 1574 (b) complete the apprenticeship within five years of the date on which the division
- 1575 approves the registration; and
- 1576 (c) notify the division within 30 days if the licensed supervisor changes after the
- 1577 registration is approved by the division.
- 1578 ~~[(7)]~~ (8) Notwithstanding Subsection ~~[(6)]~~ (7), if a person seeking to qualify for
- 1579 licensure by apprenticing in an approved apprenticeship under this chapter registers with the

1580 division before January 1, 2017, any training requirements completed by the person as an
1581 apprentice in an approved apprenticeship before registration may be applied to successful
1582 completion of the approved apprenticeship.

1583 Section 19. Section **58-11a-502** is amended to read:

1584 **58-11a-502. Unlawful conduct.**

1585 Unlawful conduct includes:

1586 (1) practicing or engaging in, or attempting to practice or engage in activity for which a
1587 license is required under this chapter unless:

1588 (a) the person holds the appropriate license under this chapter; or

1589 (b) an exemption in Section 58-1-307 or 58-11a-304 applies;

1590 [~~(2) aiding or abetting a person engaging in the practice of, or attempting to engage in~~
1591 ~~the practice of, any occupation or profession licensed under this chapter if the employee is not~~
1592 ~~licensed to do so under this chapter or exempt from licensure;]~~

1593 [~~(3)~~] (2) touching, or applying an instrument or device to the following areas of a
1594 client's body:

1595 (a) the genitals or the anus, except in cases where the patron states to a licensee that the
1596 patron requests a hair removal procedure and signs a written consent form, which must also
1597 include the witnessed signature of a legal guardian if the patron is a minor, authorizing the
1598 licensee to perform a hair removal procedure; or

1599 (b) the breast of a female patron, except in cases in which the female patron states to a
1600 licensee that the patron requests breast skin procedures and signs a written consent form, which
1601 must also include the witnessed signature of a parent or legal guardian if the patron is a minor,
1602 authorizing the licensee to perform breast skin procedures;

1603 [~~(4)~~] (3) using or possessing a solution composed of at least 10% methyl methacrylate
1604 on a client;

1605 [~~(5)~~] (4) performing an ablative procedure as defined in Section 58-67-102;

1606 [~~(6)~~] (5) when acting as an instructor regarding a service requiring licensure under this
1607 chapter, for a class or education program where attendees are not licensed under this chapter,
1608 failing to inform each attendee in writing that:

1609 (a) taking the class or program without completing the requirements for licensure under
1610 this chapter is insufficient to certify or qualify the attendee to perform a service for

1611 compensation that requires licensure under this chapter; and

1612 (b) the attendee is required to obtain licensure under this chapter before performing the
1613 service for compensation; or

1614 ~~[(7)]~~ (6) failing as a salon or school where nail technology is practiced or taught to
1615 maintain a source capture system required under Title 15A, State Construction and Fire Codes
1616 Act, including failing to maintain and clean a source capture system's air filter according to the
1617 manufacturer's instructions.

1618 Section 20. Section **58-15-11** is amended to read:

1619 **58-15-11. Exemptions to chapter.**

1620 (1) In addition to the exemptions described in Section 58-1-307, this chapter does not
1621 apply to ~~[facilities of any]~~:

1622 (a) a facility of a recognized church or denomination that cares for the sick and
1623 suffering by mental or spiritual means if no drug or material remedy is used in the care
1624 provided[-]; or

1625 (b) the superintendent of the Utah State Developmental Center described in Section
1626 62A-5-201.

1627 (2) Any ~~[facilities]~~ facility or person exempted under this section shall comply with
1628 each statute and rule on sanitation and life safety.

1629 Section 21. Section **58-16a-302** is amended to read:

1630 **58-16a-302. Qualifications for licensure.**

1631 (1) An applicant for licensure as an optometrist shall:

1632 (a) submit an application in a form prescribed by the division;

1633 (b) pay a fee as determined by the division under Section 63J-1-504;

1634 ~~[(c) be of good moral character;]~~

1635 ~~[(d)]~~ (c) (i) be a doctoral graduate of a recognized school of optometry accredited by
1636 the American Optometric Association's Accreditation Council on Optometric Education; or

1637 (ii) be a graduate of a school of optometry located outside the United States that meets
1638 the criteria that would qualify the school for accreditation under Subsection ~~[(1)(d)(i)]~~ (1)(c)(i),
1639 as demonstrated by the applicant for licensure;

1640 ~~[(e)]~~ (d) if the applicant graduated from a recognized school of optometry prior to July
1641 1, 1996, have successfully completed a course of study satisfactory to the division, in

1642 consultation with the board, in general and ocular pharmacology and emergency medical care;
 1643 ~~[(f)]~~ (e) have passed examinations approved by the division in consultation with the
 1644 board that include:

1645 (i) a standardized national optometry examination;

1646 (ii) a standardized clinical examination; and

1647 (iii) a standardized national therapeutics examination; and

1648 ~~[(g)]~~ (f) meet with the board and representatives of the division, if requested by either
 1649 party, for the purpose of evaluating the applicant's qualifications for licensure.

1650 (2) Notwithstanding Subsection (1) and Section 58-1-302, the division shall issue a
 1651 license under this chapter by endorsement to an individual who:

1652 (a) submits an application for licensure by endorsement on a form approved by the
 1653 division;

1654 (b) pays a fee established by the division in accordance with Section 63J-1-504;

1655 ~~[(c) provides satisfactory evidence to the division that the individual is of good moral
 1656 character;]~~

1657 ~~[(d)]~~ (c) verifies that the individual is licensed as an optometrist in good standing in
 1658 each state of the United States, or province of Canada, in which the individual is currently
 1659 licensed as an optometrist; and

1660 ~~[(e)]~~ (d) has been actively engaged in the legal practice of optometry for at least 3,200
 1661 hours during the immediately preceding two years in a manner consistent with the legal
 1662 practice of optometry in this state.

1663 Section 22. Section **58-16a-501** is amended to read:

1664 **58-16a-501. Unlawful conduct.**

1665 "Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

1666 (1) buying, selling, or fraudulently obtaining, any optometry diploma, license,
 1667 certificate, or registration;

1668 ~~[(2) aiding or abetting the buying, selling, or fraudulently obtaining, of any optometry
 1669 diploma, license, certificate, or registration;]~~

1670 ~~[(3)]~~ (2) selling or providing contact lenses or ophthalmic lenses in a manner
 1671 inconsistent with Section 58-16a-801 or intentionally altering a prescription unless the person
 1672 selling or providing the lenses is a licensed optometrist or ophthalmologist; or

1673 ~~[(4)]~~ (3) representing oneself as or using the title of "optometrist," "optometric
1674 physician," "doctor of optometry," or "O.D.," unless currently licensed under this chapter.

1675 Section 23. Section **58-16a-503** is amended to read:

1676 **58-16a-503. Penalty for unlawful conduct.**

1677 (1) Except as provided in Subsection (2), any person who violates the unlawful
1678 conduct provision defined in Section 58-16a-501 or Subsection 58-1-501(1)(a) or (1)(c) is
1679 guilty of a third degree felony.

1680 (2) A person who violates Subsection 58-16a-501~~[(3)]~~(2) is guilty of a class C
1681 misdemeanor.

1682 Section 24. Section **58-17b-303** is amended to read:

1683 **58-17b-303. Qualifications for licensure as a pharmacist.**

1684 (1) An applicant for licensure as a pharmacist shall:

1685 (a) submit an application in a form prescribed by the division;

1686 (b) pay a fee as determined by the department under Section 63J-1-504;

1687 ~~[(c) produce satisfactory evidence of good moral character as it relates to the
1688 applicant's ability to practice pharmacy;]~~

1689 ~~[(d)]~~ (c) complete a criminal background check and be free from criminal convictions
1690 as described in Section 58-1-501;

1691 ~~[(e)]~~ (d) have no physical or mental condition of a nature which prevents the applicant
1692 from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the
1693 public;

1694 ~~[(f)]~~ (e) have graduated and received a professional entry degree from a school or
1695 college of pharmacy which is accredited by the Accreditation Council on Pharmacy Education;

1696 ~~[(g)]~~ (f) have completed an internship meeting standards established by division rule
1697 made in collaboration with the board; and

1698 ~~[(h)]~~ (g) have successfully passed examinations required by division rule made in
1699 collaboration with the board.

1700 (2) An applicant for licensure as a pharmacist whose pharmacy education was
1701 completed at a foreign pharmacy school shall, in addition to the requirements under
1702 Subsections (1)(a) through ~~[(e), (g), and (h)]~~ (d), (f), and (g), obtain a certification of
1703 equivalency from a credentialing agency required by division rule made in collaboration with

1704 the board.

1705 (3) An applicant for a license by endorsement as a pharmacist under this section shall:

1706 (a) submit a written application in the form prescribed by the division;

1707 (b) pay the fee determined by the department under Section 63J-1-504;

1708 ~~[(c) be of good moral character as required of applicants for licensure as pharmacists~~
1709 ~~under Subsection (1);]~~

1710 ~~[(d)] (c)~~ complete a criminal background check and be free from criminal convictions
1711 as described in Section 58-1-501;

1712 ~~[(e)] (d)~~ have no physical or mental condition of a nature which prevents the applicant
1713 from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the
1714 public;

1715 ~~[(f)] (e)~~ have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in
1716 the four years immediately preceding the date of application;

1717 ~~[(g)] (f)~~ produce satisfactory evidence of completing the professional education
1718 required under Subsection (1);

1719 ~~[(h)] (g)~~ be currently licensed in good standing as a pharmacist in another state,
1720 territory, or possession of the United States;

1721 ~~[(i)] (h)~~ produce satisfactory evidence that the examination requirements are or were at
1722 the time the license was issued, equal to those of this state; and

1723 ~~[(j)] (i)~~ pass the jurisprudence examination prescribed by division rule made in
1724 collaboration with the board.

1725 Section 25. Section **58-17b-304** is amended to read:

1726 **58-17b-304. Qualifications for licensure of pharmacy intern.**

1727 An applicant for licensure as a pharmacy intern shall:

1728 (1) submit an application in a form prescribed by the division;

1729 (2) pay a fee determined by the department under Section 63J-1-504;

1730 ~~[(3) produce satisfactory evidence of good moral character as it relates to the~~
1731 ~~applicant's ability to practice pharmacy;]~~

1732 ~~[(4)] (3)~~ complete a criminal background check and be free from criminal convictions
1733 as described in Section 58-1-501;

1734 ~~[(5)] (4)~~ have no physical or mental condition of a nature which prevents the applicant

1735 from engaging in the practice of pharmacy with reasonable skill, competency, and safety to the
1736 public;

1737 ~~[(6)]~~ (5) meet the preliminary educational qualifications required by division rule made
1738 in collaboration with the board; and

1739 ~~[(7)]~~ (6) meet one of the following educational criteria:

1740 (a) be a current pharmacy student, a resident, or fellow in a program approved by
1741 division rule made in collaboration with the board; or

1742 (b) have graduated from a foreign pharmacy school and received certification of
1743 equivalency from a credentialing agency approved by division rule made in collaboration with
1744 the board.

1745 Section 26. Section **58-17b-305** is amended to read:

1746 **58-17b-305. Qualifications for licensure of pharmacy technician.**

1747 (1) An applicant for licensure as a pharmacy technician shall:

1748 (a) submit an application in a form prescribed by the division;

1749 (b) pay a fee determined by the department under Section 63J-1-504;

1750 ~~[(c) produce satisfactory evidence of good moral character as it relates to the
1751 applicant's ability to practice pharmacy;]~~

1752 ~~[(d)]~~ (c) complete a criminal background check and be free from criminal convictions
1753 as described in Section 58-1-501;

1754 ~~[(e)]~~ (d) have no physical or mental condition of a nature which prevents the applicant
1755 from engaging in practice as a pharmacy technician with reasonable skill, competency, and
1756 safety to the public;

1757 ~~[(f)]~~ (e) have completed a program and curriculum of education and training, meeting
1758 standards established by division rule made in collaboration with the board; and

1759 ~~[(g)]~~ (f) successfully complete the examinations requirement within the time periods
1760 established by division rule made in collaboration with the board.

1761 (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for
1762 disciplinary purposes is not eligible to be a licensed pharmacy technician while on probation
1763 with the division.

1764 Section 27. Section **58-17b-305.1** is amended to read:

1765 **58-17b-305.1. Qualifications for licensure of pharmacy technician trainee.**

- 1766 (1) An applicant for licensure as a pharmacy technician trainee shall:
- 1767 (a) submit an application to the division on a form created by the division;
- 1768 (b) pay a fee established by the division in accordance with Section 63J-1-504;
- 1769 [~~(c)~~] ~~submit satisfactory evidence, as determined by the division, of good moral~~
- 1770 ~~character as it relates to the applicant's ability to practice pharmacy;]~~
- 1771 [~~(d)~~] (c) unless exempted by the division, submit a completed criminal background
- 1772 check;
- 1773 [~~(e)~~] (d) demonstrate, as determined by the division, that the applicant does not have a
- 1774 physical or mental condition that would prevent the applicant from engaging in practice as a
- 1775 pharmacy technician with reasonable skill, competency, and safety to the public; and
- 1776 [~~(f)~~] (e) submit evidence that the applicant is enrolled in a training program approved
- 1777 by the division.
- 1778 (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for
- 1779 disciplinary purposes is not eligible to be licensed as a pharmacy technician trainee during
- 1780 division probation.

1781 Section 28. Section **58-17b-308** is amended to read:

1782 **58-17b-308. Term of license -- Expiration -- Renewal.**

1783 (1) Except as provided in Subsection (2), each license issued under this chapter shall be

1784 issued in accordance with a two-year renewal cycle established by rule. A renewal period may

1785 be extended or shortened by as much as one year to maintain established renewal cycles or to

1786 change an established renewal cycle. Each license automatically expires on the expiration date

1787 shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

1788 (2) The duration of a pharmacy intern license may be no longer than:

1789 (a) one year for a license issued under Subsection [~~58-17b-304(7)(b)~~]

1790 58-17b-304(6)(b); or

1791 (b) five years for a license issued under Subsection [~~58-17b-304(7)(a)~~]

1792 58-17b-304(6)(b).

1793 (3) A pharmacy intern license issued under this chapter may not be renewed, but may

1794 be extended by the division in collaboration with the board.

1795 (4) As a prerequisite for renewal of a class D pharmacy license of a pharmacy that

1796 engages in compounding, a licensee shall submit the most recent inspection report:

- 1797 (a) conducted within two years before the application for renewal; and
1798 (b) (i) conducted as part of the National Association of Boards of Pharmacy Verified
1799 Pharmacy Program; or
1800 (ii) performed by the state licensing agency of the state in which the applicant is a
1801 resident and in accordance with the National Association of Boards of Pharmacy multistate
1802 inspection blueprint program.

1803 Section 29. Section **58-20b-302** is amended to read:

1804 **58-20b-302. Qualifications for licensure.**

1805 (1) Except as provided in Subsection (2), an applicant for licensure as an
1806 environmental health scientist shall:

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

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

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

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

1813 [~~(e)~~ (d) pass an examination as determined by division rule in collaboration with the
1814 board; and

1815 [~~(f)~~ (e) pass the Utah Law and Rules Examination for Environmental Health Scientists
1816 administered by the division.

1817 (2) An applicant for licensure as an environmental health scientist-in-training shall:

1818 (a) submit an application in a form prescribed by the division;

1819 (b) pay a fee determined by the department under Section 63J-1-504;

1820 [~~(c)~~ be of good moral character;]

1821 [~~(d)~~ (c) hold, at a minimum, a bachelor's degree from an accredited program in a
1822 university or college, which degree includes completion of specific course work as defined by
1823 rule;

1824 [~~(e)~~ (d) pass the Utah Law and Rules Examination for Environmental Health
1825 Scientists administered by the division; and

1826 [~~(f)~~ (e) present evidence acceptable to the division and the board that the applicant,
1827 when licensed, will practice as an environmental health scientist-in-training only under the

1828 general supervision of a supervising environmental health scientist licensed under this chapter.

1829 Section 30. Section **58-22-102** is amended to read:

1830 **58-22-102. Definitions.**

1831 In addition to the definitions in Section 58-1-102, as used in this chapter:

1832 (1) "Board" means the Professional Engineers and Professional Land Surveyors
1833 Licensing Board created in Section 58-22-201.

1834 (2) "Building" means a structure which has human occupancy or habitation as its
1835 principal purpose, and includes the structural, mechanical, and electrical systems, utility
1836 services, and other facilities required for the building, and is otherwise governed by the State
1837 Construction Code or an approved code under Title 15A, State Construction and Fire Codes
1838 Act.

1839 (3) "Complete construction plans" means a final set of plans, specifications, and reports
1840 for a building or structure that normally includes:

1841 (a) floor plans;

1842 (b) elevations;

1843 (c) site plans;

1844 (d) foundation, structural, and framing detail;

1845 (e) electrical, mechanical, and plumbing design;

1846 (f) information required by the energy code;

1847 (g) specifications and related calculations as appropriate; and

1848 (h) all other documents required to obtain a building permit.

1849 (4) "EAC/ABET" means the Engineering Accreditation Commission/Accreditation
1850 Board for Engineering and Technology.

1851 (5) "Fund" means the Professional Engineer, Professional Structural Engineer, and
1852 Professional Land Surveyor Education and Enforcement Fund created in Section 58-22-103.

1853 (6) "NCEES" means the National Council of Examiners for Engineering and
1854 Surveying.

1855 (7) "Principal" means a licensed professional engineer, professional structural engineer,
1856 or professional land surveyor having responsible charge of an organization's professional
1857 engineering, professional structural engineering, or professional land surveying practice.

1858 (8) "Professional engineer" means a person licensed under this chapter as a

1859 professional engineer.

1860 (9) (a) "Professional engineering," "the practice of engineering," or "the practice of
1861 professional engineering" means a service or creative work, the adequate performance of which
1862 requires engineering education, training, and experience in the application of special
1863 knowledge of the mathematical, physical, and engineering sciences to the service or creative
1864 work as consultation, investigation, evaluation, planning, design, and design coordination of
1865 engineering works and systems, planning the use of land and water, facility programming,
1866 performing engineering surveys and studies, and the review of construction for the purpose of
1867 monitoring compliance with drawings and specifications; any of which embraces these services
1868 or work, either public or private, in connection with any utilities, structures, buildings,
1869 machines, equipment, processes, work systems, projects, and industrial or consumer products
1870 or equipment of a mechanical, electrical, hydraulic, pneumatic, or thermal nature, and
1871 including other professional services as may be necessary to the planning, progress, and
1872 completion of any engineering services.

1873 (b) "The practice of professional engineering" does not include the practice of
1874 architecture as defined in Section 58-3a-102, but a licensed professional engineer may perform
1875 architecture work as is incidental to the practice of engineering[-:] if:

1876 (i) the incidental work can be safely and competently performed by the licensee
1877 without jeopardizing the life, health, property, and welfare of the public;

1878 (ii) the incidental work is secondary and substantially narrower in scope and magnitude
1879 when compared to the professional engineering work performed or to be performed by the
1880 licensee;

1881 (iii) the licensee is fully responsible for the incidental work as described in Subsection
1882 58-22-603(1);

1883 (iv) except for incidental work where the licensee is exempt from licensure as provided
1884 in Subsection 58-22-305(1)(e), the incidental work affects not more than 49 occupants as
1885 determined by the provisions of Title 15A, State Construction and Fire Codes Act;

1886 (v) except for incidental work where the licensee is exempt from licensure as provided
1887 in Subsection 58-22-305(1)(e), the incidental work is part of a project where the construction
1888 value of the incidental work is not greater than 15% of the overall construction value of the
1889 project, including all changes or additions to the contracted or agreed upon incidental work;

1890 and

1891 (vi) the incidental work does not include work on a building or related structure in an
1892 occupancy risk category of III or IV as determined by the provisions of Title 15A, State
1893 Construction and Fire Codes Act.

1894 (10) "Professional engineering intern" means a person who:

1895 (a) has completed the education requirements to become a professional engineer;

1896 (b) has passed the fundamentals of engineering examination; and

1897 (c) is engaged in obtaining the four years of qualifying experience for licensure under
1898 the direct supervision of a licensed professional engineer.

1899 (11) "Professional land surveying" or "the practice of land surveying" means a service
1900 or work, the adequate performance of which requires the application of special knowledge of
1901 the principles of mathematics, the related physical and applied sciences, and the relevant
1902 requirements of law for adequate evidence to the act of measuring and locating lines, angles,
1903 elevations, natural and man-made features in the air, on the surface of the earth, within
1904 underground workings, and on the beds of bodies of water for the purpose of determining areas
1905 and volumes, for the monumenting or locating of property boundaries or points controlling
1906 boundaries, and for the platting and layout of lands and subdivisions of lands, including the
1907 topography, alignment and grades of streets, and for the preparation and perpetuation of maps,
1908 record plats, field notes records, and property descriptions that represent these surveys and
1909 other duties as sound surveying practices could direct.

1910 (12) "Professional land surveyor" means an individual licensed under this chapter as a
1911 professional land surveyor.

1912 (13) "Professional structural engineer" means a person licensed under this chapter as a
1913 professional structural engineer.

1914 (14) (a) "Professional structural engineering" or "the practice of structural engineering"
1915 means a service or creative work providing structural engineering services for significant
1916 structures, including:

1917 (i) buildings and other structures representing a substantial hazard to human life, which
1918 include:

1919 (A) buildings and other structures whose primary occupancy is public assembly with an
1920 occupant load greater than 300;

- 1921 (B) buildings and other structures with elementary school, secondary school, or day
1922 care facilities with an occupant load greater than 250;
- 1923 (C) buildings and other structures with an occupant load greater than 500 for colleges
1924 or adult education facilities;
- 1925 (D) health care facilities with an occupant load of 50 or more resident patients, but not
1926 having surgery or emergency treatment facilities;
- 1927 (E) jails and detention facilities with a gross area greater than 3,000 square feet; and
- 1928 (F) buildings and other structures with an occupant load greater than 5,000;
- 1929 (ii) buildings and other structures designated as essential facilities, including:
- 1930 (A) hospitals and other health care facilities having surgery or emergency treatment
1931 facilities with a gross area greater than 3,000 square feet;
- 1932 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height
1933 greater than 24 feet or a gross area greater than 5,000 square feet;
- 1934 (C) designated earthquake, hurricane, or other emergency shelters with a gross area
1935 greater than 3,000 square feet;
- 1936 (D) designated emergency preparedness, communication, and operation centers and
1937 other buildings required for emergency response with a mean height more than 24 feet or a
1938 gross area greater than 5,000 square feet;
- 1939 (E) power-generating stations and other public utility facilities required as emergency
1940 backup facilities with a gross area greater than 3,000 square feet;
- 1941 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000
1942 square feet containing highly toxic materials as defined by the division by rule, where the
1943 quantity of the material exceeds the maximum allowable quantities set by the division by rule;
1944 and
- 1945 (G) aviation control towers, air traffic control centers, and emergency aircraft hangars
1946 at commercial service and cargo air services airports as defined by the Federal Aviation
1947 Administration with a mean height greater than 35 feet or a gross area greater than 20,000
1948 square feet; and
- 1949 (iii) buildings and other structures requiring special consideration, including:
- 1950 (A) structures or buildings that are normally occupied by human beings and are five
1951 stories or more in height;

1952 (B) structures or buildings that are normally occupied by human beings and have an
1953 average roof height more than 60 feet above the average ground level measured at the
1954 perimeter of the structure; and

1955 (C) buildings that are over 200,000 aggregate gross square feet in area.

1956 (b) "Professional structural engineering" or "the practice of structural engineering":

1957 (i) includes the definition of professional engineering or the practice of professional
1958 engineering as provided in Subsection (9); and

1959 (ii) may be further defined by rules made by the division in collaboration with the
1960 board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1961 (15) "Structure" means that which is built or constructed, an edifice or building of any
1962 kind, or a piece of work artificially built up or composed of parts joined together in a definite
1963 manner, and as otherwise governed by the State Construction Code or an approved code under
1964 Title 15A, State Construction and Fire Codes Act.

1965 (16) "Supervision of an employee, subordinate, associate, or drafter of a licensee"
1966 means that a licensed professional engineer, professional structural engineer, or professional
1967 land surveyor is responsible for and personally reviews, corrects when necessary, and approves
1968 work performed by an employee, subordinate, associate, or drafter under the direction of the
1969 licensee, and may be further defined by rule by the division in collaboration with the board.

1970 (17) "TAC/ABET" means the Technology Accreditation Commission/Accreditation
1971 Board for Engineering and Technology.

1972 (18) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
1973 and 58-22-501.

1974 (19) "Unprofessional conduct" means the same as that term is defined in Sections
1975 58-1-501 and 58-22-502.5.

1976 Section 31. Section **58-22-104** is amended to read:

1977 **58-22-104. Surcharge fee.**

1978 (1) In addition to any other fees authorized by this chapter or by the division in
1979 accordance with Section 63J-1-504, the division shall require each applicant for an initial
1980 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1
1981 surcharge fee.

1982 (2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be

1983 used by the division to provide each licensee under this chapter with access to an electronic
1984 reference library that provides web-based access to national, state, and local building codes and
1985 standards.

1986 Section 32. Section **58-22-302** is amended to read:

1987 **58-22-302. Qualifications for licensure.**

1988 (1) Each applicant for licensure as a professional engineer shall:

1989 (a) submit an application in a form prescribed by the division;

1990 (b) pay a fee determined by the department under Section 63J-1-504;

1991 [~~(c)~~ provide satisfactory evidence of good moral character;]

1992 [~~(d)~~ (c) (i) have graduated and received a bachelors or masters degree from an

1993 engineering program meeting criteria established by rule by the division in collaboration with
1994 the board; or

1995 (ii) have completed the Transportation Engineering Technology and Fundamental
1996 Engineering College Program before July 1, 1998, under the direction of the Utah Department
1997 of Transportation and as certified by the Utah Department of Transportation;

1998 [~~(e)~~ (d) have successfully completed a program of qualifying experience established
1999 by rule by the division in collaboration with the board;

2000 [~~(f)~~ (e) have successfully passed examinations established by rule by the division in
2001 collaboration with the board; and

2002 [~~(g)~~ (f) meet with the board or representative of the division upon request for the
2003 purpose of evaluating the applicant's qualification for licensure.

2004 (2) Each applicant for licensure as a professional structural engineer shall:

2005 (a) submit an application in a form prescribed by the division;

2006 (b) pay a fee determined by the department under Section 63J-1-504;

2007 [~~(c)~~ provide satisfactory evidence of good moral character;]

2008 [~~(d)~~ (c) have graduated and received an earned bachelors or masters degree from an
2009 engineering program meeting criteria established by rule by the division in collaboration with
2010 the board;

2011 [~~(e)~~ (d) have successfully completed three years of licensed professional engineering
2012 experience established by rule by the division in collaboration with the board, except that prior
2013 to January 1, 2009, an applicant for licensure may submit a signed affidavit in a form

2014 prescribed by the division stating that the applicant is currently engaged in the practice of
2015 structural engineering;

2016 ~~[(f)]~~ (e) have successfully passed examinations established by rule by the division in
2017 collaboration with the board, except that prior to January 1, 2009, an applicant for licensure
2018 may submit a signed affidavit in a form prescribed by the division stating that the applicant is
2019 currently engaged in the practice of structural engineering; and

2020 ~~[(g)]~~ (f) meet with the board or representative of the division upon request for the
2021 purpose of evaluating the applicant's qualification for licensure.

2022 (3) Each applicant for licensure as a professional land surveyor shall:

2023 (a) submit an application in a form prescribed by the division;

2024 (b) pay a fee determined by the department under Section 63J-1-504;

2025 ~~[(c) provide satisfactory evidence of good moral character;]~~

2026 ~~[(d)]~~ (c) (i) have graduated and received an associates, bachelors, or masters degree
2027 from a land surveying program, or an equivalent land surveying program, such as a program
2028 offered by a technical college described in Section 53B-2a-105, as approved by the State Board
2029 of Regents, established by rule by the division in collaboration with the board, and have
2030 successfully completed a program of qualifying experience in land surveying established by
2031 rule by the division in collaboration with the board; or

2032 (ii) have successfully completed a program of qualifying experience in land surveying
2033 prior to January 1, 2007, in accordance with rules established by the division in collaboration
2034 with the board;

2035 ~~[(e)]~~ (d) have successfully passed examinations established by rule by the division in
2036 collaboration with the board; and

2037 ~~[(f)]~~ (e) meet with the board or representative of the division upon request for the
2038 purpose of evaluating the applicant's qualification for licensure.

2039 (4) Each applicant for licensure by endorsement shall:

2040 (a) submit an application in a form prescribed by the division;

2041 (b) pay a fee determined by the department under Section 63J-1-504;

2042 ~~[(c) provide satisfactory evidence of good moral character;]~~

2043 ~~[(d)]~~ (c) submit satisfactory evidence of:

2044 (i) current licensure in good standing in a jurisdiction recognized by rule by the

2045 division in collaboration with the board;

2046 (ii) having successfully passed an examination established by rule by the division in
2047 collaboration with the board; and

2048 (iii) full-time employment as a principal for at least five of the last seven years
2049 immediately preceding the date of the application as a:

2050 (A) licensed professional engineer for licensure as a professional engineer;

2051 (B) licensed professional structural engineer for licensure as a structural engineer; or

2052 (C) licensed professional land surveyor for licensure as a professional land surveyor;

2053 and

2054 ~~(e)~~ (d) meet with the board or representative of the division upon request for the
2055 purpose of evaluating the applicant's qualifications for license.

2056 (5) The rules made to implement this section shall be in accordance with Title 63G,
2057 Chapter 3, Utah Administrative Rulemaking Act.

2058 Section 33. Section **58-22-305** is amended to read:

2059 **58-22-305. Exemption from licensure.**

2060 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
2061 may engage in the following acts or practices without being licensed under this chapter:

2062 (a) a person offering to render professional engineering, professional structural
2063 engineering, or professional land surveying services in this state when not licensed under this
2064 chapter if the person:

2065 (i) holds a current and valid professional engineer, professional structural engineer, or
2066 professional land surveyor license issued by a licensing authority recognized by rule by the
2067 division in collaboration with the board;

2068 (ii) discloses in writing to the potential client the fact that the professional engineer,
2069 professional structural engineer, or professional land surveyor:

2070 (A) is not licensed in the state;

2071 (B) may not provide professional engineering, professional structural engineering, or
2072 professional land surveying services in the state until licensed in the state; and

2073 (C) that such condition may cause a delay in the ability of the professional engineer,
2074 professional structural engineer, or professional land surveyor to provide licensed services in
2075 the state;

2076 (iii) notifies the division in writing of the person's intent to offer to render professional
2077 engineering, professional structural engineering, or professional land surveying services in the
2078 state; and

2079 (iv) does not provide professional engineering, professional structural engineering, or
2080 professional land surveying services, or engage in the practice of professional engineering,
2081 professional structural engineering, or professional land surveying in this state until licensed to
2082 do so;

2083 (b) a person preparing a plan and specification for a one or two-family residence not
2084 exceeding two stories in height;

2085 (c) a person licensed to practice architecture under Title 58, Chapter 3a, Architects
2086 Licensing Act, performing architecture acts or incidental engineering or structural engineering
2087 practices that do not exceed the scope of the education and training of the person performing
2088 engineering or structural engineering;

2089 (d) unlicensed employees, subordinates, associates, or drafters of a person licensed
2090 under this chapter while preparing plans, maps, sketches, drawings, documents, specifications,
2091 plats, and reports under the supervision of a professional engineer, professional structural
2092 engineer, or professional land surveyor;

2093 (e) a person preparing a plan or specification for, or supervising the alteration of or
2094 repair to, an existing building affecting an area not exceeding 3,000 square feet when structural
2095 elements of a building are not changed, such as foundations, beams, columns, and structural
2096 slabs, joists, bearing walls, and trusses;

2097 (f) an employee of a communications, utility, railroad, mining, petroleum, or
2098 manufacturing company, or an affiliate of such a company, if the professional engineering or
2099 professional structural engineering work is performed solely in connection with the products or
2100 systems of the company and is not offered directly to the public;

2101 (g) an organization engaged in the practice of professional engineering, structural
2102 engineering, or professional land surveying, provided that:

2103 (i) the organization employs a principal; and

2104 (ii) all individuals employed by the organization, who are engaged in the practice of
2105 professional engineering, structural engineering, or land surveying, are licensed or exempt from
2106 licensure under this chapter; and

2107 (h) a person licensed as a professional engineer, a professional structural engineer, or a
 2108 professional land surveyor in a state other than Utah serving as an expert witness, provided the
 2109 expert testimony meets one of the following:

2110 (i) oral testimony as an expert witness in an administrative, civil, or criminal
 2111 proceeding; or

2112 (ii) written documentation included as part of the testimony in a proceeding, including
 2113 designs, studies, plans, specifications, or similar documentation, provided that the purpose of
 2114 the written documentation is not to establish specifications, plans, designs, processes, or
 2115 standards to be used in the future in an industrial process, system, construction, design, or
 2116 repair.

2117 (2) Nothing in this section shall be construed to restrict a ~~[draftsman]~~ person from
 2118 preparing plans for a client under the exemption provided in Subsection (1)(b), or taking those
 2119 plans to a professional engineer for the engineer's review, approval, and subsequent fixing of
 2120 the engineer's seal to that set of plans~~[, if the plans meet the building code standards].~~

2121 Section 34. Section **58-24b-302** is amended to read:

2122 **58-24b-302. Licensure.**

2123 (1) An applicant for a license as a physical therapist shall:

2124 ~~[(a) be of good moral character;]~~

2125 ~~[(b)]~~ (a) complete the application process, including payment of fees;

2126 ~~[(c)]~~ (b) submit proof of graduation from a professional physical therapist education
 2127 program that is accredited by a recognized accreditation agency;

2128 ~~[(d)]~~ (c) pass a licensing examination:

2129 (i) after complying with Subsection ~~[(1)(c)]~~ (1)(b); or

2130 (ii) if the applicant is in the final term of a professional physical therapist education
 2131 program that is accredited by a recognized accreditation agency;

2132 ~~[(e)]~~ (d) be able to read, write, speak, understand, and be understood in the English
 2133 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

2134 ~~[(f) if the applicant is applying to participate in the Physical Therapy Licensure
 2135 Compact under Chapter 24c, Physical Therapy Licensure Compact,]~~

2136 (e) consent to a criminal background check in accordance with Section 58-24b-302.1

2137 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah

2138 Administrative Rulemaking Act; and

2139 ~~[(g)]~~ (f) meet any other requirements established by the division, by rule made in
2140 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2141 (2) An applicant for a license as a physical therapist assistant shall:

2142 ~~[(a) be of good moral character;]~~

2143 ~~[(b)]~~ (a) complete the application process, including payment of fees set by the
2144 division, in accordance with Section 63J-1-504, to recover the costs of administering the
2145 licensing requirements relating to physical therapist assistants;

2146 ~~[(c)]~~ (b) submit proof of graduation from a physical therapist assistant education
2147 program that is accredited by a recognized accreditation agency;

2148 ~~[(d)]~~ (c) pass a licensing examination approved by division rule made in collaboration
2149 with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
2150 Act:

2151 (i) after the applicant complies with Subsection ~~[(2)(c)]~~ (2)(b); or

2152 (ii) if the applicant is in the final term of a physical therapist assistant education
2153 program that is accredited by a recognized accreditation agency;

2154 ~~[(e)]~~ (d) be able to read, write, speak, understand, and be understood in the English
2155 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

2156 ~~[(f)]~~ (e) submit to, and pass, a criminal background check, in accordance with Section
2157 58-24b-302.1 and standards established by rule made in accordance with Title 63G, Chapter 3,
2158 Utah Administrative Rulemaking Act; and

2159 ~~[(g)]~~ (f) meet any other requirements established by the division, by rule made in
2160 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2161 (3) An applicant for a license as a physical therapist who is educated outside of the
2162 United States shall:

2163 ~~[(a) be of good moral character;]~~

2164 ~~[(b)]~~ (a) complete the application process, including payment of fees;

2165 ~~[(c)]~~ (b) (i) provide satisfactory evidence that the applicant graduated from a
2166 professional physical therapist education program that is accredited by a recognized
2167 accreditation agency; or

2168 (ii) (A) provide satisfactory evidence that the applicant graduated from a physical

2169 therapist education program that prepares the applicant to engage in the practice of physical
2170 therapy, without restriction;

2171 (B) provide satisfactory evidence that the education program described in Subsection
2172 ~~[(3)(c)(ii)(A)]~~ (3)(b)(ii)(A) is recognized by the government entity responsible for recognizing
2173 a physical therapist education program in the country where the program is located; and

2174 (C) pass a credential evaluation to ensure that the applicant has satisfied uniform
2175 educational requirements;

2176 ~~[(d)]~~ (c) after complying with Subsection ~~[(3)(c)]~~ (3)(b), pass a licensing examination;

2177 ~~[(e)]~~ (d) be able to read, write, speak, understand, and be understood in the English
2178 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

2179 ~~[(f) if the applicant is applying to participate in the Physical Therapy Licensure
2180 Compact under Chapter 24c, Physical Therapy Licensure Compact,]~~

2181 (e) consent to a criminal background check in accordance with Section 58-24b-302.1
2182 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2183 Administrative Rulemaking Act; and

2184 ~~[(g)]~~ (f) meet any other requirements established by the division, by rule made in
2185 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2186 (4) The division shall issue a license to a person who holds a current unrestricted
2187 license to practice physical therapy in a state, district, or territory of the United States of
2188 America, other than Utah, if the person:

2189 ~~[(a) is of good moral character,]~~

2190 ~~[(b)]~~ (a) completes the application process, including payment of fees;

2191 ~~[(c)]~~ (b) is able to read, write, speak, understand, and be understood in the English
2192 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

2193 ~~[(d) if the applicant is applying to participate in the Physical Therapy Licensure
2194 Compact under Chapter 24c, Physical Therapy Licensure Compact,]~~

2195 (c) consents to a criminal background check in accordance with Section 58-24b-302.1
2196 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2197 Administrative Rulemaking Act; and

2198 ~~[(e)]~~ (d) meets any other requirements established by the division, by rule made in
2199 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2200 (5) (a) Notwithstanding Subsection 58-1-307(1)(c), an individual may not engage in an
2201 internship in physical therapy, unless the person is:

2202 (i) certified by the division; or

2203 (ii) exempt from licensure under Section 58-24b-304.

2204 (b) The provisions of Subsection (5)(a) apply, regardless of whether the individual is
2205 participating in the supervised clinical training program for the purpose of becoming a physical
2206 therapist or a physical therapist assistant.

2207 Section 35. Section **58-26a-302** is amended to read:

2208 **58-26a-302. Qualifications for licensure and registration -- Licensure by**
2209 **endorsement.**

2210 (1) Each applicant for licensure under this chapter as a certified public accountant
2211 shall:

2212 (a) submit an application in a form prescribed by the division;

2213 (b) pay a fee determined by the department under Section 63J-1-504;

2214 [~~(c)~~ show evidence of good moral character;]

2215 [~~(d)~~ (c) submit a certified transcript of credits from an accredited institution acceptable
2216 to the board showing:

2217 (i) successful completion of a total of 150 semester hours or 225 quarter hours of
2218 collegiate level education with a concentration in accounting, auditing, and business;

2219 (ii) a baccalaureate degree or its equivalent at a college or university approved by the
2220 board; and

2221 (iii) compliance with any other education requirements established by rule by the
2222 division in collaboration with the board in accordance with Title 63G, Chapter 3, Utah
2223 Administrative Rulemaking Act;

2224 [~~(e)~~ (d) submit evidence of one year of accounting experience in a form prescribed by
2225 the division;

2226 [~~(f)~~ (e) submit evidence of having successfully completed the qualifying examinations
2227 in accordance with Section 58-26a-306; and

2228 [~~(g)~~ (f) submit to an interview by the board, if requested, for the purpose of examining
2229 the applicant's competence and qualifications for licensure.

2230 (2) (a) The division may issue a license under this chapter to a person who holds a

2231 license as a certified public accountant issued by any other state of the United States of
2232 America if the applicant for licensure by endorsement:

2233 (i) submits an application in a form prescribed by the division;
2234 (ii) pays a fee determined by the department under Section 63J-1-504;
2235 [~~(iii) shows evidence of good moral character;~~]
2236 [~~(iv)~~] (iii) submits to an interview by the board, if requested, for the purpose of
2237 examining the applicant's competence and qualifications for licensure; and
2238 [~~(v)~~] (iv) (A) (I) shows evidence of having passed the qualifying examinations; and
2239 (II) (Aa) meets the requirements for licensure which were applicable in this state at the
2240 time of the issuance of the applicant's license by the state from which the original licensure by
2241 satisfactorily passing the AICPA Uniform CPA Examination was issued; or
2242 (Bb) had four years of professional experience after passing the AICPA Uniform CPA
2243 Examination upon which the original license was based, within the 10 years immediately
2244 preceding the application for licensure by endorsement; or
2245 (B) shows evidence that the applicant's education, examination record, and experience
2246 are substantially equivalent to the requirements of Subsection (1), as provided by rule.

2247 (b) This Subsection (2) applies only to a person seeking to obtain a license issued by
2248 this state and does not apply to a person practicing as a certified public accountant in the state
2249 under Subsection 58-26a-305(1).

2250 (3) (a) Each applicant for registration as a Certified Public Accountant firm shall:

2251 (i) submit an application in a form prescribed by the division;
2252 (ii) pay a fee determined by the department under Section 63J-1-504;
2253 (iii) have, notwithstanding any other provision of law, a simple majority of the
2254 ownership of the Certified Public Accountant firm, in terms of financial interests and voting
2255 rights of all partners, officers, shareholders, members, or managers, held by individuals who
2256 are certified public accountants, licensed under this chapter or another state of the United States
2257 of America, and the partners, officers, shareholders, members, or managers, whose principal
2258 place of business is in this state, and who perform professional services in this state hold a
2259 valid license issued under Subsection 58-26a-301(2) or the corresponding provisions of prior
2260 law; and
2261 (iv) meet any other requirements established by rule by the division in collaboration

2262 with the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2263 (b) Each separate location of a qualified business entity within the state seeking
2264 registration as a Certified Public Accountant firm shall register separately.

2265 (c) A Certified Public Accountant firm may include owners who are not licensed under
2266 this chapter as outlined in Subsection (3)(a)(iii), provided that:

2267 (i) the firm designates a licensee of this state who is responsible for the proper
2268 registration of the Certified Public Accountant firm and identifies that individual to the
2269 division; and

2270 (ii) all nonlicensed owners are active individual participants in the CPA firm.

2271 Section 36. Section **58-26a-305** is amended to read:

2272 **58-26a-305. Exemptions from licensure.**

2273 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
2274 may engage in acts included within the definition of the practice of public accountancy, subject
2275 to the stated circumstances and limitations, without being licensed under this chapter:

2276 (a) a person licensed by any other state, district, or territory of the United States as a
2277 certified public accountant or its equivalent under any other title while practicing in this state
2278 if:

2279 (i) the person's principal place of business is not in this state; and

2280 (A) the person's license as a certified public accountant is from any state which the
2281 National Association of State Boards of Accountancy (NASBA) National Qualification
2282 Appraisal Service has verified to be substantially equivalent to the CPA licensure requirements
2283 of the Uniform Accountancy Act; or

2284 (B) the person's license as a certified public accountant is from a state which the
2285 NASBA National Qualification Appraisal Service has not verified to be substantially
2286 equivalent to the CPA licensure requirements of the Uniform Accountancy Act and the person
2287 obtains from the NASBA National Qualification Appraisal Service verification that the
2288 person's CPA qualifications are substantially equivalent to the CPA licensure requirements of
2289 the Uniform Accountancy Act and Subsection [~~58-26a-302(1)(d)(i)~~] 58-26a-302(1)(c)(i); and

2290 (ii) the person consents, as a condition of the grant of this privilege:

2291 (A) to personal and subject matter jurisdiction and disciplinary authority of the
2292 division;

2293 (B) to comply with this chapter and the rules made under this chapter;

2294 (C) that in the event the license from the state of the person's principal place of
2295 business becomes invalid, the person shall cease offering or rendering professional services in
2296 this state both individually and on behalf of the firm; and

2297 (D) to the appointment of the state board which issued the person's license as the
2298 person's agent upon whom process may be served in an action or proceeding brought by the
2299 division against the licensee;

2300 (b) through December 31, 2012, a person licensed by any other state, district, or
2301 territory of the United States as a certified public accountant or its equivalent under another
2302 title while practicing in this state if:

2303 (i) the person does not qualify for a practice privilege under Subsection (1)(a);
2304 (ii) the practice is incidental to the person's regular practice outside of this state; and
2305 (iii) the person's temporary practice within the state is in conformity with this chapter
2306 and the rules established under this chapter;

2307 (c) an officer, member, partner, or employee of any entity or organization who signs
2308 any statement or report in reference to the financial affairs of the entity or organization with a
2309 designation of that person's position within the entity or organization;

2310 (d) a public official or employee while performing his official duties;

2311 (e) a person using accounting or auditing skills, including the preparation of tax
2312 returns, management advisory services, and the preparation of financial statements without the
2313 issuance of reports; or

2314 (f) an employee of a CPA firm registered under this chapter or an assistant to a person
2315 licensed under this chapter, working under the supervision of a licensee, if:

2316 (i) neither the employee or assistant nor the licensed employer or registered CPA firm
2317 represents that the unlicensed person is a certified public accountant; and
2318 (ii) no accounting or financial statements are issued over the unlicensed person's name.

2319 (2) (a) Notwithstanding any other provision of law, a person who qualifies under
2320 Subsection (1)(a) has all the privileges of a licensee of this state and may engage in acts
2321 included within the definition of the practice of public accountancy, whether in person or by
2322 mail, telephone, or electronic means, based on a practice privilege in this state, and no notice,
2323 fee, or other submission shall be provided by that person.

2324 (b) The division may revoke, suspend, or restrict an exemption granted under
2325 Subsection (1)(a) or (b), or place on probation or issue a public or private reprimand to a
2326 person exempted under those subsections for the reasons set forth in Subsection 58-1-401(2).

2327 Section 37. Section **58-26a-306** is amended to read:

2328 **58-26a-306. Examination requirements.**

2329 (1) Before taking the qualifying examinations, an applicant shall:

2330 (a) submit an application in a form approved by the division;

2331 (b) pay a fee determined by the department under Section 63J-1-504;

2332 (c) demonstrate completion of at least 120 semester hours or 180 quarter hours of the
2333 education requirement described in Subsection [~~58-26a-302(1)(d)~~] 58-26a-302(1)(c); and

2334 (d) be approved by the board, or an organization designated by the board, to take the
2335 qualifying examinations.

2336 (2) A person must sit for and meet the conditioning requirements of the AICPA
2337 Uniform CPA Examination as established by the AICPA.

2338 Section 38. Section **58-28-301** is amended to read:

2339 **58-28-301. Licensure required.**

2340 (1) (a) A license is required to engage in the practice of veterinary medicine, except as
2341 specifically provided in Sections 58-1-307 and 58-28-307.

2342 (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be
2343 licensed under this chapter as a veterinary intern in order to engage in a program of indirectly
2344 supervised clinical training with a veterinarian licensed under this chapter, and as necessary to
2345 meet licensing requirements under Subsection [~~58-28-302(1)(d)~~] 58-28-302(1)(c).

2346 (2) The division shall issue to a person who qualifies under this chapter a license in the
2347 classification of:

2348 (a) veterinarian; or

2349 (b) veterinarian intern.

2350 Section 39. Section **58-28-302** is amended to read:

2351 **58-28-302. License qualifications.**

2352 (1) Every applicant for a license to practice veterinary medicine, surgery, and dentistry
2353 shall:

2354 [~~(a) be of good moral character as it relates to the functions and duties of a licensed~~

2355 veterinarian;]

2356 ~~[(b)]~~ (a) pass an examination approved by the board on the theory and practice of the
2357 science of veterinary medicine, surgery, dentistry, and other subjects determined by the board,
2358 knowledge of which is generally required of veterinarians;

2359 ~~[(c)]~~ (b) (i) graduate from a veterinary college accredited by the AVMA; or

2360 (ii) obtain a certificate issued by the Educational Commission for Foreign Veterinary
2361 Graduates issued by the AVMA;

2362 ~~[(d)]~~ (c) (i) have practiced under the supervision of a veterinarian licensed to practice
2363 in this state for a period of at least six months;

2364 (ii) have participated in veterinary investigational, educational, or sanitary control work
2365 of a nature and duration as to be the equivalent of the experience of Subsection ~~[(1)(d)(i)]~~
2366 (1)(c)(i);

2367 (iii) have practiced as a licensed veterinarian outside Utah for a period of at least six
2368 months; or

2369 (iv) have practiced as a veterinarian while employed by the United States government,
2370 its agencies, or the state or its political subdivisions for a period of at least six months; and

2371 ~~[(e)]~~ (d) pay a fee to the Department of Commerce determined ~~[by it pursuant to]~~ in
2372 accordance with Section 63J-1-504 for the examination, for an initial license, and for a renewal
2373 license.

2374 (2) (a) An applicant for licensure as a veterinary intern shall comply with the
2375 provisions of ~~[Subsections (1)(a) and (c)]~~ Subsection (1)(b).

2376 (b) An applicant's license as a veterinary intern is limited to the period of time
2377 necessary to complete clinical training as described in Subsection ~~[(1)(d)]~~ (1)(c) and extends
2378 not more than one year from the date the minimum requirement for training is completed,
2379 unless the individual presents satisfactory evidence to the division and the board that the
2380 individual is making reasonable progress toward passing the qualifying examination or is
2381 otherwise on a course reasonably expected to lead to licensure as a veterinarian, but the period
2382 of time under this Subsection (2)(b) may not exceed two years past the date the minimum
2383 supervised clinical training has been completed.

2384 Section 40. Section **58-28-304** is amended to read:

2385 **58-28-304. Temporary license -- License reciprocity.**

2386 (1) The division may issue a temporary license to practice veterinary medicine, surgery,
2387 and dentistry to any person not qualified for licensure under Subsection (4) who meets all
2388 requirements of Section 58-28-302 with the exception of Subsections [~~58-28-302(1)(b) and (d)~~]
2389 58-28-302(1)(a) and (c), except that the temporary license shall by its terms expire at the date
2390 examination results are available for the examination next following the date of the issuance of
2391 the temporary license.

2392 (2) The temporary license shall permit the holder to practice under the indirect
2393 supervision of a veterinarian licensed to practice in this state.

2394 (3) The division may extend the expiration date of the temporary license until the
2395 following examination date if:

2396 (a) the applicant shows to the board good cause for failing to take or pass the
2397 examination; and

2398 (b) the majority of the board members recommend the extension.

2399 (4) Upon the recommendation of the board, the division may issue a license without
2400 examination to a person who:

2401 (a) has been licensed or registered to practice veterinary medicine, surgery, and
2402 dentistry in any state, district, or territory of the United States or in any foreign country, whose
2403 educational, examination, and experience requirements are or were at the time the license was
2404 issued equal to those of this state;

2405 (b) has engaged in the practice of veterinary medicine, dentistry, and surgery while
2406 licensed by another jurisdiction for at least two years;

2407 (c) obtained the license in another jurisdiction after passing an examination component
2408 acceptable to the division and the board;

2409 (d) produces satisfactory evidence of having practiced veterinary medicine competently
2410 and in accordance with the standards and ethics of the profession while practicing in another
2411 jurisdiction; and

2412 (e) produces satisfactory evidence of identity and good moral character as it relates to
2413 the applicant's functions and practice as a licensed veterinarian.

2414 Section 41. Section **58-31b-502** is amended to read:

2415 **58-31b-502. Unprofessional conduct.**

2416 (1) "Unprofessional conduct" includes:

2417 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
2418 diagnosis, personal effects, or any other matter about which the licensee is privileged to know
2419 because of the licensee's or person with a certification's position or practice as a nurse or
2420 practice as a medication aide certified;

2421 (b) failure to provide nursing service or service as a medication aide certified in a
2422 manner that demonstrates respect for the patient's human dignity and unique personal character
2423 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
2424 status, age, sex, or the nature of the patient's health problem;

2425 (c) engaging in sexual relations with a patient during any:

2426 (i) period when a generally recognized professional relationship exists between the
2427 person licensed or certified under this chapter and the patient; or

2428 (ii) extended period when a patient has reasonable cause to believe a professional
2429 relationship exists between the person licensed or certified under the provisions of this chapter
2430 and the patient;

2431 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using
2432 information about a patient or exploiting the licensee's or the person with a certification's
2433 professional relationship between the licensee or holder of a certification under this chapter and
2434 the patient; or

2435 (ii) exploiting the patient by use of the licensee's or person with a certification's
2436 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

2437 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

2438 (f) unauthorized taking or personal use of nursing supplies from an employer;

2439 (g) unauthorized taking or personal use of a patient's personal property;

2440 (h) knowingly entering into any medical record any false or misleading information or

2441 altering a medical record in any way for the purpose of concealing an act, omission, or record

2442 of events, medical condition, or any other circumstance related to the patient and the medical or
2443 nursing care provided;

2444 (i) unlawful or inappropriate delegation of nursing care;

2445 (j) failure to exercise appropriate supervision of persons providing patient care services
2446 under supervision of the licensed nurse;

2447 [~~(k) employing or aiding and abetting the employment of an unqualified or unlicensed~~

2448 ~~person to practice as a nurse;]~~

2449 ~~[(t)]~~ (k) failure to file or record any medical report as required by law, impeding or
2450 obstructing the filing or recording of such a report, or inducing another to fail to file or record
2451 such a report;

2452 ~~[(m)]~~ (l) breach of a statutory, common law, regulatory, or ethical requirement of
2453 confidentiality with respect to a person who is a patient, unless ordered by a court;

2454 ~~[(n)]~~ (m) failure to pay a penalty imposed by the division;

2455 ~~[(o)]~~ (n) prescribing a Schedule II controlled substance without complying with the
2456 requirements in Section 58-31b-803, if applicable;

2457 ~~[(p)]~~ (o) violating Section 58-31b-801;

2458 ~~[(q)]~~ (p) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b,
2459 Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy,
2460 if applicable; and

2461 ~~[(r)]~~ (q) establishing or operating a pain clinic without a consultation and referral plan
2462 for Schedule II or III controlled substances.

2463 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
2464 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
2465 is defined in Section 26-61a-102, recommending the use of medical cannabis.

2466 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
2467 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
2468 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

2469 Section 42. Section **58-31b-803** is amended to read:

2470 **58-31b-803. Limitations on prescriptive authority for advanced practice**
2471 **registered nurses.**

2472 (1) This section does not apply to an advanced practice registered nurse specializing as
2473 a certified registered nurse anesthetist under Subsection 58-31b-102(14)(d).

2474 (2) Except as provided in Subsections (3) and ~~[58-31b-502(1)(r)]~~ 58-31b-502(1)(q), an
2475 advanced practice registered nurse may prescribe or administer a Schedule II controlled
2476 substance without a consultation and referral plan.

2477 (3) An advanced practice registered nurse described in Subsection (4) may not
2478 prescribe or administer a Schedule II controlled substance unless the advanced practice

2479 registered nurse prescribes or administers Schedule II controlled substances in accordance with
2480 a consultation and referral plan.

2481 (4) Subsection (3) applies to an advanced practice registered nurse who:

2482 (a) (i) is engaged in independent solo practice; and

2483 (ii) (A) has been licensed as an advanced practice registered nurse for less than one
2484 year; or

2485 (B) has less than 2,000 hours of experience practicing as a licensed advanced practice
2486 registered nurse; or

2487 (b) owns or operates a pain clinic.

2488 (5) Notwithstanding Subsection 58-31b-102(5), an advanced practice registered nurse
2489 with at least three years of experience as a licensed advanced practice registered nurse may
2490 supervise a consultation and referral plan for an advanced practice registered nurse described in
2491 Subsection (4)(a).

2492 Section 43. Section **58-37f-203** is amended to read:

2493 **58-37f-203. Submission, collection, and maintenance of data.**

2494 (1) (a) The division shall implement on a statewide basis, including non-resident
2495 pharmacies as defined in Section 58-17b-102, the following two options for a pharmacist to
2496 submit information:

2497 (i) real-time submission of the information required to be submitted under this part to
2498 the controlled substance database; and

2499 (ii) 24-hour daily or next business day, whichever is later, batch submission of the
2500 information required to be submitted under this part to the controlled substance database.

2501 (b) ~~[(i) On and after January 1, 2016, a]~~ A pharmacist shall comply with either:

2502 ~~[(A)]~~ (i) the submission time requirements established by the division under
2503 Subsection (1)(a)(i); or

2504 ~~[(B)]~~ (ii) the submission time requirements established by the division under
2505 Subsection (1)(a)(ii).

2506 ~~[(ii) Prior to January 1, 2016, a pharmacist may submit information using either option~~
2507 ~~under this Subsection (1).]~~

2508 (c) The division shall comply with Title 63G, Chapter 6a, Utah Procurement Code.

2509 (2) (a) The pharmacist-in-charge and the pharmacist of the drug outlet where a

2510 controlled substance is dispensed shall submit the data described in this section to the division
2511 in accordance with:

- 2512 (i) the requirements of this section;
- 2513 (ii) the procedures established by the division;
- 2514 (iii) additional types of information or data fields established by the division; and
- 2515 (iv) the format established by the division.

2516 (b) A dispensing medical practitioner licensed under Chapter 17b, Part 8, Dispensing
2517 Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, shall comply with
2518 the provisions of this section and the dispensing medical practitioner shall assume the duties of
2519 the pharmacist under this chapter.

2520 (3) (a) The pharmacist-in-charge and the pharmacist described in Subsection (2)~~[(b)]~~[(a)]
2521 shall, for each controlled substance dispensed by a pharmacist under the pharmacist's
2522 supervision other than those dispensed for an inpatient at a health care facility, submit to the
2523 division any type of information or data field established by the division by rule in accordance
2524 with Subsection (6) regarding:

2525 (i) each controlled substance that is dispensed by the pharmacist or under the
2526 pharmacist's supervision; and

2527 (ii) each noncontrolled substance that is:

2528 (A) designated by the division under Subsection (8)(a); and

2529 (B) dispensed by the pharmacist or under the pharmacist's supervision.

2530 (b) Subsection (3)(a) does not apply to a drug that is dispensed for an inpatient at a
2531 health care facility.

2532 (4) An individual whose records are in the database may obtain those records upon
2533 submission of a written request to the division.

2534 (5) (a) A patient whose record is in the database may contact the division in writing to
2535 request correction of any of the patient's database information that is incorrect. ~~[The patient~~
2536 ~~shall provide a postal address for the division's response.]~~

2537 (b) The division shall grant or deny the request within 30 days from receipt of the
2538 request and shall advise the requesting patient of its decision ~~[by mail postmarked]~~ within 35
2539 days of receipt of the request.

2540 (c) If the division denies a request under this Subsection (5) or does not respond within

2541 35 days, the patient may submit an appeal to the Department of Commerce, within 60 days
2542 after the [~~postmark date of the patient's letter making a~~] patient's written request for a
2543 correction under this Subsection (5).

2544 (6) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2545 Administrative Rulemaking Act, to establish submission requirements under this part,
2546 including:

- 2547 (a) electronic format;
- 2548 (b) submission procedures; and
- 2549 (c) required information and data fields.

2550 (7) The division shall ensure that the database system records and maintains for
2551 reference:

- 2552 (a) the identification of each individual who requests or receives information from the
2553 database;
- 2554 (b) the information provided to each individual; and
- 2555 (c) the date and time that the information is requested or provided.

2556 (8) (a) The division, in collaboration with the Utah Controlled Substance Advisory
2557 Committee created in Section 58-38a-201, shall designate a list of noncontrolled substances
2558 described in Subsection (8)(b) by rule made in accordance with Title 63G, Chapter 3, Utah
2559 Administrative Rulemaking Act.

2560 (b) To determine whether a prescription drug should be designated in the schedules of
2561 controlled substances under this chapter, the division may collect information about a
2562 prescription drug as defined in Section 58-17b-102 that is not designated in the schedules of
2563 controlled substances under this chapter.

2564 Section 44. Section **58-37f-301** is amended to read:

2565 **58-37f-301. Access to database.**

2566 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2567 Administrative Rulemaking Act, to:

2568 (a) effectively enforce the limitations on access to the database as described in this
2569 part; and

2570 (b) establish standards and procedures to ensure accurate identification of individuals
2571 requesting information or receiving information without request from the database.

2572 (2) The division shall make information in the database and information obtained from
2573 other state or federal prescription monitoring programs by means of the database available only
2574 to the following individuals, in accordance with the requirements of this chapter and division
2575 rules:

2576 (a) (i) personnel of the division specifically assigned to conduct investigations related
2577 to controlled substance laws under the jurisdiction of the division; and

2578 (ii) the following law enforcement officers, but the division may only provide
2579 nonidentifying information, limited to gender, year of birth, and postal ZIP code, regarding
2580 individuals for whom a controlled substance has been prescribed or to whom a controlled
2581 substance has been dispensed:

2582 (A) a law enforcement agency officer who is engaged in a joint investigation with the
2583 division; and

2584 (B) a law enforcement agency officer to whom the division has referred a suspected
2585 criminal violation of controlled substance laws;

2586 (b) authorized division personnel engaged in analysis of controlled substance
2587 prescription information as a part of the assigned duties and responsibilities of their
2588 employment;

2589 (c) a board member if:

2590 (i) the board member is assigned to monitor a licensee on probation; and

2591 (ii) the board member is limited to obtaining information from the database regarding
2592 the specific licensee on probation;

2593 (d) a member of a diversion committee established in accordance with Subsection
2594 58-1-404(2) if:

2595 (i) the diversion committee member is limited to obtaining information from the
2596 database regarding the person whose conduct is the subject of the committee's consideration;
2597 and

2598 (ii) the conduct that is the subject of the committee's consideration includes a violation
2599 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another relevant
2600 violation or potential violation under this title;

2601 (e) in accordance with a written agreement entered into with the department,
2602 employees of the Department of Health:

2603 (i) whom the director of the Department of Health assigns to conduct scientific studies
2604 regarding the use or abuse of controlled substances, if the identity of the individuals and
2605 pharmacies in the database are confidential and are not disclosed in any manner to any
2606 individual who is not directly involved in the scientific studies;

2607 (ii) when the information is requested by the Department of Health in relation to a
2608 person or provider whom the Department of Health suspects may be improperly obtaining or
2609 providing a controlled substance; or

2610 (iii) in the medical examiner's office;

2611 (f) in accordance with a written agreement entered into with the department, a designee
2612 of the director of the Department of Health, who is not an employee of the Department of
2613 Health, whom the director of the Department of Health assigns to conduct scientific studies
2614 regarding the use or abuse of controlled substances pursuant to an application process
2615 established in rule by the Department of Health, if:

2616 (i) the designee provides explicit information to the Department of Health regarding
2617 the purpose of the scientific studies;

2618 (ii) the scientific studies to be conducted by the designee:

2619 (A) fit within the responsibilities of the Department of Health for health and welfare;

2620 (B) are reviewed and approved by an Institutional Review Board that is approved for
2621 human subject research by the United States Department of Health and Human Services; and

2622 (C) are not conducted for profit or commercial gain; and

2623 (D) are conducted in a research facility, as defined by division rule, that is associated
2624 with a university or college accredited by one or more regional or national accrediting agencies
2625 recognized by the United States Department of Education;

2626 (iii) the designee protects the information as a business associate of the Department of
2627 Health; and

2628 (iv) the identity of the prescribers, patients, and pharmacies in the database are
2629 de-identified, confidential, not disclosed in any manner to the designee or to any individual
2630 who is not directly involved in the scientific studies;

2631 (g) in accordance with the written agreement entered into with the department and the
2632 Department of Health, authorized employees of a managed care organization, as defined in 42
2633 C.F.R. Sec. 438, if:

2634 (i) the managed care organization contracts with the Department of Health under the
2635 provisions of Section 26-18-405 and the contract includes provisions that:

2636 (A) require a managed care organization employee who will have access to information
2637 from the database to submit to a criminal background check; and

2638 (B) limit the authorized employee of the managed care organization to requesting
2639 either the division or the Department of Health to conduct a search of the database regarding a
2640 specific Medicaid enrollee and to report the results of the search to the authorized employee;
2641 and

2642 (ii) the information is requested by an authorized employee of the managed care
2643 organization in relation to a person who is enrolled in the Medicaid program with the managed
2644 care organization, and the managed care organization suspects the person may be improperly
2645 obtaining or providing a controlled substance;

2646 (h) a licensed practitioner having authority to prescribe controlled substances, to the
2647 extent the information:

2648 (i) (A) relates specifically to a current or prospective patient of the practitioner; and

2649 (B) is provided to or sought by the practitioner for the purpose of:

2650 (I) prescribing or considering prescribing any controlled substance to the current or
2651 prospective patient;

2652 (II) diagnosing the current or prospective patient;

2653 (III) providing medical treatment or medical advice to the current or prospective
2654 patient; or

2655 (IV) determining whether the current or prospective patient:

2656 (Aa) is attempting to fraudulently obtain a controlled substance from the practitioner;

2657 or

2658 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
2659 substance from the practitioner;

2660 (ii) (A) relates specifically to a former patient of the practitioner; and

2661 (B) is provided to or sought by the practitioner for the purpose of determining whether
2662 the former patient has fraudulently obtained, or has attempted to fraudulently obtain, a
2663 controlled substance from the practitioner;

2664 (iii) relates specifically to an individual who has access to the practitioner's Drug

2665 Enforcement Administration identification number, and the practitioner suspects that the
2666 individual may have used the practitioner's Drug Enforcement Administration identification
2667 number to fraudulently acquire or prescribe a controlled substance;

2668 (iv) relates to the practitioner's own prescribing practices, except when specifically
2669 prohibited by the division by administrative rule;

2670 (v) relates to the use of the controlled substance database by an employee of the
2671 practitioner, described in Subsection (2)(i); or

2672 (vi) relates to any use of the practitioner's Drug Enforcement Administration
2673 identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a
2674 controlled substance;

2675 (i) in accordance with Subsection (3)(a), an employee of a practitioner described in
2676 Subsection (2)(h), for a purpose described in Subsection (2)(h)(i) or (ii), if:

2677 (i) the employee is designated by the practitioner as an individual authorized to access
2678 the information on behalf of the practitioner;

2679 (ii) the practitioner provides written notice to the division of the identity of the
2680 employee; and

2681 (iii) the division:

2682 (A) grants the employee access to the database; and

2683 (B) provides the employee with a password that is unique to that employee to access
2684 the database in order to permit the division to comply with the requirements of Subsection
2685 58-37f-203(5) with respect to the employee;

2686 (j) an employee of the same business that employs a licensed practitioner under
2687 Subsection (2)(h) if:

2688 (i) the employee is designated by the practitioner as an individual authorized to access
2689 the information on behalf of the practitioner;

2690 (ii) the practitioner and the employing business provide written notice to the division of
2691 the identity of the designated employee; and

2692 (iii) the division:

2693 (A) grants the employee access to the database; and

2694 (B) provides the employee with a password that is unique to that employee to access
2695 the database in order to permit the division to comply with the requirements of Subsection

2696 58-37f-203(5) with respect to the employee;

2697 (k) a licensed pharmacist having authority to dispense a controlled substance to the

2698 extent the information is provided or sought for the purpose of:

2699 (i) dispensing or considering dispensing any controlled substance; or

2700 (ii) determining whether a person:

2701 (A) is attempting to fraudulently obtain a controlled substance from the pharmacist; or

2702 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled

2703 substance from the pharmacist;

2704 (l) in accordance with Subsection (3)(a), a licensed pharmacy technician and pharmacy

2705 intern who is an employee of a pharmacy as defined in Section 58-17b-102, for the purposes

2706 described in Subsection ~~[(2)(j)]~~ (2)(k)(i) or (ii), if:

2707 (i) the employee is designated by the pharmacist-in-charge as an individual authorized

2708 to access the information on behalf of a licensed pharmacist employed by the pharmacy;

2709 (ii) the pharmacist-in-charge provides written notice to the division of the identity of

2710 the employee; and

2711 (iii) the division:

2712 (A) grants the employee access to the database; and

2713 (B) provides the employee with a password that is unique to that employee to access

2714 the database in order to permit the division to comply with the requirements of Subsection

2715 58-37f-203(5) with respect to the employee;

2716 (m) pursuant to a valid search warrant, federal, state, and local law enforcement

2717 officers and state and local prosecutors who are engaged in an investigation related to:

2718 (i) one or more controlled substances; and

2719 (ii) a specific person who is a subject of the investigation;

2720 (n) subject to Subsection (7), a probation or parole officer, employed by the

2721 Department of Corrections or by a political subdivision, to gain access to database information

2722 necessary for the officer's supervision of a specific probationer or parolee who is under the

2723 officer's direct supervision;

2724 (o) employees of the Office of Internal Audit and Program Integrity within the

2725 Department of Health who are engaged in their specified duty of ensuring Medicaid program

2726 integrity under Section 26-18-2.3;

2727 (p) a mental health therapist, if:
2728 (i) the information relates to a patient who is:
2729 (A) enrolled in a licensed substance abuse treatment program; and
2730 (B) receiving treatment from, or under the direction of, the mental health therapist as
2731 part of the patient's participation in the licensed substance abuse treatment program described
2732 in Subsection (2)(p)(i)(A);
2733 (ii) the information is sought for the purpose of determining whether the patient is
2734 using a controlled substance while the patient is enrolled in the licensed substance abuse
2735 treatment program described in Subsection (2)(p)(i)(A); and
2736 (iii) the licensed substance abuse treatment program described in Subsection
2737 (2)(p)(i)(A) is associated with a practitioner who:
2738 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
2739 pharmacist; and
2740 (B) is available to consult with the mental health therapist regarding the information
2741 obtained by the mental health therapist, under this Subsection (2)(p), from the database;
2742 (q) an individual who is the recipient of a controlled substance prescription entered into
2743 the database, upon providing evidence satisfactory to the division that the individual requesting
2744 the information is in fact the individual about whom the data entry was made;
2745 (r) an individual under Subsection (2)(q) for the purpose of obtaining a list of the
2746 persons and entities that have requested or received any information from the database
2747 regarding the individual, except if the individual's record is subject to a pending or current
2748 investigation as authorized under this Subsection (2);
2749 (s) the inspector general, or a designee of the inspector general, of the Office of
2750 Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in
2751 Title 63A, Chapter 13, Part 2, Office and Powers;
2752 (t) the following licensed physicians for the purpose of reviewing and offering an
2753 opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter
2754 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:
2755 (i) a member of the medical panel described in Section 34A-2-601;
2756 (ii) a physician employed as medical director for a licensed workers' compensation
2757 insurer or an approved self-insured employer; or

2758 (iii) a physician offering a second opinion regarding treatment; and
2759 (u) members of Utah's Opioid Fatality Review Committee, for the purpose of
2760 reviewing a specific fatality due to opioid use and recommending policies to reduce the
2761 frequency of opioid use fatalities.

2762 (3) (a) (i) A practitioner described in Subsection (2)(h) may designate one or more
2763 employees to access information from the database under Subsection (2)(i), (2)(j), or (4)(c).
2764 (ii) A pharmacist described in Subsection (2)(k) who is a pharmacist-in-charge may
2765 designate up to five employees to access information from the database under Subsection (2)(l).
2766 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2767 Administrative Rulemaking Act, to:

2768 (i) establish background check procedures to determine whether an employee
2769 designated under Subsection (2)(i), (2)(j), or (4)(c) should be granted access to the database;
2770 and
2771 (ii) establish the information to be provided by an emergency department employee
2772 under Subsection (4); and
2773 (iii) facilitate providing controlled substance prescription information to a third party
2774 under Subsection (5).

2775 (c) The division shall grant an employee designated under Subsection (2)(i), (2)(j), or
2776 (4)(c) access to the database, unless the division determines, based on a background check, that
2777 the employee poses a security risk to the information contained in the database.

2778 (4) (a) An individual who is employed in the emergency department of a hospital may
2779 exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if
2780 the individual is designated under Subsection (4)(c) and the licensed practitioner:

2781 (i) is employed in the emergency department;
2782 (ii) is treating an emergency department patient for an emergency medical condition;
2783 and
2784 (iii) requests that an individual employed in the emergency department and designated
2785 under Subsection (4)(c) obtain information regarding the patient from the database as needed in
2786 the course of treatment.

2787 (b) The emergency department employee obtaining information from the database
2788 shall, when gaining access to the database, provide to the database the name and any additional

2789 identifiers regarding the requesting practitioner as required by division administrative rule
2790 established under Subsection (3)(b).

2791 (c) An individual employed in the emergency department under this Subsection (4)
2792 may obtain information from the database as provided in Subsection (4)(a) if:

2793 (i) the employee is designated by the practitioner as an individual authorized to access
2794 the information on behalf of the practitioner;

2795 (ii) the practitioner and the hospital operating the emergency department provide
2796 written notice to the division of the identity of the designated employee; and

2797 (iii) the division:

2798 (A) grants the employee access to the database; and

2799 (B) provides the employee with a password that is unique to that employee to access
2800 the database in order to permit the division to comply with the requirements of Subsection
2801 58-37f-203(5) with respect to the employee.

2802 (d) The division may impose a fee, in accordance with Section 63J-1-504, on a
2803 practitioner who designates an employee under Subsection (2)(i), (2)(j), or (4)(c) to pay for the
2804 costs incurred by the division to conduct the background check and make the determination
2805 described in Subsection (3)(b).

2806 (5) (a) (i) An individual may request that the division provide the information under
2807 Subsection (5)(b) to a third party who is designated by the individual each time a controlled
2808 substance prescription for the individual is dispensed.

2809 (ii) The division shall upon receipt of the request under this Subsection (5)(a) advise
2810 the individual in writing that the individual may direct the division to discontinue providing the
2811 information to a third party and that notice of the individual's direction to discontinue will be
2812 provided to the third party.

2813 (b) The information the division shall provide under Subsection (5)(a) is:

2814 (i) the fact a controlled substance has been dispensed to the individual, but without
2815 identifying the controlled substance; and

2816 (ii) the date the controlled substance was dispensed.

2817 (c) (i) An individual who has made a request under Subsection (5)(a) may direct that
2818 the division discontinue providing information to the third party.

2819 (ii) The division shall:

2820 (A) notify the third party that the individual has directed the division to no longer
2821 provide information to the third party; and

2822 (B) discontinue providing information to the third party.

2823 (6) (a) An individual who is granted access to the database based on the fact that the
2824 individual is a licensed practitioner or a mental health therapist shall be denied access to the
2825 database when the individual is no longer licensed.

2826 (b) An individual who is granted access to the database based on the fact that the
2827 individual is a designated employee of a licensed practitioner shall be denied access to the
2828 database when the practitioner is no longer licensed.

2829 (7) A probation or parole officer is not required to obtain a search warrant to access the
2830 database in accordance with Subsection (2)(n).

2831 (8) The division shall review and adjust the database programming which
2832 automatically logs off an individual who is granted access to the database under Subsections
2833 (2)(h), (2)(i), (2)(j), and (4)(c) to maximize the following objectives:

2834 (a) to protect patient privacy;

2835 (b) to reduce inappropriate access; and

2836 (c) to make the database more useful and helpful to a person accessing the database
2837 under Subsections (2)(h), (2)(i), (2)(j), and (4)(c), especially in high usage locations such as an
2838 emergency department.

2839 Section 45. Section **58-37f-302** is amended to read:

2840 **58-37f-302. Other restrictions on access to database.**

2841 (1) A person who is a relative of a deceased individual is not entitled to access
2842 information from the database relating to the deceased individual based on the fact or claim
2843 that the person is:

2844 (a) related to the deceased individual; or

2845 (b) subrogated to the rights of the deceased individual.

2846 (2) Except as provided in ~~[Subsection]~~ Subsections (3) and (4), data provided to,
2847 maintained in, or accessed from the database that may be identified to, or with, a particular
2848 person is not subject to discovery, subpoena, or similar compulsory process in any civil,
2849 judicial, administrative, or legislative proceeding, nor shall any individual or organization with
2850 lawful access to the data be compelled to testify with regard to the data.

2851 (3) The restrictions described in Subsection (2) do not apply to a civil, judicial, or
2852 administrative action brought to enforce the provisions of this chapter.

2853 (4) (a) Subject to the requirements of this Subsection (4), in a state criminal proceeding
2854 a court may:

2855 (i) order the release of information contained in the database if the court determines
2856 good cause has been shown in accordance with Rule 16, Utah Rules of Criminal Procedure;
2857 and

2858 (ii) at any time order that information released under this Subsection (4) be restricted,
2859 limited, or restrained from further dissemination as the court determines is appropriate.

2860 (b) Upon the motion of a defendant, a court may only issue an order compelling the
2861 production of database information under this Subsection (4) that pertains to a victim if the
2862 court finds upon notice as provided in Subsection (4)(c), and after a hearing, that the defendant
2863 is entitled to production of the information under applicable state and federal law.

2864 (c) A motion by a defendant for database information pertaining to a victim shall be
2865 served by the defendant on:

2866 (i) the prosecutor and on counsel for the victim or victim's representative; or

2867 (ii) the prosecutor if the victim is unrepresented by counsel.

2868 (d) Upon a defendant's motion for database information pertaining to a victim, if the
2869 court determines that good cause exists to order release of database information pertaining to
2870 the victim, the court shall conduct an in camera review of the database information and may
2871 only disclose to the defense and prosecution those portions of database information that are
2872 relevant to the state criminal proceeding.

2873 Section 46. Section **58-37f-303** is amended to read:

2874 **58-37f-303. Access to opioid prescription information via an electronic data**
2875 **system.**

2876 (1) As used in this section:

2877 (a) "Dispense" means the same as that term is defined in Section 58-17b-102.

2878 (b) "EDS user":

2879 (i) means:

2880 (A) a prescriber;

2881 (B) a pharmacist; or

2882 (C) an individual granted access to the database under Subsection 58-37f-301(3)(c);
2883 and
2884 (ii) does not mean an individual whose access to the database has been revoked by the
2885 division pursuant to Subsection 58-37f-301(5)(~~(b)~~)(c).

2886 (c) "Electronic data system" means a software product or an electronic service used by:
2887 (i) a prescriber to manage electronic health records; or
2888 (ii) a pharmacist to manage the dispensing of prescription drugs.

2889 (d) "Opioid" means any substance listed in Subsection 58-37-4(2)(b)(i) or (2)(b)(ii).
2890 (e) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
2891 (f) "Prescriber" means a practitioner, as that term is defined in Section 58-37-2, who is
2892 licensed under Section 58-37-6 to prescribe an opioid.

2893 (g) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

2894 (2) Subject to Subsections (3) through (6), no later than January 1, 2017, the division
2895 shall make opioid prescription information in the database available to an EDS user via the
2896 user's electronic data system.

2897 (3) An electronic data system may be used to make opioid prescription information in
2898 the database available to an EDS user only if the electronic data system complies with rules
2899 established by the division under Subsection (4).

2900 (4) (a) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
2901 Administrative Rulemaking Act, specifying:

2902 (i) an electronic data system's:
2903 (A) allowable access to and use of opioid prescription information in the database; and
2904 (B) minimum actions that must be taken to ensure that opioid prescription information
2905 accessed from the database is protected from inappropriate disclosure or use; and
2906 (ii) an EDS user's:
2907 (A) allowable access to opioid prescription information in the database via an
2908 electronic data system; and
2909 (B) allowable use of the information.

2910 (b) The rules shall establish:
2911 (i) minimum user identification requirements that in substance are the same as the
2912 database identification requirements in Section 58-37f-301;

2913 (ii) user access restrictions that in substance are the same as the database identification
2914 requirements in Section 58-37f-301; and

2915 (iii) any other requirements necessary to ensure that in substance the provisions of
2916 Sections 58-37f-301 and 58-37f-302 apply to opioid prescription information in the database
2917 that has been made available to an EDS user via an electronic data system.

2918 (5) The division may not make opioid prescription information in the database
2919 available to an EDS user via the user's electronic data system if:

2920 (a) the electronic data system does not comply with the rules established by the
2921 division under Subsection (4); or

2922 (b) the EDS user does not comply with the rules established by the division under
2923 Subsection (4).

2924 (6) (a) The division shall periodically audit the use of opioid prescription information
2925 made available to an EDS user via the user's electronic data system.

2926 (b) The audit shall review compliance by:

2927 (i) the electronic data system with rules established by the division under Subsection
2928 (4); and

2929 (ii) the EDS user with rules established by the division under Subsection (4).

2930 (c) (i) If the division determines by audit or other means that an electronic data system
2931 is not in compliance with rules established by the division under Subsection (4), the division
2932 shall immediately suspend or revoke the electronic data system's access to opioid prescription
2933 information in the database.

2934 (ii) If the division determines by audit or other means that an EDS user is not in
2935 compliance with rules established by the division under Subsection (4), the division shall
2936 immediately suspend or revoke the EDS user's access to opioid prescription information in the
2937 database via an electronic data system.

2938 (iii) If the division suspends or revokes access to opioid prescription information in the
2939 database under Subsection (6)(c)(i) or (6)(c)(ii), the division shall also take any other
2940 appropriate corrective or disciplinary action authorized by this chapter or title.

2941 Section 47. Section **58-40-302** is amended to read:

2942 **58-40-302. Qualifications for licensure.**

2943 (1) An applicant for licensure under this chapter shall:

- 2944 (a) submit an application in a form prescribed by the division; and
2945 (b) pay a fee determined by the department under Section 63J-1-504~~[-and]~~.
2946 [~~(c) be of good moral character.~~]
- 2947 (2) In addition to the requirements of Subsection (1), an applicant for licensure as a
2948 master therapeutic recreation specialist under this chapter shall as defined by division rule:
- 2949 (a) complete an approved graduate degree;
2950 (b) complete 4,000 qualifying hours of paid experience as:
2951 (i) a licensed therapeutic recreation specialist if completed in the state; or
2952 (ii) a certified therapeutic recreation specialist certified by the National Council for
2953 Therapeutic Recreation Certification if completed outside of the state; and
2954 (c) pass an approved examination.
- 2955 (3) In addition to the requirements of Subsection (1), an applicant for licensure as a
2956 therapeutic recreation specialist under this chapter shall, as defined by division rule:
- 2957 (a) complete an approved:
2958 (i) bachelor's degree in therapeutic recreation or recreational therapy;
2959 (ii) bachelor's degree with an approved emphasis, option, or concentration in
2960 therapeutic recreation or recreational therapy; or
2961 (iii) graduate degree;
2962 (b) complete an approved practicum; and
2963 (c) pass an approved examination.
- 2964 (4) In addition to the requirements of Subsection (1), an applicant for licensure as a
2965 therapeutic recreation technician under this chapter shall, as defined by division rule:
- 2966 (a) have a high school diploma or GED equivalent;
2967 (b) complete an approved:
2968 (i) educational course in therapeutic recreation taught by a licensed master therapeutic
2969 recreation specialist; or
2970 (ii) six semester hours or nine quarter hours in therapeutic recreation or recreational
2971 therapy from an accredited college or university;
2972 (c) complete an approved practicum under the supervision of:
2973 (i) a licensed master therapeutic recreation specialist; or
2974 (ii) an on-site, full-time, employed therapeutic recreation specialist;

2975 (d) pass an approved examination; and
2976 (e) complete a minimum of two hours of training in suicide prevention via a course that
2977 the division designates as approved.

2978 Section 48. Section **58-40-501** is amended to read:

2979 **58-40-501. Unlawful conduct.**

2980 "Unlawful conduct" includes:

2981 (1) providing, leading, facilitating, teaching, or offering to provide or teach recreational
2982 therapy services unless licensed under this chapter or exempted from licensure under Section
2983 58-1-307 or 58-40-305; and

2984 (2) using the initials MTRS, TRS, or TRT, or other abbreviation, term, title, or sign
2985 relating to the practice of recreational therapy services unless licensed under this chapter~~[-and].~~

2986 ~~[(3) employing or aiding and abetting the employment of an unqualified or unlicensed~~
2987 ~~person to:]~~

2988 ~~[(a) practice as a recreational therapist; or]~~

2989 ~~[(b) provide recreational therapy services:]~~

2990 Section 49. Section **58-41-5** is amended to read:

2991 **58-41-5. Licensure requirements.**

2992 (1) To obtain and maintain a license as an audiologist beginning July 1, 2010, an
2993 applicant must:

2994 (a) submit a completed application in the form and content prescribed by the division
2995 and pay a fee to the department in accordance with Section 63J-1-504;

2996 ~~[(b) be of good moral character;]~~

2997 ~~[(c)]~~ (b) provide the committee with verification that the applicant is the legal holder of
2998 a clinical doctor's degree or AuD, in audiology, from an accredited university or college, based
2999 on a program of studies primarily in the field of audiology;

3000 ~~[(d)]~~ (c) be in compliance with the regulations of conduct and codes of ethics for the
3001 profession of audiology;

3002 ~~[(e)]~~ (d) submit to the board certified evidence of having completed at least one year of
3003 professional experience, at least 30 hours per week for an academic year, of direct clinical
3004 experience in treatment and management of patients, supervised and attested to by one holding
3005 an audiologist license under this chapter, the CCC, or their full equivalent; and

3006 ~~[(f)]~~ (e) pass a nationally standardized examination in audiology which is the same as
3007 or equivalent to the examination required for the CCC and with pass-fail criteria equivalent to
3008 current ASHA standards, and the board may require the applicant to pass an acceptable
3009 practical demonstration of clinical skills to an examining committee of licensed audiologists
3010 appointed by the board.

3011 (2) To obtain and maintain a license as an audiologist prior to July 1, 2010, an
3012 applicant shall:

3013 (a) comply with Subsections (1)(a), ~~[(b), (d), (e), and (f)]~~ (c), (d), and (e); and

3014 (b) provide the committee with verification that the applicant has received at least a
3015 master's degree in the area of audiology from an accredited university or college, based on a
3016 program of studies primarily in the field of audiology, and holds the CCC or its full equivalent.

3017 (3) An individual who, prior to July 1, 2010, is licensed as an audiologist under this
3018 chapter is, on or after July 1, 2010, considered to hold a current license under this chapter as an
3019 audiologist and is subject to this chapter.

3020 (4) To obtain and maintain a license as a speech-language pathologist, an applicant
3021 must:

3022 (a) comply with ~~[Subsections (1)(a) and (b)]~~ Subsection (1)(a);

3023 (b) provide the committee with verification that the applicant has received at least a
3024 master's degree in speech-language pathology from an accredited university or college, based
3025 on a program of studies primarily in the field of speech-language pathology;

3026 (c) be in compliance with the regulations of conduct and code of ethics for the
3027 profession of speech-language pathology;

3028 (d) comply with Subsection ~~[(1)(e)]~~ (1)(b), except that the supervision and attestation
3029 requirement shall be from a licensed speech-language pathologist rather than a licensed
3030 audiologist; and

3031 (e) pass a nationally standardized examination in speech-language pathology which is
3032 the same as or equivalent to the examination required for the CCC and with pass-fail criteria
3033 equivalent to current ASHA standards, and the board may require the applicant to pass an
3034 acceptable practical demonstration of clinical skills to an examining committee of licensed
3035 speech-language pathologists appointed by the board.

3036 Section 50. Section ~~58-42a-302~~ is amended to read:

3037 **58-42a-302. Qualifications for licensure.**

3038 (1) An applicant for licensure as an occupational therapist shall:

3039 (a) submit an application in a form as prescribed by the division;

3040 (b) pay a fee as determined by the department under Section 63J-1-504;

3041 ~~[(c) be of good moral character as it relates to the functions and responsibilities of the~~
3042 ~~practice of occupational therapy;]~~3043 ~~[(d)]~~ (c) graduate with a bachelor's or graduate degree for the practice of occupational
3044 therapy from an education program accredited by the American Occupational Therapy
3045 Association's Accreditation Council for Occupational Therapy Education, a predecessor
3046 organization, or an equivalent organization as determined by division rule;3047 ~~[(e)]~~ (d) if applying for licensure on or after July 1, 2015, complete a minimum of 24
3048 weeks of supervised fieldwork experience; and3049 ~~[(f)]~~ (e) pass an examination approved by the division in consultation with the board
3050 and administered by the National Board for Certification in Occupational Therapy, or by
3051 another nationally recognized credentialing body as approved by division rule, to demonstrate
3052 knowledge of the practice, skills, theory, and professional ethics related to occupational
3053 therapy.

3054 (2) All applicants for licensure as an occupational therapy assistant shall:

3055 (a) submit an application in a form as prescribed by the division;

3056 (b) pay a fee as determined by the department under Section 63J-1-504;

3057 ~~[(c) be of good moral character as it relates to the functions and responsibilities of the~~
3058 ~~practice of occupational therapy;]~~3059 ~~[(d)]~~ (c) graduate from an educational program for the practice of occupational therapy
3060 as an occupational therapy assistant that is accredited by the American Occupational Therapy
3061 Association's Accreditation Council for Occupational Therapy Education, a predecessor
3062 organization, or an equivalent organization as determined by division rule;3063 ~~[(e)]~~ (d) if applying for licensure on or after July 1, 2015, complete a minimum of 16
3064 weeks of supervised fieldwork experience; and3065 ~~[(f)]~~ (e) pass an examination approved by the division in consultation with the board
3066 and administered by the National Board for Certification in Occupational Therapy, or by
3067 another nationally recognized credentialing body as approved by division rule, to demonstrate

3068 knowledge of the practice, skills, theory, and professional ethics related to occupational
3069 therapy.

3070 (3) Notwithstanding the other requirements of this section, the division may issue a
3071 license as an occupational therapist or as an occupational therapy assistant to an applicant who:

3072 (a) meets the requirements of receiving a license by endorsement under Section
3073 58-1-302; or

3074 (b) has been licensed in a state, district, or territory of the United States, or in a foreign
3075 country, where the education, experience, or examination requirements are not substantially
3076 equal to the requirements of this state, if the applicant passes the applicable examination
3077 described in Subsection ~~[(1)(f) or (2)(f)] (1)(e) or (2)(e).~~

3078 Section 51. Section ~~58-42a-501~~ is amended to read:

3079 **58-42a-501. Unlawful conduct.**

3080 "Unlawful conduct," as defined in Section 58-1-501 and as may be further defined by
3081 division rule, includes:

3082 (1) engaging or offering to engage in the practice of occupational therapy unless
3083 licensed under this chapter or exempted from licensure under Section 58-1-307 or 58-42a-304;

3084 (2) using the title occupational therapist or occupational therapy assistant unless
3085 licensed under this chapter; and

3086 ~~[(3) employing or aiding and abetting an unqualified or unlicensed person to engage or
3087 offer to engage in the practice of occupational therapy unless the person is exempted from
3088 licensure under Section 58-1-307 or 58-42a-304; and]~~

3089 ~~[(4)] (3)~~ obtaining a license under this chapter by means of fraud, misrepresentation, or
3090 concealment of a material fact.

3091 Section 52. Section ~~58-46a-302~~ is amended to read:

3092 **58-46a-302. Qualifications for licensure.**

3093 (1) Each applicant for licensure as a hearing instrument specialist shall:

3094 (a) submit to the division an application in a form prescribed by the division;

3095 (b) pay a fee as determined by the division pursuant to Section 63J-1-504;

3096 ~~[(c) be of good moral character;]~~

3097 ~~[(d)] (c)~~ have qualified for and currently hold board certification by the National Board
3098 for Certification - Hearing Instrument Sciences, or an equivalent certification approved by the

3099 division in collaboration with the board;

3100 ~~[(e)]~~ (d) have passed the Utah Law and Rules Examination for Hearing Instrument

3101 Specialists; and

3102 ~~[(f)]~~ (e) if the applicant holds a hearing instrument intern license, surrender the hearing

3103 instrument intern license at the time of licensure as a hearing instrument specialist.

3104 (2) Each applicant for licensure as a hearing instrument intern shall:

3105 (a) submit to the division an application in a form prescribed by the division;

3106 (b) pay a fee as determined by the division pursuant to Section 63J-1-504;

3107 ~~[(c) be of good moral character;]~~

3108 ~~[(d)]~~ (c) have passed the Utah Law and Rules Examination for Hearing Instrument

3109 Specialists; and

3110 ~~[(e)]~~ (d) present evidence acceptable to the division and the board that the applicant,

3111 when licensed, will practice as a hearing instrument intern only under the supervision of a

3112 supervising hearing instrument specialist in accordance with:

3113 (i) Section 58-46a-302.5; and

3114 (ii) the supervision requirements for obtaining board certification by the National

3115 Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved

3116 by the division in collaboration with the board.

3117 Section 53. Section **58-47b-302** is amended to read:

3118 **58-47b-302. License classifications -- Qualifications for licensure.**

3119 (1) The division shall issue licenses under this chapter in the classifications of:

3120 (a) massage therapist; and

3121 (b) massage apprentice.

3122 (2) Each applicant for licensure as a massage therapist shall:

3123 (a) submit an application in a form prescribed by the division;

3124 (b) pay a fee determined by the department under Section 63J-1-504;

3125 ~~[(c) be of good moral character;]~~

3126 ~~[(d)]~~ (c) be 18 years of age or older;

3127 ~~[(e)]~~ (d) have either:

3128 (i) (A) graduated from a school of massage having a curriculum which meets standards

3129 established by division rule made in collaboration with the board; or

- 3130 (B) completed equivalent education and training in compliance with division rule; or
3131 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000
3132 hours of supervised training over a minimum of 12 months and in accordance with standards
3133 established by the division by rule made in collaboration with the board; and
3134 ~~[(f)]~~ (e) pass examinations established by rule by the division in collaboration with the
3135 board.
- 3136 (3) Each applicant for licensure as a massage apprentice shall:
3137 (a) submit an application in a form prescribed by the division;
3138 (b) pay a fee determined by the department under Section 63J-1-504;
3139 ~~[(c) be of good moral character;]~~
3140 ~~[(d)]~~ (c) be 18 years of age or older;
3141 ~~[(e)]~~ (d) provide satisfactory evidence to the division that the individual will practice as
3142 a massage apprentice only under the direct supervision of a licensed massage therapist in good
3143 standing and who has engaged in the lawful practice of massage therapy as a licensed massage
3144 therapist for not less than 6,000 hours; and
3145 ~~[(f)]~~ (e) successfully complete an examination as required by division rule.
- 3146 (4) (a) Any new massage therapist or massage apprentice applicant shall submit
3147 fingerprint cards in a form acceptable to the division at the time the license application is filed
3148 and shall consent to a fingerprint background check by the Utah Bureau of Criminal
3149 Identification and the Federal Bureau of Investigation regarding the application.
- 3150 (b) The division shall request the Department of Public Safety to complete a Federal
3151 Bureau of Investigation criminal background check for each new massage therapist or
3152 apprentice applicant through the national criminal history system (NCIC) or any successor
3153 system.
- 3154 (c) The cost of the background check and the fingerprinting shall be borne by the
3155 applicant.
- 3156 (5) (a) Any new massage therapist or massage apprentice license issued under this
3157 section shall be conditional, pending completion of the criminal background check. If the
3158 criminal background check discloses the applicant has failed to accurately disclose a criminal
3159 history, the license shall be immediately and automatically revoked.
- 3160 (b) Any person whose conditional license has been revoked under Subsection (5)(a)

3161 shall be entitled to a post-revocation hearing to challenge the revocation. The hearing shall be
3162 conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

3163 (6) An applicant who successfully completes a fingerprint background check under
3164 Subsection (4) may not be required by any other state or local government body to submit to a
3165 second fingerprint background check as a condition of lawfully practicing massage therapy in
3166 this state.

3167 Section 54. Section ~~58-49-4~~ is amended to read:

3168 **58-49-4. Qualifications for certification -- Fee.**

3169 Each applicant for certification under this chapter shall provide proof satisfactory to the
3170 division that the applicant:

3171 [~~(1)~~] ~~is of good moral character as it relates to the practice of dietetics;~~

3172 [~~(2)~~] (1) holds a baccalaureate or post-baccalaureate degree conferred by a college or
3173 university approved by the division at the time the degree was conferred with a major course of
3174 study in the sciences of food, dietetics, food systems management, or an equivalent major
3175 course of study;

3176 [~~(3)~~] (2) has completed an internship or preplanned professional baccalaureate or
3177 post-baccalaureate experience in a dietetic program under the supervision of a certified
3178 dietitian who is certified under this chapter or certified, registered, or licensed under the laws of
3179 another state or territory of the United States;

3180 [~~(4)~~] (3) has satisfactorily passed a competency examination, approved by or given at
3181 the direction of the board in collaboration with the division; and

3182 [~~(5)~~] (4) has paid the appropriate fees determined by the Department of Commerce.

3183 The fee assessed by the Department of Commerce shall be fair and reasonable and shall reflect
3184 the cost of services provided.

3185 Section 55. Section ~~58-49-5~~ is amended to read:

3186 **58-49-5. Certification of persons currently qualified.**

3187 The requirements of Subsections [~~58-49-4(2), (3), and (4)~~] 58-49-4(1), (2), and (3) are
3188 waived and a certificate shall be issued by the division upon application and payment of the
3189 appropriate fees by any person who, [~~prior to~~] before December 31, 1986, has provided to the
3190 division proof that on May 1, 1985, [~~he~~] the person was and is currently registered by the
3191 Commission on Dietetic Registration.

3192 Section 56. Section **58-49-9** is amended to read:

3193 **58-49-9. Use of titles by uncertified person.**

3194 No person, without first being certified under this chapter may:

3195 (1) assume or use the title or designation "dietitian," [~~"dietician,"~~] "certified dietitian,"
3196 "registered dietitian," "registered dietitian nutritionist," the letters "C.D.," the letter "D.," or any
3197 other title, words, letters, abbreviations, or insignia indicating or implying that the person is a
3198 certified dietitian, including by using any of the preceding terms with the alternative spelling
3199 "dietician"; or

3200 (2) represent in any way, whether orally, in writing, in print, or by signature, directly or
3201 by implication, that [~~he~~] the person is a certified dietitian.

3202 Section 57. Section **58-54-302** is amended to read:

3203 **58-54-302. Requirements for licensure.**

3204 (1) Each applicant for licensure as a radiologic technologist, radiology assistant, or
3205 radiology practical technician shall:

3206 (a) submit an application in a form prescribed by the division in collaboration with the
3207 board; and

3208 (b) pay a fee as determined by the department pursuant to Section 63J-1-504[~~; and~~].
3209 [~~(c) be of good moral character.~~]

3210 (2) Each applicant for licensure as a radiologic technologist shall, in addition to the
3211 requirements of Subsection (1):

3212 (a) be a graduate of an accredited educational program in radiologic technology or
3213 certified by the American Registry of Radiologic Technologists or any equivalent educational
3214 program approved by the division in collaboration with the board; and

3215 (b) have passed an examination approved by the division in collaboration with the
3216 board.

3217 (3) Each applicant for licensure as a radiology practical technician shall, in addition to
3218 the requirements of Subsection (1), have passed a basic examination and one or more specialty
3219 examinations that are competency based, using a task analysis of the scope of practice of
3220 radiology practical technicians in the state. The basic examination and the specialty
3221 examination shall be approved by the division in collaboration with the board and the licensing
3222 board of the profession within which the radiology practical technician will be practicing.

3223 (4) The division shall provide for administration of the radiology practical technician
3224 examination not less than monthly at offices designated by the division and located:

3225 (a) in Salt Lake City; and

3226 (b) within each local health department jurisdictional area.

3227 (5) (a) Except as provided in Subsection (5)(b), each applicant for licensure as a
3228 radiologist assistant shall:

3229 (i) meet the requirements of Subsections (1) and (2);

3230 (ii) have a Bachelor of Science degree; and

3231 (iii) be certified as:

3232 (A) a radiologist assistant by the American Registry of Radiologic Technologists; or

3233 (B) a radiology practitioner assistant by the Certification Board of Radiology

3234 Practitioner Assistants.

3235 (b) An individual who meets the requirements of Subsections (5)(a)(i) and (iii), but not
3236 Subsection (5)(a)(ii), may be licensed as a radiologist assistant under this chapter until May 31,
3237 2013, at which time, the individual must have completed the Bachelor of Science degree in
3238 order to retain the license of radiologist assistant.

3239 Section 58. Section **58-55-103** is amended to read:

3240 **58-55-103. Construction Services Commission created -- Functions --**

3241 **Appointment -- Qualifications and terms of members -- Vacancies -- Expenses -- Meetings**
3242 **-- Concurrence.**

3243 (1) (a) There is created within the division the Construction Services Commission.

3244 (b) The commission shall:

3245 (i) with the concurrence of the director, make reasonable rules under Title 63G,

3246 Chapter 3, Utah Administrative Rulemaking Act, to administer and enforce this chapter which
3247 are consistent with this chapter including:

3248 (A) licensing of various licensees;

3249 (B) examination requirements and administration of the examinations, to include
3250 approving and establishing a passing score for applicant examinations;

3251 (C) standards of supervision for students or persons in training to become qualified to
3252 obtain a license in the trade they represent; and

3253 (D) standards of conduct for various licensees;

3254 (ii) approve or disapprove fees adopted by the division under Section 63J-1-504;

3255 (iii) except where the boards conduct them, conduct all administrative hearings not
3256 delegated to an administrative law judge relating to the licensing of any applicant;

3257 (iv) except as otherwise provided in Sections 38-11-207 and 58-55-503, with the
3258 concurrence of the director, impose sanctions against licensees and certificate holders with the
3259 same authority as the division under Section 58-1-401;

3260 (v) advise the director on the administration and enforcement of any matters affecting
3261 the division and the construction industry;

3262 (vi) advise the director on matters affecting the division budget;

3263 (vii) advise and assist trade associations in conducting construction trade seminars and
3264 industry education and promotion; and

3265 (viii) perform other duties as provided by this chapter.

3266 (2) (a) Initially the commission shall be comprised of the five members of the
3267 Contractors Licensing Board and two of the three chair persons from the Plumbers Licensing
3268 Board, the Alarm System Security and Licensing Board, and the Electricians Licensing Board.

3269 (b) The terms of office of the commission members who are serving on the Contractors
3270 Licensing Board shall continue as they serve on the commission.

3271 (c) Beginning July 1, 2004, the commission shall be comprised of nine members
3272 appointed by the executive director with the approval of the governor from the following
3273 groups:

3274 (i) one member shall be a licensed general engineering contractor;

3275 (ii) one member shall be a licensed general building contractor;

3276 (iii) two members shall be licensed residential and small commercial contractors;

3277 (iv) three members shall be the three chair persons from the Plumbers Licensing Board,
3278 the Alarm System Security and Licensing Board, and the Electricians Licensing Board; and

3279 (v) two members shall be from the general public~~[- provided, however that the certified~~
3280 ~~public accountant on the Contractors Licensing Board will continue to serve until the current~~
3281 ~~term expires, after which both members under this Subsection (2)(c)(v) shall be appointed from~~
3282 ~~the general public].~~

3283 (3) (a) Except as required by Subsection (3)(b), as terms of current commission
3284 members expire, the executive director with the approval of the governor shall appoint each

3285 new member or reappointed member to a four-year term ending June 30.

3286 (b) Notwithstanding the requirements of Subsection (3)(a), the executive director with
3287 the approval of the governor shall, at the time of appointment or reappointment, adjust the
3288 length of terms to stagger the terms of commission members so that approximately 1/2 of the
3289 commission members are appointed every two years.

3290 (c) A commission member may not serve more than two consecutive terms.

3291 (4) The commission shall elect annually one of its members as chair, for a term of one
3292 year.

3293 (5) When a vacancy occurs in the membership for any reason, the replacement shall be
3294 appointed for the unexpired term.

3295 (6) A member may not receive compensation or benefits for the member's service, but
3296 may receive per diem and travel expenses in accordance with:

3297 (a) Section 63A-3-106;

3298 (b) Section 63A-3-107; and

3299 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
3300 63A-3-107.

3301 (7) (a) The commission shall meet at least monthly unless the director determines
3302 otherwise.

3303 (b) The director may call additional meetings at the director's discretion, upon the
3304 request of the chair, or upon the written request of four or more commission members.

3305 (8) (a) Five members constitute a quorum for the transaction of business.

3306 (b) If a quorum is present when a vote is taken, the affirmative vote of commission
3307 members present is the act of the commission.

3308 (9) The commission shall comply with the procedures and requirements of Title 13,
3309 Chapter 1, Department of Commerce, and Title 63G, Chapter 4, Administrative Procedures
3310 Act, in all of its adjudicative proceedings.

3311 (10) (a) For purposes of this Subsection (10), "concurrence" means the entities given a
3312 concurring role must jointly agree for the action to be taken.

3313 (b) If a provision of this chapter requires concurrence between the director or division
3314 and the commission and no concurrence can be reached, the director or division has final
3315 authority.

3316 (c) When this chapter requires concurrence between the director or division and the
3317 commission:

3318 (i) the director or division shall report to and update the commission on a regular basis
3319 related to matters requiring concurrence; and

3320 (ii) the commission shall review the report submitted by the director or division under
3321 this Subsection (10)(c) and concur with the report, or:

3322 (A) provide a reason for not concurring with the report; and

3323 (B) provide recommendations to the director or division.

3324 Section 59. Section **58-55-106** is amended to read:

3325 **58-55-106. Surcharge fee.**

3326 (1) In addition to any other fees authorized by this chapter or by the division in
3327 accordance with Section 63J-1-504, the division shall require each applicant for an initial
3328 license, renewal of a license, or reinstatement of a license under this chapter to pay a \$1
3329 surcharge fee.

3330 (2) The surcharge fee shall be deposited in the General Fund as a dedicated credit to be
3331 used by the division to provide each licensee under this chapter with access to an electronic
3332 reference library that provides web-based access to national, state, and local building codes and
3333 standards.

3334 Section 60. Section **58-55-302** is amended to read:

3335 **58-55-302. Qualifications for licensure.**

3336 (1) Each applicant for a license under this chapter shall:

3337 (a) submit an application prescribed by the division;

3338 (b) pay a fee as determined by the department under Section 63J-1-504;

3339 (c) meet the examination requirements established by this section and by rule by the
3340 commission with the concurrence of the director, which requirements include:

3341 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty
3342 contractor, no division-administered examination is required;

3343 (ii) for licensure as a general building contractor, general engineering contractor,
3344 residential and small commercial contractor, general plumbing contractor, residential plumbing
3345 contractor, general electrical contractor, or residential electrical contractor, the only required
3346 division-administered examination is a division-administered examination that covers

3347 information from the 25-hour course described in Subsection (1)(e)(iii), which course may
3348 have been previously completed as part of applying for any other license under this chapter,
3349 and, if the 25-hour course was completed on or after July 1, 2019, the five-hour business law
3350 course described in Subsection (1)(e)(iv); and

3351 (iii) if required in Section 58-55-304, an individual qualifier must pass the required
3352 division-administered examination if the applicant is a business entity;

3353 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

3354 (e) if an applicant for a contractor's license:

3355 (i) produce satisfactory evidence of financial responsibility, except for a construction
3356 trades instructor for whom evidence of financial responsibility is not required;

3357 (ii) produce satisfactory evidence of:

3358 (A) except as provided in Subsection (2)(a), and except that no employment experience
3359 is required for licensure as a specialty contractor, two years full-time paid employment
3360 experience in the construction industry, which employment experience, unless more
3361 specifically described in this section, may be related to any contracting classification and does
3362 not have to include supervisory experience; and

3363 (B) knowledge of the principles of the conduct of business as a contractor, reasonably
3364 necessary for the protection of the public health, safety, and welfare;

3365 (iii) except as otherwise provided by rule by the commission with the concurrence of
3366 the director, complete a 25-hour course established by rule by the commission with the
3367 concurrence of the director, which is taught by an approved preclicensure course provider, and
3368 which course may include:

3369 (A) construction business practices;

3370 (B) bookkeeping fundamentals;

3371 (C) mechanics lien fundamentals;

3372 (D) other aspects of business and construction principles considered important by the
3373 commission with the concurrence of the director; and

3374 (E) for no additional fee, a provider-administered examination at the end of the
3375 25-hour course;

3376 (iv) complete a five-hour business and law course established by rule by the
3377 commission with the concurrence of the director, which is taught by an approved preclicensure

3378 course provider, if an applicant for licensure as a general building contractor, general
3379 engineering contractor, residential and small commercial contractor, general plumbing
3380 contractor, residential plumbing contractor, general electrical contractor, or residential
3381 electrical contractor, except that if the 25-hour course described in Subsection (1)(e)(iii) was
3382 completed before July 1, 2019, the applicant does not need to take the business and law course;

3383 (v) (A) be a licensed master electrician if an applicant for an electrical contractor's
3384 license or a licensed master residential electrician if an applicant for a residential electrical
3385 contractor's license;

3386 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or
3387 a licensed master residential plumber if an applicant for a residential plumbing contractor's
3388 license; or

3389 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years
3390 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

3391 (vi) when the applicant is an unincorporated entity, provide a list of the one or more
3392 individuals who hold an ownership interest in the applicant as of the day on which the
3393 application is filed that includes for each individual:

3394 (A) the individual's name, address, birth date, and social security number; and

3395 (B) whether the individual will engage in a construction trade; and

3396 (f) if an applicant for a construction trades instructor license, satisfy any additional
3397 requirements established by rule.

3398 (2) (a) If the applicant for a contractor's license described in Subsection (1) is a
3399 building inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory
3400 evidence of two years full-time paid employment experience as a building inspector, which
3401 shall include at least one year full-time experience as a licensed combination inspector.

3402 (b) ~~[After approval of an applicant for a contractor's license by the applicable board~~
3403 ~~and the division, the] The applicant shall file the following with the division before the division~~
3404 issues the license:

3405 (i) proof of workers' compensation insurance which covers employees of the applicant
3406 in accordance with applicable Utah law;

3407 (ii) proof of public liability insurance in coverage amounts and form established by rule
3408 except for a construction trades instructor for whom public liability insurance is not required;

3409 and

3410 (iii) proof of registration as required by applicable law with the:

3411 (A) Department of Commerce;

3412 (B) Division of Corporations and Commercial Code;

3413 (C) Unemployment Insurance Division in the Department of Workforce Services, for
3414 purposes of Title 35A, Chapter 4, Employment Security Act;

3415 (D) State Tax Commission; and

3416 (E) Internal Revenue Service.

3417 (3) In addition to the general requirements for each applicant in Subsection (1),
3418 applicants shall comply with the following requirements to be licensed in the following
3419 classifications:

3420 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

3421 (A) has been a licensed journeyman plumber for at least two years and had two years of
3422 supervisory experience as a licensed journeyman plumber in accordance with division rule;

3423 (B) has received at least an associate of applied science degree or similar degree
3424 following the completion of a course of study approved by the division and had one year of
3425 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

3426 (C) meets the qualifications for expedited licensure as established by rules made by the
3427 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3428 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3429 and skills to be a licensed master plumber.

3430 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at
3431 least four years of practical experience as a licensed apprentice under the supervision of a
3432 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect
3433 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current
3434 master plumber license under this chapter, and satisfies the requirements of this Subsection
3435 (3)(a) for the purpose of renewal or reinstatement of that license under Section 58-55-303.

3436 (iii) An individual holding a valid plumbing contractor's license or residential
3437 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
3438 2008:

3439 (A) considered to hold a current master plumber license under this chapter if licensed

3440 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this
3441 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section
3442 58-55-303; and

3443 (B) considered to hold a current residential master plumber license under this chapter if
3444 licensed as a residential plumbing contractor and a residential journeyman plumber, and
3445 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of
3446 that license under Section 58-55-303.

3447 (b) A master residential plumber applicant shall produce satisfactory evidence that the
3448 applicant:

3449 (i) has been a licensed residential journeyman plumber for at least two years and had
3450 two years of supervisory experience as a licensed residential journeyman plumber in
3451 accordance with division rule; or

3452 (ii) meets the qualifications for expedited licensure as established by rules made by the
3453 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3454 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3455 and skills to be a licensed master residential plumber.

3456 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

3457 (i) successful completion of the equivalent of at least four years of full-time training
3458 and instruction as a licensed apprentice plumber under supervision of a licensed master
3459 plumber or journeyman plumber and in accordance with a planned program of training
3460 approved by the division;

3461 (ii) at least eight years of full-time experience approved by the division in collaboration
3462 with the Plumbers Licensing Board; or

3463 (iii) meeting the qualifications for expedited licensure as established by rules made by
3464 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3465 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3466 and skills to be a licensed journeyman plumber.

3467 (d) A residential journeyman plumber shall produce satisfactory evidence of:

3468 (i) completion of the equivalent of at least three years of full-time training and
3469 instruction as a licensed apprentice plumber under the supervision of a licensed residential
3470 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in

3471 accordance with a planned program of training approved by the division;

3472 (ii) completion of at least six years of full-time experience in a maintenance or repair
3473 trade involving substantial plumbing work; or

3474 (iii) meeting the qualifications for expedited licensure as established by rules made by
3475 the commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3476 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3477 and skills to be a licensed residential journeyman plumber.

3478 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be
3479 in accordance with the following:

3480 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
3481 under the immediate supervision of a licensed master plumber, licensed residential master
3482 plumber, licensed journeyman plumber, or licensed residential journeyman plumber;

3483 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed
3484 apprentice plumber may work without supervision for a period not to exceed eight hours in any
3485 24-hour period; and

3486 (iii) rules made by the commission, with the concurrence of the director, in accordance
3487 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of
3488 apprentices allowed under the immediate supervision of a licensed supervisor, including the
3489 ratio of apprentices in their fourth year of training or later that are allowed to be under the
3490 immediate supervision of a licensed supervisor.

3491 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

3492 (i) is a graduate electrical engineer of an accredited college or university approved by
3493 the division and has one year of practical electrical experience as a licensed apprentice
3494 electrician;

3495 (ii) is a graduate of an electrical trade school, having received an associate of applied
3496 sciences degree following successful completion of a course of study approved by the division,
3497 and has two years of practical experience as a licensed journeyman electrician;

3498 (iii) has four years of practical experience as a journeyman electrician; or

3499 (iv) meets the qualifications for expedited licensure as established by rules made by the
3500 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3501 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge

3502 and skills to be a licensed master electrician.

3503 (g) A master residential electrician applicant shall produce satisfactory evidence that
3504 the applicant:

3505 (i) has at least two years of practical experience as a residential journeyman electrician;
3506 or

3507 (ii) meets the qualifications for expedited licensure as established by rules made by the
3508 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3509 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3510 and skills to be a master residential electrician.

3511 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
3512 applicant:

3513 (i) has successfully completed at least four years of full-time training and instruction as
3514 a licensed apprentice electrician under the supervision of a master electrician or journeyman
3515 electrician and in accordance with a planned training program approved by the division;

3516 (ii) has at least eight years of full-time experience approved by the division in
3517 collaboration with the Electricians Licensing Board; or

3518 (iii) meets the qualifications for expedited licensure as established by rules made by the
3519 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3520 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3521 and skills to be a licensed journeyman electrician.

3522 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
3523 that the applicant:

3524 (i) has successfully completed two years of training in an electrical training program
3525 approved by the division;

3526 (ii) has four years of practical experience in wiring, installing, and repairing electrical
3527 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
3528 journeyman, residential master, or residential journeyman electrician; or

3529 (iii) meets the qualifications for expedited licensure as established by rules made by the
3530 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3531 Utah Administrative Rulemaking Act, that clearly demonstrate the applicant has the knowledge
3532 and skills to be a licensed residential journeyman electrician.

3533 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall
3534 be in accordance with the following:

3535 (i) A licensed apprentice electrician shall be under the immediate supervision of a
3536 licensed master, journeyman, residential master, or residential journeyman electrician;

3537 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed
3538 apprentice electrician may work without supervision for a period not to exceed eight hours in
3539 any 24-hour period;

3540 (iii) rules made by the commission, with the concurrence of the director, in accordance
3541 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the ratio of
3542 apprentices allowed under the immediate supervision of a licensed supervisor, including the
3543 ratio of apprentices in their fourth year of training or later that are allowed to be under the
3544 immediate supervision of a licensed supervisor; and

3545 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a
3546 residential project, or more if established by rules made by the commission, in concurrence
3547 with the director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
3548 Act.

3549 (k) An alarm company applicant shall:

3550 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
3551 the applicant who:

3552 (A) demonstrates 6,000 hours of experience in the alarm company business;

3553 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
3554 company business or in a construction business; and

3555 (C) passes an examination component established by rule by the commission with the
3556 concurrence of the director;

3557 (ii) if a corporation, provide:

3558 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3559 of all corporate officers, directors, and those responsible management personnel employed
3560 within the state or having direct responsibility for managing operations of the applicant within
3561 the state; and

3562 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3563 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this

3564 shall not be required if the stock is publicly listed and traded;
3565 (iii) if a limited liability company, provide:
3566 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3567 of all company officers, and those responsible management personnel employed within the
3568 state or having direct responsibility for managing operations of the applicant within the state;
3569 and
3570 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
3571 of all individuals owning 5% or more of the equity of the company;
3572 (iv) if a partnership, provide the names, addresses, dates of birth, social security
3573 numbers, and fingerprint cards of all general partners, and those responsible management
3574 personnel employed within the state or having direct responsibility for managing operations of
3575 the applicant within the state;
3576 (v) if a proprietorship, provide the names, addresses, dates of birth, social security
3577 numbers, and fingerprint cards of the proprietor, and those responsible management personnel
3578 employed within the state or having direct responsibility for managing operations of the
3579 applicant within the state;
3580 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and
3581 fingerprint cards of the trustee, and those responsible management personnel employed within
3582 the state or having direct responsibility for managing operations of the applicant within the
3583 state;
3584 (vii) be of good moral character in that officers, directors, shareholders described in
3585 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel
3586 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other
3587 crime that when considered with the duties and responsibilities of an alarm company is
3588 considered by the board to indicate that the best interests of the public are served by granting
3589 the applicant a license;
3590 (viii) document that none of the applicant's officers, directors, shareholders described
3591 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management
3592 personnel have been declared by any court of competent jurisdiction incompetent by reason of
3593 mental defect or disease and not been restored;
3594 (ix) document that none of the applicant's officers, directors, shareholders described in

3595 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are
3596 currently suffering from habitual drunkenness or from drug addiction or dependence;
3597 (x) file and maintain with the division evidence of:
3598 (A) comprehensive general liability insurance in form and in amounts to be established
3599 by rule by the commission with the concurrence of the director;
3600 (B) workers' compensation insurance that covers employees of the applicant in
3601 accordance with applicable Utah law; and
3602 (C) registration as is required by applicable law with the:
3603 (I) Division of Corporations and Commercial Code;
3604 (II) Unemployment Insurance Division in the Department of Workforce Services, for
3605 purposes of Title 35A, Chapter 4, Employment Security Act;
3606 (III) State Tax Commission; and
3607 (IV) Internal Revenue Service; and
3608 (xi) meet with the division and board.
3609 (l) Each applicant for licensure as an alarm company agent shall:
3610 (i) submit an application in a form prescribed by the division accompanied by
3611 fingerprint cards;
3612 (ii) pay a fee determined by the department under Section 63J-1-504;
3613 (iii) be of good moral character in that the applicant has not been convicted of a felony,
3614 a misdemeanor involving moral turpitude, or any other crime that when considered with the
3615 duties and responsibilities of an alarm company agent is considered by the board to indicate
3616 that the best interests of the public are served by granting the applicant a license;
3617 (iv) not have been declared by any court of competent jurisdiction incompetent by
3618 reason of mental defect or disease and not been restored;
3619 (v) not be currently suffering from habitual drunkenness or from drug addiction or
3620 dependence; and
3621 (vi) meet with the division and board if requested by the division or the board.
3622 (m) (i) Each applicant for licensure as an elevator mechanic shall:
3623 (A) provide documentation of experience and education credits of not less than three
3624 years work experience in the elevator industry, in construction, maintenance, or service and
3625 repair; and

3626 (B) satisfactorily complete a written examination administered by the division
3627 established by rule under Section 58-1-203; or

3628 (C) provide certificates of completion of an apprenticeship program for elevator
3629 mechanics, having standards substantially equal to those of this chapter and registered with the
3630 United States Department of Labor Bureau Apprenticeship and Training or a state
3631 apprenticeship council.

3632 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
3633 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
3634 repairing, or maintaining an elevator, the contractor may:

3635 (I) notify the division of the unavailability of licensed personnel; and

3636 (II) request the division issue a temporary elevator mechanic license to an individual
3637 certified by the contractor as having an acceptable combination of documented experience and
3638 education to perform the work described in this Subsection (3)(m)(ii)(A).

3639 (B) (I) The division may issue a temporary elevator mechanic license to an individual
3640 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by
3641 the appropriate fee as determined by the department under Section 63J-1-504.

3642 (II) The division shall specify the time period for which the license is valid and may
3643 renew the license for an additional time period upon its determination that a shortage of
3644 licensed elevator mechanics continues to exist.

3645 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
3646 division may make rules establishing when Federal Bureau of Investigation records shall be
3647 checked for applicants as an alarm company or alarm company agent.

3648 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and
3649 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the
3650 Department of Public Safety with the division's request to:

3651 (a) conduct a search of records of the Department of Public Safety for criminal history
3652 information relating to each applicant for licensure as an alarm company or alarm company
3653 agent and each applicant's officers, directors, shareholders described in Subsection
3654 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

3655 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
3656 requiring a check of records of the Federal Bureau of Investigation for criminal history

3657 information under this section.

3658 (6) The Department of Public Safety shall send to the division:

3659 (a) a written record of criminal history, or certification of no criminal history record, as
3660 contained in the records of the Department of Public Safety in a timely manner after receipt of
3661 a fingerprint card from the division and a request for review of Department of Public Safety
3662 records; and

3663 (b) the results of the Federal Bureau of Investigation review concerning an applicant in
3664 a timely manner after receipt of information from the Federal Bureau of Investigation.

3665 (7) (a) The division shall charge each applicant for licensure as an alarm company or
3666 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of
3667 performing the records reviews under this section.

3668 (b) The division shall pay the Department of Public Safety the costs of all records
3669 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the
3670 costs of records reviews under this section.

3671 (8) Information obtained by the division from the reviews of criminal history records of
3672 the Department of Public Safety and the Federal Bureau of Investigation shall be used or
3673 disseminated by the division only for the purpose of determining if an applicant for licensure as
3674 an alarm company or alarm company agent is qualified for licensure.

3675 (9) (a) An application for licensure under this chapter shall be denied if:

3676 (i) the applicant has had a previous license, which was issued under this chapter,
3677 suspended or revoked within two years before the date of the applicant's application;

3678 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

3679 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
3680 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
3681 status, performing similar functions, or directly or indirectly controlling the applicant has
3682 served in any similar capacity with any person or entity which has had a previous license,
3683 which was issued under this chapter, suspended or revoked within two years before the date of
3684 the applicant's application;

3685 (iii) (A) the applicant is an individual or sole proprietorship; and

3686 (B) any owner or agent acting as a qualifier has served in any capacity listed in
3687 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under

3688 this chapter, suspended or revoked within two years before the date of the applicant's
3689 application; or

3690 (iv) (A) the applicant includes an individual who was an owner, director, or officer of
3691 an unincorporated entity at the time the entity's license under this chapter was revoked; and

3692 (B) the application for licensure is filed within 60 months after the revocation of the
3693 unincorporated entity's license.

3694 (b) An application for licensure under this chapter shall be reviewed by the appropriate
3695 licensing board prior to approval if:

3696 (i) the applicant has had a previous license, which was issued under this chapter,
3697 suspended or revoked more than two years before the date of the applicant's application;

3698 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

3699 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
3700 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
3701 status, performing similar functions, or directly or indirectly controlling the applicant has
3702 served in any similar capacity with any person or entity which has had a previous license,
3703 which was issued under this chapter, suspended or revoked more than two years before the date
3704 of the applicant's application; or

3705 (iii) (A) the applicant is an individual or sole proprietorship; and

3706 (B) any owner or agent acting as a qualifier has served in any capacity listed in
3707 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
3708 this chapter, suspended or revoked more than two years before the date of the applicant's
3709 application.

3710 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status
3711 report with the division every 30 days after the day on which the license is issued if the licensee
3712 has more than five owners who are individuals who:

3713 (A) own an interest in the contractor that is an unincorporated entity;

3714 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the
3715 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the
3716 unincorporated entity; and

3717 (C) engage, or will engage, in a construction trade in the state as owners of the
3718 contractor described in Subsection (10)(a)(i)(A).

3719 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the
3720 licensee shall provide the ownership status report with an application for renewal of licensure.

3721 (b) An ownership status report required under this Subsection (10) shall:

3722 (i) specify each addition or deletion of an owner:

3723 (A) for the first ownership status report, after the day on which the unincorporated
3724 entity is licensed under this chapter; and

3725 (B) for a subsequent ownership status report, after the day on which the previous
3726 ownership status report is filed;

3727 (ii) be in a format prescribed by the division that includes for each owner, regardless of
3728 the owner's percentage ownership in the unincorporated entity, the information described in
3729 Subsection(1)(e)(vi);

3730 (iii) list the name of:

3731 (A) each officer or manager of the unincorporated entity; and

3732 (B) each other individual involved in the operation, supervision, or management of the
3733 unincorporated entity; and

3734 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504
3735 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).

3736 (c) The division may, at any time, audit an ownership status report under this
3737 Subsection (10):

3738 (i) to determine if financial responsibility has been demonstrated or maintained as
3739 required under Section 58-55-306; and

3740 (ii) to determine compliance with Subsection 58-55-501(23), (24), [~~(25)~~, or ~~(27)~~] or
3741 (26) or Subsection 58-55-502(8) or (9).

3742 (11) (a) An unincorporated entity that provides labor to an entity licensed under this
3743 chapter by providing an individual who owns an interest in the unincorporated entity to engage
3744 in a construction trade in Utah shall file with the division:

3745 (i) before the individual who owns an interest in the unincorporated entity engages in a
3746 construction trade in Utah, a current list of the one or more individuals who hold an ownership
3747 interest in the unincorporated entity that includes for each individual:

3748 (A) the individual's name, address, birth date, and social security number; and

3749 (B) whether the individual will engage in a construction trade; and

3750 (ii) every 30 days after the day on which the unincorporated entity provides the list
3751 described in Subsection (11)(a)(i), an ownership status report containing the information that
3752 would be required under Subsection (10) if the unincorporated entity were a licensed
3753 contractor.

3754 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership
3755 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by
3756 the division in accordance with Section 63J-1-504.

3757 (12) This chapter may not be interpreted to create or support an express or implied
3758 independent contractor relationship between an unincorporated entity described in Subsection
3759 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax
3760 withholding.

3761 (13) A social security number provided under Subsection (1)(e)(vi) is a private record
3762 under Subsection 63G-2-302(1)(i).

3763 Section 61. Section **58-55-305** is amended to read:

3764 **58-55-305. Exemptions from licensure.**

3765 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
3766 persons may engage in acts or practices included within the practice of construction trades,
3767 subject to the stated circumstances and limitations, without being licensed under this chapter:

3768 (a) an authorized representative of the United States government or an authorized
3769 employee of the state or any of its political subdivisions when working on construction work of
3770 the state or the subdivision, and when acting within the terms of the person's trust, office, or
3771 employment;

3772 (b) a person engaged in construction or operation incidental to the construction and
3773 repair of irrigation and drainage ditches of regularly constituted irrigation districts, reclamation
3774 districts, and drainage districts or construction and repair relating to farming, dairying,
3775 agriculture, livestock or poultry raising, metal and coal mining, quarries, sand and gravel
3776 excavations, well drilling, as defined in Section 73-3-25, hauling to and from construction
3777 sites, and lumbering;

3778 (c) public utilities operating under the rules of the Public Service Commission on work
3779 incidental to their own business;

3780 (d) a sole [owners] owner of property engaged in building:

3781 (i) no more than one residential structure per year on the sole owner's property and no
3782 more than three residential structures per five years on [~~their~~] the sole owner's property for
3783 [~~their own~~] the sole owner's noncommercial, nonpublic use [~~;~~ ~~except~~], except that a person
3784 other than the property owner or [~~individuals~~] a person described in Subsection (1)(e), who
3785 engages in building [~~the~~] a residential structure must be licensed under this chapter if the
3786 person is otherwise required to be licensed under this chapter; or

3787 (ii) structures on [~~their~~] the sole owner's property for [~~their own~~] the sole owner's
3788 noncommercial, nonpublic use [~~which~~] that are incidental to a residential structure on the
3789 property, including [~~sheds, carports, or detached garages~~] a shed, carport, or detached garage;

3790 (e) (i) a person engaged in construction or renovation of a residential building for
3791 noncommercial, nonpublic use if that person:

3792 (A) works without compensation other than token compensation that is not considered
3793 salary or wages; and

3794 (B) works under the direction of the property owner who engages in building the
3795 structure; and

3796 (ii) as used in this Subsection (1)(e), "token compensation" means compensation paid
3797 by a sole owner of property exempted from licensure under Subsection (1)(d) to a person
3798 exempted from licensure under this Subsection (1)(e), that is:

3799 (A) minimal in value when compared with the fair market value of the services
3800 provided by the person;

3801 (B) not related to the fair market value of the services provided by the person; and

3802 (C) is incidental to the providing of services by the person including paying for or
3803 providing meals or refreshment while services are being provided, or paying reasonable
3804 transportation costs incurred by the person in travel to the site of construction;

3805 (f) a person engaged in the sale or merchandising of personal property that by its design
3806 or manufacture may be attached, installed, or otherwise affixed to real property who has
3807 contracted with a person, firm, or corporation licensed under this chapter to install, affix, or
3808 attach that property;

3809 (g) a contractor submitting a bid on a federal aid highway project, if, before
3810 undertaking construction under that bid, the contractor is licensed under this chapter;

3811 (h) (i) subject to Subsection 58-1-401(2) and Sections 58-55-501 and 58-55-502, a

3812 person engaged in the alteration, repair, remodeling, or addition to or improvement of a
3813 building with a contracted or agreed value of less than \$3,000, including both labor and
3814 materials, and including all changes or additions to the contracted or agreed upon work; and

3815 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
3816 section:

3817 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within
3818 any six month period of time:

3819 (I) must be performed by a licensed electrical or plumbing contractor, if the project
3820 involves an electrical or plumbing system; and

3821 (II) may be performed by a licensed journeyman electrician or plumber or an individual
3822 referred to in Subsection (1)(h)(ii)(A)(I), if the project involves a component of the system
3823 such as a faucet, toilet, fixture, device, outlet, or electrical switch;

3824 (B) installation, repair, or replacement of a residential or commercial gas appliance or a
3825 combustion system on a Subsection (1)(h)(i) project must be performed by a person who has
3826 received certification under Subsection 58-55-308(2) except as otherwise provided in
3827 Subsection 58-55-308(2)(d) or 58-55-308(3);

3828 (C) installation, repair, or replacement of water-based fire protection systems on a
3829 Subsection (1)(h)(i) project must be performed by a licensed fire suppression systems
3830 contractor or a licensed journeyman plumber;

3831 (D) work as an alarm business or company or as an alarm company agent shall be
3832 performed by a licensed alarm business or company or a licensed alarm company agent, except
3833 as otherwise provided in this chapter;

3834 (E) installation, repair, or replacement of an alarm system on a Subsection (1)(h)(i)
3835 project must be performed by a licensed alarm business or company or a licensed alarm
3836 company agent;

3837 (F) installation, repair, or replacement of a heating, ventilation, or air conditioning
3838 system (HVAC) on a Subsection (1)(h)(i) project must be performed by an HVAC contractor
3839 licensed by the division;

3840 (G) installation, repair, or replacement of a radon mitigation system or a soil
3841 depressurization system must be performed by a licensed contractor; and

3842 (H) if the total value of the project is greater than \$1,000, the person shall file with the

3843 division a one-time affirmation, subject to periodic reaffirmation as established by division
3844 rule, that the person has:

3845 (I) public liability insurance in coverage amounts and form established by division
3846 rule; and

3847 (II) if applicable, workers compensation insurance which would cover an employee of
3848 the person if that employee worked on the construction project;

3849 (i) a person practicing a specialty contractor classification or construction trade which
3850 the director does not classify by administrative rule as significantly impacting the public's
3851 health, safety, and welfare;

3852 (j) owners and lessees of property and persons regularly employed for wages by owners
3853 or lessees of property or their agents for the purpose of maintaining the property, are exempt
3854 from this chapter when doing work upon the property;

3855 (k) (i) a person engaged in minor plumbing work that is incidental, as defined by the
3856 division by rule, to the replacement or repair of a fixture or an appliance in a residential or
3857 small commercial building, or structure used for agricultural use, as defined in Section
3858 15A-1-202, provided that no modification is made to:

3859 (A) existing culinary water, soil, waste, or vent piping; or

3860 (B) a gas appliance or combustion system; and

3861 (ii) except as provided in Subsection (1)(e), installation for the first time of a fixture or
3862 an appliance is not included in the exemption provided under Subsection (1)(k)(i);

3863 (l) a person who ordinarily would be subject to the plumber licensure requirements
3864 under this chapter when installing or repairing a water conditioner or other water treatment
3865 apparatus if the conditioner or apparatus:

3866 (i) meets the appropriate state construction codes or local plumbing standards; and

3867 (ii) is installed or repaired under the direction of a person authorized to do the work
3868 under an appropriate specialty contractor license;

3869 (m) a person who ordinarily would be subject to the electrician licensure requirements
3870 under this chapter when employed by:

3871 (i) railroad corporations, telephone corporations or their corporate affiliates, elevator
3872 contractors or constructors, or street railway systems; or

3873 (ii) public service corporations, rural electrification associations, or municipal utilities

3874 who generate, distribute, or sell electrical energy for light, heat, or power;

3875 (n) a person involved in minor electrical work incidental to a mechanical or service
3876 installation, including the outdoor installation of an above-ground, prebuilt hot tub;

3877 (o) a person who ordinarily would be subject to the electrician licensure requirements
3878 under this chapter but who during calendar years 2009, 2010, or 2011 was issued a specialty
3879 contractor license for the electrical work associated with the installation, repair, or maintenance
3880 of solar energy panels, may continue the limited electrical work for solar energy panels under a
3881 specialty contractor license;

3882 (p) a student participating in construction trade education and training programs
3883 approved by the commission with the concurrence of the director under the condition that:

3884 (i) all work intended as a part of a finished product on which there would normally be
3885 an inspection by a building inspector is, in fact, inspected and found acceptable by a licensed
3886 building inspector; and

3887 (ii) a licensed contractor obtains the necessary building permits;

3888 (q) a delivery person when replacing any of the following existing equipment with a
3889 new gas appliance, provided there is an existing gas shutoff valve at the appliance:

3890 (i) gas range;

3891 (ii) gas dryer;

3892 (iii) outdoor gas barbeque; or

3893 (iv) outdoor gas patio heater;

3894 (r) a person performing maintenance on an elevator as defined in Section 58-55-102, if
3895 the maintenance is not related to the operating integrity of the elevator; and

3896 (s) an apprentice or helper of an elevator mechanic licensed under this chapter when
3897 working under the general direction of the licensed elevator mechanic.

3898 (2) A compliance agency as defined in Section 15A-1-202 that issues a building permit
3899 to a person requesting a permit as a sole owner of property referred to in Subsection (1)(d) shall
3900 notify the division, in writing or through electronic transmission, of the issuance of the permit.

3901 Section 62. Section **58-55-308** is amended to read:

3902 **58-55-308. Scope of practice -- Installation, repair, maintenance, or replacement**
3903 **of gas appliance, combustion system, or automatic fire sprinkler system -- Rules.**

3904 (1) (a) The commission, with the concurrence of the director, may adopt reasonable

3905 rules pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define and
3906 limit the scope of practice and operating standards of the classifications and subclassifications
3907 licensed under this chapter in a manner consistent with established practice in the relevant
3908 industry.

3909 (b) The commission and the director may limit the field and scope of operations of a
3910 licensee under this chapter in accordance with the rules and the public health, safety, and
3911 welfare, based on the licensee's education, training, experience, knowledge, and financial
3912 responsibility.

3913 (2) (a) The work and scope of practice covered by this Subsection (2) and Subsection
3914 (3) is the installation, repair, maintenance, cleaning, or replacement of a residential or
3915 commercial gas appliance or combustion system.

3916 (b) The provisions of this Subsection (2) apply to any:

3917 (i) licensee under this chapter whose license authorizes the licensee to perform the
3918 work described in Subsection (2)(a); and

3919 (ii) person exempt from licensure under Subsection 58-55-305[(1)(h)].

3920 (c) Any person described in Subsection (2)(b) that performs work described in
3921 Subsection (2)(a):

3922 (i) must first receive training and certification as specified in rules adopted by the
3923 commission, with the concurrence of the director, in accordance with Title 63G, Chapter 3,
3924 Utah Administrative Rulemaking Act; and

3925 (ii) shall ensure that any employee authorized under other provisions of this chapter to
3926 perform work described in Subsection (2)(a) has first received training and certification as
3927 specified in rules adopted by the division.

3928 (d) The division may exempt from the training requirements adopted under Subsection
3929 (2)(c) a person that has adequate experience, as determined by the division.

3930 (3) The division may exempt the following individuals from the certification
3931 requirements adopted under Subsection (2)(c):

3932 (a) a person who has passed a test equivalent to the level of testing required by the
3933 division for certification, or has completed an apprenticeship program that teaches the
3934 installation of gas line appliances and is approved by the Federal Bureau of Apprenticeship
3935 Training; and

3936 (b) a person working under the immediate one-to-one supervision of a certified natural
3937 gas technician or a person exempt from certification.

3938 (4) (a) The work and scope of practice covered by this Subsection (4) is the
3939 installation, repair, maintenance, or replacement of an automatic fire sprinkler system.

3940 (b) The provisions of this Subsection (4) apply to an individual acting as a qualifier for
3941 a business entity in accordance with Section 58-55-304, where the business entity seeks to
3942 perform the work described in Subsection (4)(a).

3943 (c) Before a business entity described in Subsection (4)(b) may perform the work
3944 described in Subsection (4)(a), the qualifier for the business entity shall:

3945 (i) be a licensed general building contractor; or

3946 (ii) obtain a certification in fire sprinkler fitting from the division by providing
3947 evidence to the division that the qualifier has met the following requirements:

3948 (A) completing a Department of Labor federally approved apprentice training program
3949 or completing two-years experience under the immediate supervision of a licensee who has
3950 obtained a certification in fire sprinkler fitting; and

3951 (B) passing the Star fire sprinklerfitting mastery examination offered by the National
3952 Inspection Testing and Certification Corporation or an equivalent examination approved by the
3953 division.

3954 (d) The division may also issue a certification in fire sprinkler fitting to a qualifier for a
3955 business entity who has received training and experience equivalent to the requirements of
3956 Subsection (4)(c), as specified in rules adopted by the commission, with the concurrence of the
3957 director, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

3958 (5) This section does not prohibit a licensed specialty contractor from accepting and
3959 entering into a contract involving the use of two or more crafts or trades if the performance of
3960 the work in the crafts or trades, other than that in which the contractor is licensed, is incidental
3961 and supplemental to the work for which the contractor is licensed.

3962 Section 63. Section **58-55-401** is amended to read:

3963 **58-55-401. Grounds for denial of license and disciplinary proceedings.**

3964 (1) In accordance with Section 58-1-401, the division may:

3965 (a) refuse to issue a license to an applicant;

3966 (b) refuse to renew the license of a licensee;

- 3967 (c) revoke the right of a licensee to recover from the Residence Lien Recovery Fund
3968 created by Section 38-11-201;
- 3969 (d) revoke, suspend, restrict, or place on probation the license of a licensee;
- 3970 (e) issue a public or private reprimand to a licensee; and
- 3971 (f) issue a cease and desist order.
- 3972 (2) In addition to an action taken under Subsection (1), the division may take an action
3973 described in Subsection 58-1-401(2) in relation to a license as a contractor, if:
- 3974 (a) the applicant or licensee is an unincorporated entity; and
- 3975 (b) an individual who holds an ownership interest in or is the qualifier under Section
3976 58-55-304 of the applicant or licensee engages in:
- 3977 (i) unlawful conduct as described in Section 58-55-501; or
- 3978 (ii) unprofessional conduct as described in Section 58-55-502.
- 3979 Section 64. Section **58-55-501** is amended to read:
- 3980 **58-55-501. Unlawful conduct.**
- 3981 Unlawful conduct includes:
- 3982 (1) engaging in a construction trade, acting as a contractor, an alarm business or
3983 company, or an alarm company agent, or representing oneself to be engaged in a construction
3984 trade or to be acting as a contractor in a construction trade requiring licensure, unless the
3985 person doing any of these is appropriately licensed or exempted from licensure under this
3986 chapter;
- 3987 (2) acting in a construction trade, as an alarm business or company, or as an alarm
3988 company agent beyond the scope of the license held;
- 3989 (3) hiring or employing a person who is not licensed under this chapter to perform
3990 work on a project, unless the person:
- 3991 (a) is an employee of a person licensed under this chapter for wages; and
- 3992 (b) is not required to be licensed under this chapter;
- 3993 (4) applying for or obtaining a building permit either for oneself or another when not
3994 licensed or exempted from licensure as a contractor under this chapter;
- 3995 (5) issuing a building permit to any person for whom there is no evidence of a current
3996 license or exemption from licensure as a contractor under this chapter;
- 3997 (6) applying for or obtaining a building permit for the benefit of or on behalf of any

- 3998 other person who is required to be licensed under this chapter but who is not licensed or is
3999 otherwise not entitled to obtain or receive the benefit of the building permit;
- 4000 (7) failing to obtain a building permit when required by law or rule;
- 4001 (8) submitting a bid for any work for which a license is required under this chapter by a
4002 person not licensed or exempted from licensure as a contractor under this chapter;
- 4003 (9) willfully or deliberately misrepresenting or omitting a material fact in connection
4004 with an application to obtain or renew a license under this chapter;
- 4005 (10) allowing one's license to be used by another except as provided by statute or rule;
- 4006 (11) doing business under a name other than the name appearing on the license, except
4007 as permitted by statute or rule;
- 4008 (12) if licensed as a contractor in the electrical trade or plumbing trade, journeyman
4009 plumber, residential journeyman plumber, journeyman electrician, master electrician, or
4010 residential electrician, failing to directly supervise an apprentice under one's supervision or
4011 exceeding the number of apprentices one is allowed to have under the contractor's supervision;
- 4012 (13) if licensed as a contractor or representing oneself to be a contractor, receiving any
4013 funds in payment for a specific project from an owner or any other person, which funds are to
4014 pay for work performed or materials and services furnished for that specific project, and after
4015 receiving the funds to exercise unauthorized control over the funds by failing to pay the full
4016 amounts due and payable to persons who performed work or furnished materials or services
4017 within a reasonable period of time;
- 4018 (14) employing an unlicensed alarm business or company or an unlicensed individual
4019 as an alarm company agent, except as permitted under the exemption from licensure provisions
4020 under Section 58-1-307;
- 4021 (15) if licensed as an alarm company or alarm company agent, filing with the division
4022 fingerprint cards for an applicant which are not those of the applicant, or are in any other way
4023 false or fraudulent and intended to mislead the division in its consideration of the applicant for
4024 licensure;
- 4025 (16) if licensed under this chapter, willfully or deliberately disregarding or violating:
- 4026 (a) the building or construction laws of this state or any political subdivision;
- 4027 (b) the safety and labor laws applicable to a project;
- 4028 (c) any provision of the health laws applicable to a project;

4029 (d) the workers' compensation insurance laws of the state applicable to a project;

4030 (e) the laws governing withholdings for employee state and federal income taxes,
4031 unemployment taxes, Social Security payroll taxes, or other required withholdings; or

4032 (f) reporting, notification, and filing laws of this state or the federal government;

4033 [~~(17) aiding or abetting any person in evading the provisions of this chapter or rules~~
4034 ~~established under the authority of the division to govern this chapter;~~]

4035 [~~(18)~~] (17) engaging in the construction trade or as a contractor for the construction of
4036 residences of up to two units when not currently registered or exempt from registration as a
4037 qualified beneficiary under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery
4038 Fund Act;

4039 [~~(19)~~] (18) failing, as an original contractor, as defined in Section 38-11-102, to
4040 include in a written contract the notification required in Section 38-11-108;

4041 [~~(20)~~] (19) wrongfully filing a preconstruction or construction lien in violation of
4042 Section 38-1a-308;

4043 [~~(21)~~] (20) if licensed as a contractor, not completing the approved continuing
4044 education required under Section 58-55-302.5;

4045 [~~(22)~~] (21) an alarm company allowing an employee with a temporary license under
4046 Section 58-55-312 to engage in conduct on behalf of the company outside the scope of the
4047 temporary license, as provided in Subsection 58-55-312(3)(a)(ii);

4048 [~~(23)~~] (22) an alarm company agent under a temporary license under Section 58-55-312
4049 engaging in conduct outside the scope of the temporary license, as provided in Subsection
4050 58-55-312(3)(a)(ii);

4051 [~~(24)~~] (23) (a) an unincorporated entity licensed under this chapter having an individual
4052 who owns an interest in the unincorporated entity engage in a construction trade in Utah while
4053 not lawfully present in the United States; or

4054 (b) an unincorporated entity providing labor to an entity licensed under this chapter by
4055 providing an individual who owns an interest in the unincorporated entity to engage in a
4056 construction trade in Utah while not lawfully present in the United States;

4057 [~~(25)~~] (24) an unincorporated entity failing to provide the following for an individual
4058 who engages, or will engage, in a construction trade in Utah for the unincorporated entity, or
4059 for an individual who engages, or will engage, in a construction trade in Utah for a separate

4060 entity for which the unincorporated entity provides the individual as labor:

4061 (a) workers' compensation coverage:

4062 (i) to the extent required by Title 34A, Chapter 2, Workers' Compensation Act, and
4063 Title 34A, Chapter 3, Utah Occupational Disease Act; or

4064 (ii) that would be required under the chapters listed in Subsection [~~(25)~~] (24)(a)(i) if
4065 the unincorporated entity were licensed under this chapter; and

4066 (b) unemployment compensation in accordance with Title 35A, Chapter 4,
4067 Employment Security Act, for an individual who owns, directly or indirectly, less than an 8%
4068 interest in the unincorporated entity, as defined by rule made by the division in accordance with
4069 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

4070 [~~(26)~~] (25) the failure of a sign installation contractor or nonelectrical outdoor
4071 advertising sign contractor, as classified and defined in division rules, to:

4072 (a) display the contractor's license number prominently on a vehicle that:

4073 (i) the contractor uses; and

4074 (ii) displays the contractor's business name; or

4075 (b) carry a copy of the contractor's license in any other vehicle that the contractor uses
4076 at a job site, whether or not the vehicle is owned by the contractor;

4077 [~~(27)~~] (26) (a) an unincorporated entity licensed under this chapter having an individual
4078 who owns an interest in the unincorporated entity engage in a construction trade in the state
4079 while the individual is using a Social Security number that does not belong to that individual;
4080 or

4081 (b) an unincorporated entity providing labor to an entity licensed under this chapter by
4082 providing an individual, who owns an interest in the unincorporated entity, to engage in a
4083 construction trade in the state while the individual is using a Social Security number that does
4084 not belong to that individual;

4085 [~~(28)~~] (27) a contractor failing to comply with a requirement imposed by a political
4086 subdivision, state agency, or board of education under Section 58-55-310; or

4087 [~~(29)~~] (28) failing to timely comply with the requirements described in Section
4088 58-55-605.

4089 Section 65. Section **58-55-503** is amended to read:

4090 **58-55-503. Penalty for unlawful conduct -- Citations.**

4091 (1) (a) (i) A person who violates Subsection 58-55-308(2), Subsection 58-55-501(1),
4092 (2), (3), (4), (5), (6), (7), (9), (10), (12), (14), (15), (21), (22), (23), (24), (25), (26), (27), or
4093 (28), [~~or (29)~~], or Subsection 58-55-504(2), or who fails to comply with a citation issued under
4094 this section after it is final, is guilty of a class A misdemeanor.

4095 (ii) As used in this section in reference to Subsection 58-55-504(2), "person" means an
4096 individual and does not include a sole proprietorship, joint venture, corporation, limited
4097 liability company, association, or organization of any type.

4098 (b) A person who violates the provisions of Subsection 58-55-501(8) may not be
4099 awarded and may not accept a contract for the performance of the work.

4100 (2) A person who violates the provisions of Subsection 58-55-501(13) is guilty of an
4101 infraction unless the violator did so with the intent to deprive the person to whom money is to
4102 be paid of the money received, in which case the violator is guilty of theft, as classified in
4103 Section 76-6-412.

4104 (3) Grounds for immediate suspension of a licensee's license by the division and the
4105 commission include:

4106 (a) the issuance of a citation for violation of Subsection 58-55-308(2), Section
4107 58-55-501, or Subsection 58-55-504(2); and

4108 (b) the failure by a licensee to make application to, report to, or notify the division with
4109 respect to any matter for which application, notification, or reporting is required under this
4110 chapter or rules adopted under this chapter, including:

4111 (i) applying to the division for a new license to engage in a new specialty classification
4112 or to do business under a new form of organization or business structure;

4113 (ii) filing a current financial statement with the division; and

4114 (iii) notifying the division concerning loss of insurance coverage or change in qualifier.

4115 (4) (a) If upon inspection or investigation, the division concludes that a person has
4116 violated the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),
4117 (10), (12), (14), [~~(19)~~] (18), (20), (21), (22), (23), (24), (25), (26), (27), or (28), [~~or (29)~~],
4118 Subsection 58-55-504(2), or any rule or order issued with respect to these subsections, and that
4119 disciplinary action is appropriate, the director or the director's designee from within the
4120 division shall promptly issue a citation to the person according to this chapter and any pertinent
4121 rules, attempt to negotiate a stipulated settlement, or notify the person to appear before an

4122 adjudicative proceeding conducted under Title 63G, Chapter 4, Administrative Procedures Act.

4123 (i) A person who is in violation of the provisions of Subsection 58-55-308(2),
4124 Subsection 58-55-501(1), (2), (3), (9), (10), (12), (14), [~~(19)~~] (18), (20), (21), (22), (23), (24),
4125 (25), (26), (27), or (28), [~~or (29)~~], or Subsection 58-55-504(2), as evidenced by an uncontested
4126 citation, a stipulated settlement, or by a finding of violation in an adjudicative proceeding, may
4127 be assessed a fine pursuant to this Subsection (4) and may, in addition to or in lieu of, be
4128 ordered to cease and desist from violating Subsection 58-55-308(2), Subsection 58-55-501(1),
4129 (2), (3), (9), (10), (12), (14), (19), (21), (24), (25), (26), (27), (28), or (29), or Subsection
4130 58-55-504(2).

4131 (ii) Except for a cease and desist order, the licensure sanctions cited in Section
4132 58-55-401 may not be assessed through a citation.

4133 (b) (i) A citation shall be in writing and describe with particularity the nature of the
4134 violation, including a reference to the provision of the chapter, rule, or order alleged to have
4135 been violated.

4136 (ii) A citation shall clearly state that the recipient must notify the division in writing
4137 within 20 calendar days of service of the citation if the recipient wishes to contest the citation
4138 at a hearing conducted under Title 63G, Chapter 4, Administrative Procedures Act.

4139 (iii) A citation shall clearly explain the consequences of failure to timely contest the
4140 citation or to make payment of any fines assessed by the citation within the time specified in
4141 the citation.

4142 (c) A citation issued under this section, or a copy of a citation, may be served upon a
4143 person upon whom a summons may be served:

4144 (i) in accordance with the Utah Rules of Civil Procedure;

4145 (ii) personally or upon the person's agent by a division investigator or by a person
4146 specially designated by the director; or

4147 (iii) by mail.

4148 (d) (i) If within 20 calendar days after the day on which a citation is served, the person
4149 to whom the citation was issued fails to request a hearing to contest the citation, the citation
4150 becomes the final order of the division and is not subject to further agency review.

4151 (ii) The period to contest a citation may be extended by the division for cause.

4152 (e) The division may refuse to issue or renew, suspend, revoke, or place on probation

4153 the license of a licensee who fails to comply with a citation after it becomes final.

4154 (f) The failure of an applicant for licensure to comply with a citation after it becomes
4155 final is a ground for denial of license.

4156 (g) A citation may not be issued under this section after the expiration of six months
4157 following the occurrence of a violation.

4158 (h) Except as provided in Subsection (5), the director or the director's designee shall
4159 assess a fine in accordance with the following:

4160 (i) for a first offense handled pursuant to Subsection (4)(a), a fine of up to \$1,000;

4161 (ii) for a second offense handled pursuant to Subsection (4)(a), a fine of up to \$2,000;

4162 and

4163 (iii) for any subsequent offense handled pursuant to Subsection (4)(a), a fine of up to
4164 \$2,000 for each day of continued offense.

4165 (i) (i) For purposes of issuing a final order under this section and assessing a fine under
4166 Subsection (4)(h), an offense constitutes a second or subsequent offense if:

4167 (A) the division previously issued a final order determining that a person committed a
4168 first or second offense in violation of Subsection 58-55-308(2), Subsection 58-55-501(1), (2),
4169 (3), (9), (10), (12), (14), [~~(19)~~] (18), (23), (24), (25), (26), (27), or (28), [~~or (29)~~]; or Subsection
4170 58-55-504(2); or

4171 (B) (I) the division initiated an action for a first or second offense;

4172 (II) a final order has not been issued by the division in the action initiated under
4173 Subsection (4)(i)(i)(B)(I);

4174 (III) the division determines during an investigation that occurred after the initiation of
4175 the action under Subsection (4)(i)(i)(B)(I) that the person committed a second or subsequent
4176 violation of the provisions of Subsection 58-55-308(2), Subsection 58-55-501(1), (2), (3), (9),
4177 (10), (12), (14), [~~(19)~~] (18), (23), (24), (25), (26), (27), or (28), [~~or (29)~~]; or Subsection
4178 58-55-504(2); and

4179 (IV) after determining that the person committed a second or subsequent offense under
4180 Subsection (4)(i)(i)(B)(III), the division issues a final order on the action initiated under
4181 Subsection (4)(i)(i)(B)(I).

4182 (ii) In issuing a final order for a second or subsequent offense under Subsection
4183 (4)(i)(i), the division shall comply with the requirements of this section.

4184 (j) In addition to any other licensure sanction or fine imposed under this section, the
4185 division shall revoke the license of a licensee that violates Subsection 58-55-501(23) or (24)
4186 [~~or (25)~~] two or more times within a 12-month period, unless, with respect to a violation of
4187 Subsection 58-55-501[~~(24)~~](23), the licensee can demonstrate that the licensee successfully
4188 verified the federal legal working status of the individual who was the subject of the violation
4189 using a status verification system, as defined in Section 13-47-102.

4190 (k) For purposes of this Subsection (4), a violation of Subsection 58-55-501(23) or (24)
4191 [~~or (25)~~] for each individual is considered a separate violation.

4192 (5) If a person violates Section 58-55-501, the division may not treat the violation as a
4193 subsequent violation of a previous violation if the violation occurs five years or more after the
4194 day on which the person committed the previous violation.

4195 (6) If, after an investigation, the division determines that a person has committed
4196 multiple of the same type of violation of Section 58-55-501, the division may treat each
4197 violation as a separate violation of Section 58-55-501 and apply a penalty under this section to
4198 each violation.

4199 (7) (a) A penalty imposed by the director under Subsection (4)(h) shall be deposited
4200 into the Commerce Service Account created by Section 13-1-2.

4201 (b) A penalty that is not paid may be collected by the director by either referring the
4202 matter to a collection agency or bringing an action in the district court of the county in which
4203 the person against whom the penalty is imposed resides or in the county where the office of the
4204 director is located.

4205 (c) A county attorney or the attorney general of the state shall provide legal assistance
4206 and advice to the director in an action to collect a penalty.

4207 (d) In an action brought to collect a penalty, the court shall award reasonable attorney
4208 fees and costs to the prevailing party.

4209 Section 66. Section **58-57-4** is amended to read:

4210 **58-57-4. Qualifications for a license.**

4211 (1) The division shall issue a respiratory care practitioner license to an applicant who
4212 meets the requirements specified in this section.

4213 (2) An applicant seeking licensure as a respiratory care practitioner shall:

4214 (a) submit an application on a form prescribed by the division;

- 4215 (b) pay a fee as determined by the department pursuant to Section 63J-1-504;
- 4216 [~~(c)~~ show evidence of good moral character;]
- 4217 [~~(d)~~ (c) possess a high school education or its equivalent, as determined by the
- 4218 division in collaboration with the board;
- 4219 [~~(e)~~ (d) have completed a respiratory care practitioner educational program that is
- 4220 accredited by a nationally accredited organization acceptable to the division as defined by rule;
- 4221 and
- 4222 [~~(f)~~ (e) pass an examination approved by the division in collaboration with the board.
- 4223 Section 67. Section **58-60-109** is amended to read:
- 4224 **58-60-109. Unlawful conduct.**
- 4225 As used in this chapter, "unlawful conduct" includes:
- 4226 (1) practice of the following unless licensed in the appropriate classification or
- 4227 exempted from licensure under this title:
- 4228 (a) mental health therapy;
- 4229 (b) clinical social work;
- 4230 (c) certified social work;
- 4231 (d) marriage and family therapy;
- 4232 (e) clinical mental health counselor;
- 4233 (f) practice as a social service worker; or
- 4234 (g) substance use disorder counselor;
- 4235 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
- 4236 documented to the division the licensed psychologist's completion of the supervised training in
- 4237 mental health therapy required under Subsection 58-61-304(1)[~~(f)~~](e); or
- 4238 (3) representing oneself as, or using the title of, the following:
- 4239 (a) unless currently licensed in a license classification under this title:
- 4240 (i) psychiatrist;
- 4241 (ii) psychologist;
- 4242 (iii) registered psychiatric mental health nurse specialist;
- 4243 (iv) mental health therapist;
- 4244 (v) clinical social worker;
- 4245 (vi) certified social worker;

- 4246 (vii) marriage and family therapist;
 4247 (viii) clinical mental health counselor;
 4248 (ix) social service worker;
 4249 (x) substance use disorder counselor;
 4250 (xi) associate clinical mental health counselor; or
 4251 (xii) associate marriage and family therapist; or
 4252 (b) unless currently in possession of the credentials described in Subsection (4), social
 4253 worker.

4254 (4) An individual may represent oneself as a, or use the title of, social worker if the
 4255 individual possesses certified transcripts from an accredited institution of higher education,
 4256 recognized by the division in collaboration with the Social Work Licensing Board, verifying
 4257 satisfactory completion of an education and an earned degree as follows:

4258 (a) a bachelor's or master's degree in a social work program accredited by the Council
 4259 on Social Work Education or by the Canadian Association of Schools of Social Work; or

4260 (b) a doctoral degree that contains a clinical social work concentration and practicum
 4261 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
 4262 Administrative Rulemaking Act, that is consistent with Section 58-1-203.

4263 Section 68. Section **58-60-115** is amended to read:

4264 **58-60-115. License by endorsement.**

4265 The division shall issue a license by endorsement under this chapter to a person who:

- 4266 (1) submits an application on a form provided by the division;
 4267 (2) pays a fee determined by the department under Section 63J-1-504;
 4268 (3) provides documentation of current licensure in good standing in a state, district, or
 4269 territory of the United States to practice in the profession for which licensure is being sought;
 4270 (4) except as provided in Subsection (5), provides documentation that the person has
 4271 engaged in the lawful practice of the profession for which licensure is sought for at least 4,000
 4272 hours, of which 1,000 hours are in mental health therapy;
 4273 (5) if applying for a license to practice as a licensed substance use disorder counselor,
 4274 provides documentation that the person:
 4275 (a) has engaged in the lawful practice of the profession for at least 4,000 hours; and
 4276 (b) has passed an examination approved by the division, by rule, to establish

4277 proficiency in the profession;

4278 (6) has passed the profession specific jurisprudence examination if required of a new
4279 applicant; and

4280 (7) is of good [~~moral character and~~] professional standing, and has no disciplinary
4281 action pending or in effect against the applicant's license in any jurisdiction.

4282 Section 69. Section **58-60-117** is amended to read:

4283 **58-60-117. Externship licenses.**

4284 (1) The division shall issue a temporary license under Part 2, Social Worker Licensing
4285 Act, Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health
4286 Counselor Licensing Act, of this chapter to a person who:

4287 (a) submits an application for licensure under Part 2, Social Worker Licensing Act,
4288 Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health
4289 Counselor Licensing Act;

4290 (b) pays a fee determined by the department under Section 63J-1-504;

4291 (c) holds an earned doctoral degree or master's degree in a discipline that is a
4292 prerequisite for practice as a mental health therapist;

4293 (d) has a deficiency, as defined by division rule, in course work;

4294 (e) provides mental health therapy as an employee of a public or private organization,
4295 which provides mental health therapy, while under the supervision of a person licensed under
4296 this chapter; and

4297 (f) [~~is of good moral character and~~] has no disciplinary action pending or in effect
4298 against the applicant in connection with the practice of mental health therapy, in any
4299 jurisdiction.

4300 (2) A temporary license issued under this section shall expire upon the earlier of:

4301 (a) issuance of the license applied for; or

4302 (b) unless the deadline is extended for good cause as determined by the division, three
4303 years from the date the temporary license was issued.

4304 (3) The temporary license issued under this section is an externship license.

4305 Section 70. Section **58-60-205** is amended to read:

4306 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
4307 **certified social worker, and social service worker.**

4308 (1) An applicant for licensure as a clinical social worker shall:

4309 (a) submit an application on a form provided by the division;

4310 (b) pay a fee determined by the department under Section 63J-1-504;

4311 [~~(c)~~ be of good moral character;]

4312 [~~(d)~~ (c) produce certified transcripts from an accredited institution of higher education

4313 recognized by the division in collaboration with the board verifying satisfactory completion of

4314 an education and an earned degree as follows:

4315 (i) a master's degree in a social work program accredited by the Council on Social

4316 Work Education or by the Canadian Association of Schools of Social Work; or

4317 (ii) a doctoral degree that contains a clinical social work concentration and practicum

4318 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah

4319 Administrative Rulemaking Act, that is consistent with Section 58-1-203;

4320 [~~(e)~~ (d) have completed a minimum of 4,000 hours of clinical social work training as

4321 defined by division rule under Section 58-1-203:

4322 (i) in not less than two years;

4323 (ii) under the supervision of a supervisor approved by the division in collaboration with

4324 the board who is a:

4325 (A) clinical mental health counselor;

4326 (B) psychiatrist;

4327 (C) psychologist;

4328 (D) registered psychiatric mental health nurse practitioner;

4329 (E) marriage and family therapist; or

4330 (F) clinical social worker; and

4331 (iii) including a minimum of two hours of training in suicide prevention via a course

4332 that the division designates as approved;

4333 [~~(f)~~ (e) document successful completion of not less than 1,000 hours of supervised

4334 training in mental health therapy obtained after completion of the education requirement in

4335 Subsection [~~(1)(d)~~] (1)(c), which training may be included as part of the 4,000 hours of training

4336 in Subsection [~~(1)(e)~~] (1)(d), and of which documented evidence demonstrates not less than

4337 100 of the hours were obtained under the direct supervision, as defined by rule, of a supervisor

4338 described in Subsection [~~(1)(e)(ii)~~] (1)(d)(ii);

4339 ~~[(g)]~~ (f) have completed a case work, group work, or family treatment course sequence
4340 with a clinical practicum in content as defined by rule under Section 58-1-203; and

4341 ~~[(h)]~~ (g) pass the examination requirement established by rule under Section 58-1-203.

4342 (2) An applicant for licensure as a certified social worker shall:

4343 (a) submit an application on a form provided by the division;

4344 (b) pay a fee determined by the department under Section 63J-1-504;

4345 ~~[(e) be of good moral character;]~~

4346 ~~[(d)]~~ (c) produce certified transcripts from an accredited institution of higher education
4347 recognized by the division in collaboration with the board verifying satisfactory completion of
4348 an education and an earned degree as follows:

4349 (i) a master's degree in a social work program accredited by the Council on Social
4350 Work Education or by the Canadian Association of Schools of Social Work; or

4351 (ii) a doctoral degree that contains a clinical social work concentration and practicum
4352 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah

4353 Administrative Rulemaking Act, that is consistent with Section 58-1-203; and

4354 ~~[(e)]~~ (d) pass the examination requirement established by rule under Section 58-1-203.

4355 (3) (a) An applicant for certification as a certified social worker intern shall meet the
4356 requirements of Subsections (2)(a), (b), ~~[(e), and (d)]~~ and (c).

4357 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the
4358 examination required under Subsection ~~[(2)(e)]~~ (2)(d) or six months, whichever occurs first.

4359 (c) A certified social worker intern may provide mental health therapy under the
4360 general supervision, as defined by rule, of a supervisor described in Subsection ~~[(1)(e)(ii)]~~

4361 (1)(d)(ii).

4362 (4) An applicant for licensure as a social service worker shall:

4363 (a) submit an application on a form provided by the division;

4364 (b) pay a fee determined by the department under Section 63J-1-504;

4365 ~~[(e) be of good moral character;]~~

4366 ~~[(d)]~~ (c) produce certified transcripts from an accredited institution of higher education
4367 recognized by the division in collaboration with the board verifying satisfactory completion of
4368 an education and an earned degree as follows:

4369 (i) a bachelor's degree in a social work program accredited by the Council on Social

- 4370 Work Education or by the Canadian Association of Schools of Social Work;
- 4371 (ii) a master's degree in a field approved by the division in collaboration with the
- 4372 board;
- 4373 (iii) a bachelor's degree in any field if the applicant:
- 4374 (A) has completed at least three semester hours, or the equivalent, in each of the
- 4375 following areas:
- 4376 (I) social welfare policy;
- 4377 (II) human growth and development; and
- 4378 (III) social work practice methods, as defined by rule; and
- 4379 (B) provides documentation that the applicant has completed at least 2,000 hours of
- 4380 qualifying experience under the supervision of a mental health therapist, which experience is
- 4381 approved by the division in collaboration with the board, and which is performed after
- 4382 completion of the requirements to obtain the bachelor's degree required under this Subsection
- 4383 (4); or
- 4384 (iv) successful completion of the first academic year of a Council on Social Work
- 4385 Education approved master's of social work curriculum and practicum; and
- 4386 ~~[(e)]~~ (d) pass the examination requirement established by rule under Section 58-1-203.
- 4387 (5) The division shall ensure that the rules for an examination described under
- 4388 Subsections ~~[(1)(h), (2)(e), and (4)(e)]~~ (1)(g), (2)(d), and (4)(d) allow additional time to
- 4389 complete the examination if requested by an applicant who is:
- 4390 (a) a foreign born legal resident of the United States for whom English is a second
- 4391 language; or
- 4392 (b) an enrolled member of a federally recognized Native American tribe.
- 4393 Section 71. Section **58-60-207** is amended to read:
- 4394 **58-60-207. Scope of practice -- Limitations.**
- 4395 (1) (a) A clinical social worker may engage in all acts and practices defined as the
- 4396 practice of clinical social work without supervision, in private and independent practice, or as
- 4397 an employee of another person, limited only by the licensee's education, training, and
- 4398 competence.
- 4399 (b) A clinical social worker may not supervise more than six individuals who are
- 4400 lawfully engaged in training for the practice of mental health therapy, unless granted an

4401 exception in writing from the division in collaboration with the board.

4402 (2) To the extent an individual is professionally prepared by the education and training
4403 track completed while earning a master's or doctor of social work degree, a licensed certified
4404 social worker may engage in all acts and practices defined as the practice of certified social
4405 work consistent with the licensee's education, clinical training, experience, and competence:

4406 (a) under supervision of an individual described in Subsection 58-60-205(1)~~(e)~~(d)(ii)
4407 and as an employee of another person when engaged in the practice of mental health therapy;

4408 (b) without supervision and in private and independent practice or as an employee of
4409 another person, if not engaged in the practice of mental health therapy;

4410 (c) including engaging in the private, independent, unsupervised practice of social
4411 work as a self-employed individual, in partnership with other mental health therapists, as a
4412 professional corporation, or in any other capacity or business entity, so long as he does not
4413 practice unsupervised psychotherapy; and

4414 (d) supervising social service workers as provided by division rule.

4415 Section 72. Section **58-60-305** is amended to read:

4416 **58-60-305. Qualifications for licensure.**

4417 (1) All applicants for licensure as marriage and family therapists shall:

4418 (a) submit an application on a form provided by the division;

4419 (b) pay a fee determined by the department under Section 63J-1-504;

4420 ~~[(c) be of good moral character;]~~

4421 ~~[(d)]~~ (c) produce certified transcripts evidencing completion of a masters or doctorate
4422 degree in marriage and family therapy from:

4423 (i) a program accredited by the Commission on Accreditation for Marriage and Family
4424 Therapy Education; or

4425 (ii) an accredited institution meeting criteria for approval established by rule under
4426 Section 58-1-203;

4427 ~~[(e)]~~ (d) have completed a minimum of 4,000 hours of marriage and family therapy
4428 training as defined by division rule under Section 58-1-203:

4429 (i) in not less than two years;

4430 (ii) under the supervision of a mental health therapist supervisor who meets the
4431 requirements of Section 58-60-307;

4432 (iii) obtained after completion of the education requirement in Subsection [~~(1)(d)~~]
 4433 (1)(c); and

4434 (iv) including a minimum of two hours of training in suicide prevention via a course
 4435 that the division designates as approved;

4436 [~~(f)~~] (e) document successful completion of not less than 1,000 hours of supervised
 4437 training in mental health therapy obtained after completion of the education requirement
 4438 described in Subsection [~~(1)(d)(i) or (1)(d)(ii)~~] (1)(c)(i) or (1)(c)(ii), which training may be
 4439 included as part of the 4,000 hours of training described in Subsection [~~(1)(e)~~] (1)(d), and of
 4440 which documented evidence demonstrates not less than 100 of the supervised hours were
 4441 obtained during direct, personal supervision, as defined by rule, by a mental health therapist
 4442 supervisor qualified under Section 58-60-307; and

4443 [~~(g)~~] (f) pass the examination requirement established by division rule under Section
 4444 58-1-203.

4445 (2) (a) All applicants for licensure as an associate marriage and family therapist shall
 4446 comply with the provisions of Subsections [~~(1)(a), (b), (c), and (d)~~] (1)(a), (b), and (c).

4447 (b) An individual's license as an associate marriage and family therapist is limited to
 4448 the period of time necessary to complete clinical training as described in Subsections [~~(1)(e)~~
 4449 ~~and (f)~~] (1)(d) and (e) and extends not more than one year from the date the minimum
 4450 requirement for training is completed, unless the individual presents satisfactory evidence to
 4451 the division and the appropriate board that the individual is making reasonable progress toward
 4452 passing of the qualifying examination for that profession or is otherwise on a course reasonably
 4453 expected to lead to licensure, but the period of time under this Subsection (2)(b) may not
 4454 exceed two years past the date the minimum supervised clinical training requirement has been
 4455 completed.

4456 Section 73. Section **58-60-305.5** is amended to read:

4457 **58-60-305.5. Qualification for licensure before May 1, 2000.**

4458 (1) A person who was licensed under this chapter as of May 1, 2000, may apply for
 4459 renewal of licensure without being required to fulfill the educational requirements described in
 4460 Subsection 58-60-305(1)[~~(d)~~](c).

4461 (2) A person who seeks licensure under this chapter before July 1, 2002, need comply
 4462 only with the licensure requirements in effect before May 1, 2000.

4463 Section 74. Section **58-60-308** is amended to read:

4464 **58-60-308. Scope of practice -- Limitations.**

4465 (1) A licensed marriage and family therapist may engage in all acts and practices
4466 defined as the practice of marriage and family therapy without supervision, in private and
4467 independent practice, or as an employee of another person, limited only by the licensee's
4468 education, training, and competence.

4469 (2) (a) To the extent an individual has completed the educational requirements of
4470 Subsection 58-60-305(1)~~[(d)]~~(c), a licensed associate marriage and family therapist may engage
4471 in all acts and practices defined as the practice of marriage and family therapy if the practice is:

4472 (i) within the scope of employment as a licensed associate marriage and family
4473 therapist with a public agency or a private clinic as defined by division rule; and

4474 (ii) under the supervision of a licensed mental health therapist who is qualified as a
4475 supervisor under Section 58-60-307.

4476 (b) A licensed associate marriage and family therapist may not engage in the
4477 independent practice of marriage and family therapy.

4478 Section 75. Section **58-60-405** is amended to read:

4479 **58-60-405. Qualifications for licensure.**

4480 (1) An applicant for licensure as a clinical mental health counselor shall:

4481 (a) submit an application on a form provided by the division;

4482 (b) pay a fee determined by the department under Section 63J-1-504;

4483 ~~[(c) be of good moral character;]~~

4484 ~~[(d)]~~ (c) produce certified transcripts from an accredited institution of higher education
4485 recognized by the division in collaboration with the board verifying satisfactory completion of:

4486 (i) an education and degree in an education program in counseling with a core
4487 curriculum defined by division rule under Section 58-1-203 preparing one to competently
4488 engage in mental health therapy; and

4489 (ii) an earned doctoral or master's degree resulting from that education program;

4490 ~~[(e)]~~ (d) have completed a minimum of 4,000 hours of clinical mental health counselor
4491 training as defined by division rule under Section 58-1-203:

4492 (i) in not less than two years;

4493 (ii) under the supervision of a clinical mental health counselor, psychiatrist,

4494 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or
4495 marriage and family therapist supervisor approved by the division in collaboration with the
4496 board;

4497 (iii) obtained after completion of the education requirement in Subsection (1)~~(d)~~(c);
4498 and

4499 (iv) including a minimum of two hours of training in suicide prevention via a course
4500 that the division designates as approved;

4501 ~~(f)~~ (e) document successful completion of not less than 1,000 hours of supervised
4502 training in mental health therapy obtained after completion of the education requirement in
4503 Subsection ~~(1)(d)~~ (1)(c), which training may be included as part of the 4,000 hours of training
4504 in Subsection ~~(1)(e)~~ (1)(d), and of which documented evidence demonstrates not less than
4505 100 of the hours were obtained under the direct supervision of a mental health therapist, as
4506 defined by rule; and

4507 ~~(g)~~ (f) pass the examination requirement established by division rule under Section
4508 58-1-203.

4509 (2) (a) An applicant for licensure as an associate clinical mental health counselor shall
4510 comply with the provisions of Subsections ~~(1)(a), (b), (c), and (d)~~ (1)(a), (b), and (c).

4511 (b) Except as provided under Subsection (2)(c), an individual's licensure as an
4512 associate clinical mental health counselor is limited to the period of time necessary to complete
4513 clinical training as described in Subsections ~~(1)(e) and (f)~~ (1)(d) and (e) and extends not more
4514 than one year from the date the minimum requirement for training is completed.

4515 (c) The time period under Subsection (2)(b) may be extended to a maximum of two
4516 years past the date the minimum supervised clinical training requirement has been completed,
4517 if the applicant presents satisfactory evidence to the division and the appropriate board that the
4518 individual is:

4519 (i) making reasonable progress toward passing of the qualifying examination for that
4520 profession; or

4521 (ii) otherwise on a course reasonably expected to lead to licensure.

4522 Section 76. Section **58-60-407** is amended to read:

4523 **58-60-407. Scope of practice -- Limitations.**

4524 (1) (a) A licensed clinical mental health counselor may engage in all acts and practices

4525 defined as the practice of clinical mental health counseling without supervision, in private and
4526 independent practice, or as an employee of another person, limited only by the licensee's
4527 education, training, and competence.

4528 (b) A licensed clinical mental health counselor may not supervise more than six
4529 individuals who are lawfully engaged in training for the practice of mental health therapy,
4530 unless granted an exception in writing from the division in collaboration with the board.

4531 (2) (a) To the extent an individual has completed the educational requirements of
4532 Subsection 58-60-305(1)~~(d)~~(c), a licensed associate clinical mental health counselor may
4533 engage in all acts and practices defined as the practice of clinical mental health counseling if
4534 the practice is:

4535 (i) within the scope of employment as a licensed clinical mental health counselor with
4536 a public agency or private clinic as defined by division rule; and

4537 (ii) under supervision of a qualified licensed mental health therapist as defined in
4538 Section 58-60-102.

4539 (b) A licensed associate clinical mental health counselor may not engage in the
4540 independent practice of clinical mental health counseling.

4541 Section 77. Section **58-60-506** is amended to read:

4542 **58-60-506. Qualifications for licensure.**

4543 (1) An applicant for licensure under this part on and after July 1, 2012, must meet the
4544 following qualifications:

4545 (a) submit an application in a form prescribed by the division;

4546 (b) pay a fee determined by the department under Section 63J-1-504;

4547 ~~(c) be of good moral character;~~

4548 ~~(d)~~ (c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively;

4549 and

4550 ~~(e)~~ (d) except for licensure as a certified substance use disorder counselor intern and a
4551 certified advanced substance use disorder counselor intern, satisfy the examination requirement
4552 established by division rule under Section 58-1-203.

4553 (2) In accordance with division rules, an applicant for licensure as an advanced
4554 substance use disorder counselor shall produce:

4555 (a) certified transcripts from an accredited institution of higher education that:

- 4556 (i) meet division standards;
- 4557 (ii) verify the satisfactory completion of a baccalaureate or graduate degree; and
- 4558 (iii) verify the completion of prerequisite courses established by division rules;
- 4559 (b) documentation of the applicant's completion of a substance use disorder education
- 4560 program that includes:
- 4561 (i) at least 300 hours of substance use disorder related education, of which 200 hours
- 4562 may have been obtained while qualifying for a substance use disorder counselor license; and
- 4563 (ii) a supervised practicum of at least 350 hours, of which 200 hours may have been
- 4564 obtained while qualifying for a substance use disorder counselor license; and
- 4565 (c) documentation of the applicant's completion of at least 4,000 hours of supervised
- 4566 experience in substance use disorder treatment, of which 2,000 hours may have been obtained
- 4567 while qualifying for a substance use disorder counselor license, that:
- 4568 (i) meets division standards; and
- 4569 (ii) is performed within a four-year period after the applicant's completion of the
- 4570 substance use disorder education program described in Subsection (2)(b), unless, as determined
- 4571 by the division after consultation with the board, the time for performance is extended due to
- 4572 an extenuating circumstance.
- 4573 (3) An applicant for licensure as a certified advanced substance use disorder counselor
- 4574 shall meet the requirements in Subsections (2)(a) and (b).
- 4575 (4) (a) An applicant for licensure as a certified advanced substance use disorder
- 4576 counselor intern shall meet the requirements in Subsections (2)(a) and (b).
- 4577 (b) A certified advanced substance use disorder counselor intern license expires at the
- 4578 earlier of:
- 4579 (i) the licensee passing the examination required for licensure as a certified advanced
- 4580 substance use disorder counselor; or
- 4581 (ii) six months after the certified advanced substance use disorder counselor intern
- 4582 license is issued.
- 4583 (5) In accordance with division rules, an applicant for licensure as a substance use
- 4584 disorder counselor shall produce:
- 4585 (a) certified transcripts from an accredited institution that:
- 4586 (i) meet division standards;

4587 (ii) verify satisfactory completion of an associate's degree or equivalent as defined by
4588 the division in rule; and

4589 (iii) verify the completion of prerequisite courses established by division rules;

4590 (b) documentation of the applicant's completion of a substance use disorder education
4591 program that includes:

4592 (i) completion of at least 200 hours of substance use disorder related education;

4593 (ii) included in the 200 hours described in Subsection (5)(b)(i), a minimum of two
4594 hours of training in suicide prevention via a course that the division designates as approved;
4595 and

4596 (iii) completion of a supervised practicum of at least 200 hours; and

4597 (c) documentation of the applicant's completion of at least 2,000 hours of supervised
4598 experience in substance use disorder treatment that:

4599 (i) meets division standards; and

4600 (ii) is performed within a two-year period after the applicant's completion of the
4601 substance use disorder education program described in Subsection (5)(b), unless, as determined
4602 by the division after consultation with the board, the time for performance is extended due to
4603 an extenuating circumstance.

4604 (6) An applicant for licensure as a certified substance use disorder counselor shall meet
4605 the requirements of Subsections (5)(a) and (b).

4606 (7) (a) An applicant for licensure as a certified substance use disorder counselor intern
4607 shall meet the requirements of Subsections (5)(a) and (b).

4608 (b) A certified substance use disorder counselor intern license expires at the earlier of:

4609 (i) the licensee passing the examination required for licensure as a certified substance
4610 use disorder counselor; or

4611 (ii) six months after the certified substance use disorder counselor intern license is
4612 issued.

4613 Section 78. Section **58-61-304** is amended to read:

4614 **58-61-304. Qualifications for licensure by examination or endorsement.**

4615 (1) An applicant for licensure as a psychologist based upon education, clinical training,
4616 and examination shall:

4617 (a) submit an application on a form provided by the division;

4618 (b) pay a fee determined by the department under Section 63J-1-504;
4619 ~~[(c) be of good moral character;]~~
4620 ~~[(d)]~~ (c) produce certified transcripts of credit verifying satisfactory completion of a
4621 doctoral degree in psychology that includes specific core course work established by division
4622 rule under Section 58-1-203, from an institution of higher education whose doctoral program,
4623 at the time the applicant received the doctoral degree, met approval criteria established by
4624 division rule made in consultation with the board;
4625 ~~[(e)]~~ (d) have completed a minimum of 4,000 hours of psychology training as defined
4626 by division rule under Section 58-1-203 in not less than two years and under the supervision of
4627 a psychologist supervisor approved by the division in collaboration with the board;
4628 ~~[(f)]~~ (e) to be qualified to engage in mental health therapy, document successful
4629 completion of not less than 1,000 hours of supervised training in mental health therapy
4630 obtained after completion of a master's level of education in psychology, which training may be
4631 included as part of the 4,000 hours of training required in Subsection (1)~~[(e)]~~(d), and for which
4632 documented evidence demonstrates not less than one hour of supervision for each 40 hours of
4633 supervised training was obtained under the direct supervision of a psychologist, as defined by
4634 rule;
4635 ~~[(g)]~~ (f) pass the examination requirement established by division rule under Section
4636 58-1-203; ~~[and]~~
4637 (g) consent to a criminal background check in accordance with Section 58-61-304.1
4638 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
4639 Administrative Rulemaking Act; and
4640 (h) meet with the board, upon request for good cause, for the purpose of evaluating the
4641 applicant's qualifications for licensure.
4642 (2) An applicant for licensure as a psychologist by endorsement based upon licensure
4643 in another jurisdiction shall:
4644 (a) submit an application on a form provided by the division;
4645 (b) pay a fee determined by the department under Section 63J-1-504;
4646 (c) ~~[be of good moral character and professional standing, and]~~ not have any
4647 disciplinary action pending or in effect against the applicant's psychologist license in any
4648 jurisdiction;

4649 (d) have passed the Utah Psychologist Law and Ethics Examination established by
4650 division rule;

4651 (e) provide satisfactory evidence the applicant is currently licensed in another state,
4652 district, or territory of the United States, or in any other jurisdiction approved by the division in
4653 collaboration with the board;

4654 (f) provide satisfactory evidence the applicant has actively practiced psychology in that
4655 jurisdiction for not less than 2,000 hours or one year, whichever is greater;

4656 (g) provide satisfactory evidence that:

4657 (i) the education, supervised experience, examination, and all other requirements for
4658 licensure in that jurisdiction at the time the applicant obtained licensure were substantially
4659 equivalent to the licensure requirements for a psychologist in Utah at the time the applicant
4660 obtained licensure in the other jurisdiction; or

4661 (ii) the applicant is:

4662 (A) a current holder of Board Certified Specialist status in good standing from the
4663 American Board of Professional Psychology;

4664 (B) currently credentialed as a health service provider in psychology by the National
4665 Register of Health Service Providers in Psychology; or

4666 (C) currently holds a Certificate of Professional Qualification (CPQ) granted by the
4667 Association of State and Provincial Psychology Boards; ~~and~~

4668 (h) consent to a criminal background check in accordance with Section 58-61-304.1
4669 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
4670 Administrative Rulemaking Act; and

4671 ~~(h)~~ (i) meet with the board, upon request for good cause, for the purpose of
4672 evaluating the applicant's qualifications for licensure.

4673 (3) (a) An applicant for certification as a psychology resident shall comply with the
4674 provisions of Subsections (1)(a), (b), (c), ~~(d)~~ (g), and (h).

4675 (b) (i) An individual's certification as a psychology resident is limited to the period of
4676 time necessary to complete clinical training as described in Subsections ~~(1)(c) and (f)~~ (1)(d)
4677 and (e) and extends not more than one year from the date the minimum requirement for
4678 training is completed, unless the individual presents satisfactory evidence to the division and
4679 the Psychologist Licensing Board that the individual is making reasonable progress toward

4680 passing the qualifying examination or is otherwise on a course reasonably expected to lead to
4681 licensure as a psychologist.

4682 (ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the
4683 date the minimum supervised clinical training requirement has been completed.

4684 Section 79. Section **58-61-304.1** is enacted to read:

4685 **58-61-304.1. Criminal background check.**

4686 (1) An applicant for licensure under this chapter who requires a criminal background
4687 check shall:

4688 (a) submit fingerprint cards in a form acceptable to the division at the time the license
4689 application is filed; and

4690 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
4691 Identification and the Federal Bureau of Investigation regarding the application.

4692 (2) The division shall:

4693 (a) in addition to other fees authorized by this chapter, collect from each applicant
4694 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
4695 Identification is authorized to collect for the services provided under Section 53-10-108 and the
4696 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
4697 obtaining federal criminal history record information;

4698 (b) submit from each applicant the fingerprint card and the fees described in
4699 Subsection (2)(a) to the Bureau of Criminal Identification; and

4700 (c) obtain and retain in division records a signed waiver approved by the Bureau of
4701 Criminal Identification in accordance with Section 53-10-108 for each applicant.

4702 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
4703 Section 53-10-108:

4704 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
4705 and regional criminal records databases;

4706 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
4707 criminal history background check; and

4708 (c) provide the results from the state, regional, and nationwide criminal history
4709 background checks to the division.

4710 (4) For purposes of conducting a criminal background check required under this

4711 section, the division shall have direct access to criminal background information maintained
4712 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

4713 (5) The division may not disseminate outside of the division any criminal history
4714 record information that the division obtains from the Bureau of Criminal Identification or the
4715 Federal Bureau of Investigation under the criminal background check requirements of this
4716 section.

4717 Section 80. Section **58-61-501** is amended to read:

4718 **58-61-501. Unlawful conduct.**

4719 As used in this chapter, "unlawful conduct" includes:

4720 (1) practice of psychology unless licensed as a psychologist or certified psychology
4721 resident under this chapter or exempted from licensure under this title;

4722 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
4723 documented to the division his completion of the supervised training in psychotherapy required
4724 under Subsection 58-61-304(1)(~~f~~)(e); or

4725 (3) representing oneself as or using the title of psychologist, or certified psychology
4726 resident unless currently licensed under this chapter.

4727 Section 81. Section **58-61-704** is amended to read:

4728 **58-61-704. Term of license or registration.**

4729 (1) (a) The division shall issue each license under this part with a two-year renewal
4730 cycle established by division rule.

4731 (b) The division may by rule extend or shorten a renewal cycle by as much as one year
4732 to stagger the renewal cycles it administers.

4733 (2) At the time of renewal, the licensed individual shall show satisfactory evidence of
4734 renewal requirements as required under this part.

4735 (3) Each license or registration expires on the expiration date shown on the license
4736 unless renewed by the licensed individual in accordance with Section 58-1-308.

4737 (4) (a) A registration as a registered behavior specialist or a registered assistant
4738 behavior specialist:

4739 (i) expires on the day the individual is no longer employed in accordance with

4740 Subsection [~~58-61-705(5)(e) or (6)(e)] 58-61-705(5)(d) or (5)(e); and~~

4741 (ii) may not be renewed.

4742 (b) The Department of Human Services, or an organization contracted with a division
4743 of the Department of Human Services, shall notify the Division of Occupational and
4744 Professional Licensing when a person registered under this part is no longer employed as a
4745 registered behavior specialist or a registered assistant behavior specialist.

4746 Section 82. Section **58-61-705** is amended to read:

4747 **58-61-705. Qualifications for licensure -- By examination -- By certification.**

4748 (1) An applicant for licensure as a behavior analyst based upon education, supervised
4749 experience, and national examination shall:

4750 (a) submit an application on a form provided by the division;

4751 (b) pay a fee determined by the department under Section 63J-1-504;

4752 [~~(c)~~] ~~be of good moral character;~~

4753 [~~(d)~~] (c) produce certified transcripts of credit verifying satisfactory completion of a
4754 master's or doctoral degree in applied behavior analysis from an accredited institution of higher
4755 education or an equivalent master or doctorate degree as determined by the division by
4756 administrative rule;

4757 [~~(e)~~] (d) as defined by the division by administrative rule, have completed at least
4758 1,500 hours of experiential behavior analysis training within a five year period of time with a
4759 qualified supervisor; and

4760 [~~(f)~~] (e) pass the examination requirement established by division rule under Section
4761 58-1-203.

4762 (2) An applicant for licensure as a behavior analyst based upon certification shall:

4763 (a) without exception, on or before November 15, 2015, submit to the division an
4764 application on a form provided by the division;

4765 (b) pay a fee determined by the department under Section 63J-1-504; and

4766 [~~(c)~~] ~~be of good moral character; and]~~

4767 [~~(d)~~] (c) provide official verification of current certification as a board certified
4768 behavior analyst from the Behavior Analyst Certification Board.

4769 (3) An applicant for licensure as an assistant behavior analyst based upon education,
4770 supervised experience, and national examination shall:

4771 (a) submit an application on a form provided by the division;

4772 (b) pay a fee determined by the department under Section 63J-1-504;

4773 ~~[(c) be of good moral character;]~~

4774 ~~[(d)]~~ (c) produce certified transcripts of credit verifying satisfactory completion of a
4775 bachelor's degree from an accredited institution of higher education and satisfactory completion
4776 of specific core course work in behavior analysis established under Section 58-1-203 from an
4777 accredited institution of higher education;

4778 ~~[(e)]~~ (d) as defined by the division by administrative rule, have completed at least
4779 1,000 hours of experiential behavior analysis training within a five-year period of time with a
4780 qualified supervisor; and

4781 ~~[(f)]~~ (e) pass the examination requirement established by division rule under Section
4782 58-1-203.

4783 (4) An applicant for licensure as an assistant behavior analyst based upon certification
4784 shall:

4785 (a) without exception, on or before November 15, 2015, submit to the division an
4786 application on a form provided by the division;

4787 (b) pay a fee determined by the department under Section 63J-1-504; and

4788 ~~[(c) be of good moral character; and]~~

4789 ~~[(d)]~~ (c) provide official verification of current certification as a board certified
4790 assistant behavior analyst from the Behavior Analyst Certification Board.

4791 (5) An applicant for registration as a behavior specialist based upon professional
4792 experience in behavior analysis shall:

4793 (a) without exception, on or before November 15, 2015, submit to the division, an
4794 application on a form provided by the division;

4795 (b) pay a fee determined by the department under Section 63J-1-504;

4796 ~~[(c) be of good moral character;]~~

4797 ~~[(d)]~~ (c) have at least five years of experience as a professional engaged in the practice
4798 of behavior analysis on or before May 15, 2015; and

4799 ~~[(e)]~~ (d) be employed as a professional engaging in the practice of behavior analysis
4800 within an organization contracted with a division of the Utah Department of Human Services to
4801 provide behavior analysis on or before July 1, 2015.

4802 (6) An applicant for registration as an assistant behavior specialist based upon
4803 professional experience in behavior analysis shall:

4804 (a) without exception, on or before November 15, 2015, submit to the division, an
4805 application on a form provided by the division;

4806 (b) pay a fee determined by the department under Section 63J-1-504;

4807 [~~(c)~~ be of good moral character;]

4808 [~~(d)~~ (c) have at least one year of experience as a professional engaging in the practice
4809 of behavior analysis prior to July 1, 2015; and

4810 [~~(e)~~ (d) be employed as a professional engaging in the practice of behavior analysis
4811 within an organization contracted with a division of the Utah Department of Human Services to
4812 provide behavior analysis on or before July 1, 2015.

4813 Section 83. Section **58-63-302** is amended to read:

4814 **58-63-302. Qualifications for licensure.**

4815 (1) Each applicant for licensure as an armored car company or a contract security
4816 company shall:

4817 (a) submit an application in a form prescribed by the division;

4818 (b) pay a fee determined by the department under Section 63J-1-504;

4819 (c) have a qualifying agent who:

4820 (i) shall meet with the division and the board and demonstrate that the applicant and
4821 the qualifying agent meet the requirements of this section;

4822 (ii) is a resident of the state and is a corporate officer or owner of the applicant;

4823 (iii) exercises material day-to-day authority in the conduct of the applicant's business
4824 by making substantive technical and administrative decisions and whose primary employment
4825 is with the applicant;

4826 (iv) is not concurrently acting as a qualifying agent or employee of another armored car
4827 company or contract security company and is not engaged in any other employment on a
4828 regular basis;

4829 (v) is not involved in any activity that would conflict with the qualifying agent's duties
4830 and responsibilities under this chapter to ensure that the qualifying agent's and the applicant's
4831 performance under this chapter does not jeopardize the health or safety of the general public;

4832 (vi) is not an employee of a government agency;

4833 (vii) passes an examination component established by rule by the division in
4834 collaboration with the board; and

4835 (viii) (A) demonstrates 6,000 hours of compensated experience as a manager,
4836 supervisor, or administrator of an armored car company or a contract security company; or
4837 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
4838 collaboration with the board with a federal, United States military, state, county, or municipal
4839 law enforcement agency;

4840 (d) if a corporation, provide:

4841 (i) the names, addresses, dates of birth, and social security numbers of all corporate
4842 officers, directors, and those responsible management personnel employed within the state or
4843 having direct responsibility for managing operations of the applicant within the state; and
4844 (ii) the names, addresses, dates of birth, and social security numbers, of all
4845 shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by
4846 the division if the stock is publicly listed and traded;

4847 (e) if a limited liability company, provide:

4848 (i) the names, addresses, dates of birth, and social security numbers of all company
4849 officers, and those responsible management personnel employed within the state or having
4850 direct responsibility for managing operations of the applicant within the state; and
4851 (ii) the names, addresses, dates of birth, and social security numbers of all individuals
4852 owning 5% or more of the equity of the company;

4853 (f) if a partnership, provide the names, addresses, dates of birth, and social security
4854 numbers of all general partners, and those responsible management personnel employed within
4855 the state or having direct responsibility for managing operations of the applicant within the
4856 state;

4857 (g) if a proprietorship, provide the names, addresses, dates of birth, and social security
4858 numbers of the proprietor, and those responsible management personnel employed within the
4859 state or having direct responsibility for managing operations of the applicant within the state;

4860 (h) have good moral character in that officers, directors, shareholders described in
4861 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
4862 been convicted of:

4863 (i) a felony;

4864 (ii) a misdemeanor involving moral turpitude; or

4865 (iii) a crime that when considered with the duties and responsibilities of a contract

4866 security company or an armored car company by the division and the board indicates that the
4867 best interests of the public are not served by granting the applicant a license;

4868 (i) document that none of the applicant's officers, directors, shareholders described in
4869 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

4870 (i) have been declared by a court of competent jurisdiction incompetent by reason of
4871 mental defect or disease and not been restored; and

4872 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

4873 (j) file and maintain with the division evidence of:

4874 (i) comprehensive general liability insurance in a form and in amounts established by
4875 rule by the division in collaboration with the board;

4876 (ii) workers' compensation insurance that covers employees of the applicant in
4877 accordance with applicable Utah law;

4878 (iii) registration with the Division of Corporations and Commercial Code; and

4879 (iv) registration as required by applicable law with the:

4880 (A) Unemployment Insurance Division in the Department of Workforce Services, for
4881 purposes of Title 35A, Chapter 4, Employment Security Act;

4882 (B) State Tax Commission; and

4883 (C) Internal Revenue Service; and

4884 (k) meet with the division and board if requested by the division or board.

4885 (2) Each applicant for licensure as an armed private security officer shall:

4886 (a) submit an application in a form prescribed by the division;

4887 (b) pay a fee determined by the department under Section 63J-1-504;

4888 (c) have good moral character in that the applicant has not been convicted of:

4889 (i) a felony;

4890 (ii) a misdemeanor involving moral turpitude; or

4891 (iii) a crime that when considered with the duties and responsibilities of an armed
4892 private security officer by the division and the board indicates that the best interests of the
4893 public are not served by granting the applicant a license;

4894 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
4895 922(g);

4896 (e) not have been declared incompetent by a court of competent jurisdiction by reason

- 4897 of mental defect or disease and not been restored;
- 4898 (f) not be currently suffering from habitual drunkenness or from drug addiction or
4899 dependence;
- 4900 (g) successfully complete basic education and training requirements established by rule
4901 by the division in collaboration with the board, which shall include a minimum of eight hours
4902 of classroom or online curriculum;
- 4903 (h) successfully complete firearms training requirements established by rule by the
4904 division in collaboration with the board, which shall include a minimum of 12 hours of
4905 training;
- 4906 (i) pass the examination requirement established by rule by the division in
4907 collaboration with the board; and
- 4908 (j) meet with the division and board if requested by the division or the board.
- 4909 (3) Each applicant for licensure as an unarmed private security officer shall:
- 4910 (a) submit an application in a form prescribed by the division;
- 4911 (b) pay a fee determined by the department under Section 63J-1-504;
- 4912 (c) have good moral character in that the applicant has not been convicted of:
- 4913 (i) a felony;
- 4914 (ii) a misdemeanor involving moral turpitude; or
- 4915 (iii) a crime that when considered with the duties and responsibilities of an unarmed
4916 private security officer by the division and the board indicates that the best interests of the
4917 public are not served by granting the applicant a license;
- 4918 (d) not have been declared incompetent by a court of competent jurisdiction by reason
4919 of mental defect or disease and not been restored;
- 4920 (e) not be currently suffering from habitual drunkenness or from drug addiction or
4921 dependence;
- 4922 (f) successfully complete basic education and training requirements established by rule
4923 by the division in collaboration with the board, which shall include a minimum of eight hours
4924 of classroom or online curriculum;
- 4925 (g) pass the examination requirement established by rule by the division in
4926 collaboration with the board; and
- 4927 (h) meet with the division and board if requested by the division or board.

- 4928 (4) Each applicant for licensure as an armored car security officer shall:
- 4929 (a) submit an application in a form prescribed by the division;
- 4930 (b) pay a fee determined by the department under Section 63J-1-504;
- 4931 (c) have good moral character in that the applicant has not been convicted of:
- 4932 (i) a felony;
- 4933 (ii) a misdemeanor involving moral turpitude; or
- 4934 (iii) a crime that when considered with the duties and responsibilities of an armored car
- 4935 security officer by the division and the board indicates that the best interests of the public are
- 4936 not served by granting the applicant a license;
- 4937 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C. Sec.
- 4938 922(g);
- 4939 (e) not have been declared incompetent by a court of competent jurisdiction by reason
- 4940 of mental defect or disease and not been restored;
- 4941 (f) not be currently suffering from habitual drunkenness or from drug addiction or
- 4942 dependence;
- 4943 (g) successfully complete basic education and training requirements established by rule
- 4944 by the division in collaboration with the board;
- 4945 (h) successfully complete firearms training requirements established by rule by the
- 4946 division in collaboration with the board;
- 4947 (i) pass the examination requirements established by rule by the division in
- 4948 collaboration with the board; and
- 4949 (j) meet with the division and board if requested by the division or the board.
- 4950 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 4951 division may make a rule establishing when the division shall request a Federal Bureau of
- 4952 Investigation records' review for an applicant who is applying for licensure or licensure renewal
- 4953 under this chapter.
- 4954 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
- 4955 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint
- 4956 cards to the Department of Public Safety with the division's request to:
- 4957 (a) conduct a search of records of the Department of Public Safety for criminal history
- 4958 information relating to each applicant for licensure under this chapter and each applicant's

4959 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and
4960 responsible management personnel; and

4961 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
4962 requiring a check of records of the FBI for criminal history information under this section.

4963 (7) The Department of Public Safety shall send the division:

4964 (a) a written record of criminal history, or certification of no criminal history record, as
4965 contained in the records of the Department of Public Safety in a timely manner after receipt of
4966 a fingerprint card from the division and a request for review of Department of Public Safety
4967 records; and

4968 (b) the results of the FBI review concerning an applicant in a timely manner after
4969 receipt of information from the FBI.

4970 (8) (a) The division shall charge each applicant a fee, in accordance with Section
4971 63J-1-504, equal to the cost of performing the records reviews under this section.

4972 (b) The division shall pay the Department of Public Safety the costs of all records
4973 reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews
4974 under this chapter.

4975 (9) The division shall use or disseminate the information it obtains from the reviews of
4976 criminal history records of the Department of Public Safety and the FBI only to determine if an
4977 applicant for licensure or licensure renewal under this chapter is qualified for licensure.

4978 Section 84. Section **58-63-306** is amended to read:

4979 **58-63-306. Replacement of qualifying agent.**

4980 If the qualifying agent of an armored car company or a contract security company
4981 ceases to perform the agent's duties on a regular basis, the licensee shall:

4982 (1) notify the division in writing within 15 days [~~by registered or certified mail~~]; and

4983 (2) replace the qualifying agent within 60 days after the time required for notification
4984 to the division.

4985 Section 85. Section **58-64-302** is amended to read:

4986 **58-64-302. Qualifications for licensure.**

4987 (1) Each applicant for licensure as a deception detection examiner:

4988 (a) shall submit an application in a form prescribed by the division;

4989 (b) shall pay a fee determined by the department under Section 63J-1-504;

4990 (c) [~~shall be of good moral character in that the applicant has not~~] may not have been
4991 convicted of a felony, a misdemeanor involving moral turpitude, or any other crime [~~which~~]
4992 that when considered with the duties and responsibilities of a deception detection examiner is
4993 considered by the division and the board to indicate that the best interests of the public will not
4994 be served by granting the applicant a license;

4995 (d) may not have been declared by any court of competent jurisdiction incompetent by
4996 reason of mental defect or disease and not been restored;

4997 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
4998 dependence;

4999 (f) shall have completed one of the following:

5000 (i) have earned a bachelor's degree from a four year university or college meeting
5001 standards established by the division by rule in collaboration with the board;

5002 (ii) have completed not less than 8,000 hours of investigation experience approved by
5003 the division in collaboration with the board; or

5004 (iii) have completed a combination of university or college education and investigation
5005 experience, as defined by rule by the division in collaboration with the board as being
5006 equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);

5007 (g) shall have successfully completed a training program in deception detection
5008 meeting criteria established by rule by the division in collaboration with the board; and

5009 (h) shall have performed satisfactorily as a licensed deception detection intern for a
5010 period of not less than one year and shall have satisfactorily conducted not less than 100
5011 deception detection examinations under the supervision of a licensed deception detection
5012 examiner.

5013 (2) Each applicant for licensure as a deception detection intern:

5014 (a) shall submit an application in a form prescribed by the division;

5015 (b) shall pay a fee determined by the department under Section 63J-1-504;

5016 (c) [~~shall be of good moral character in that the applicant has not~~] may not have been
5017 convicted of a felony, a misdemeanor involving moral turpitude, or any other crime [~~which~~]
5018 that when considered with the duties and responsibilities of a deception detection intern is
5019 considered by the division and the board to indicate that the best interests of the public will not
5020 be served by granting the applicant a license;

5021 (d) may not have been declared by any court of competent jurisdiction incompetent by
5022 reason of mental defect or disease and not been restored;

5023 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
5024 dependence;

5025 (f) shall have completed one of the following:

5026 (i) have earned a bachelor's degree from a four year university or college meeting
5027 standards established by the division by rule in collaboration with the board;

5028 (ii) have completed not less than 8,000 hours of investigation experience approved by
5029 the division in collaboration with the board; or

5030 (iii) have completed a combination of university or college education and investigation
5031 experience, as defined by rule by the division in collaboration with the board as being
5032 equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);

5033 (g) shall have successfully completed a training program in deception detection
5034 meeting criteria established by rule by the division in collaboration with the board; and

5035 (h) shall provide the division with an intern supervision agreement in a form prescribed
5036 by the division under which:

5037 (i) a licensed deception detection examiner agrees to supervise the intern; and

5038 (ii) the applicant agrees to be supervised by that licensed deception detection examiner.

5039 (3) Each applicant for licensure as a deception detection examination administrator:

5040 (a) shall submit an application in a form prescribed by the division;

5041 (b) shall pay a fee determined by the department under Section 63J-1-504;

5042 (c) [~~shall be of good moral character in that the applicant has not~~] may not have been
5043 convicted of a felony, a misdemeanor involving moral turpitude, or any other crime that when
5044 considered with the duties and responsibilities of a deception detection examination
5045 administrator is considered by the division and the board to indicate that the best interests of
5046 the public will not be served by granting the applicant a license;

5047 (d) may not have been declared by a court of competent jurisdiction incompetent by
5048 reason of mental defect or disease and not been restored;

5049 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
5050 dependence;

5051 (f) shall have earned an associate degree from a state-accredited university or college or

5052 have an equivalent number of years' work experience; and

5053 (g) shall have successfully completed a training program and have obtained
5054 certification in deception detection examination administration provided by the manufacturer
5055 of a scientific or technology-based software application solution that is approved by the
5056 director.

5057 (4) To determine if an applicant meets the qualifications of Subsection (1)(c), (2)(c), or
5058 (3)(c) the division shall provide an appropriate number of copies of fingerprint cards to the
5059 Department of Public Safety with the division's request to:

5060 (a) conduct a search of records of the Department of Public Safety for criminal history
5061 information relating to each applicant for licensure under this chapter; and

5062 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
5063 requiring a check of records of the F.B.I. for criminal history information under this section.

5064 (5) The Department of Public Safety shall send to the division:

5065 (a) a written record of criminal history, or certification of no criminal history record, as
5066 contained in the records of the Department of Public Safety in a timely manner after receipt of
5067 a fingerprint card from the division and a request for review of Department of Public Safety
5068 records; and

5069 (b) the results of the F.B.I. review concerning an applicant in a timely manner after
5070 receipt of information from the F.B.I.

5071 (6) (a) The division shall charge each applicant a fee, in accordance with Section
5072 63J-1-504, equal to the cost of performing the records reviews under this section.

5073 (b) The division shall pay the Department of Public Safety the costs of all records
5074 reviews, and the Department of Public Safety shall pay the F.B.I. the costs of records reviews
5075 under this chapter.

5076 (7) Information obtained by the division from the reviews of criminal history records of
5077 the Department of Public Safety and the F.B.I. shall be used or disseminated by the division
5078 only for the purpose of determining if an applicant for licensure under this chapter is qualified
5079 for licensure.

5080 Section 86. Section **58-67-302** is amended to read:

5081 **58-67-302. Qualifications for licensure.**

5082 (1) An applicant for licensure as a physician and surgeon, except as set forth in

5083 Subsection (2), shall:

5084 (a) submit an application in a form prescribed by the division, which may include:

5085 (i) submissions by the applicant of information maintained by practitioner data banks,
5086 as designated by division rule, with respect to the applicant;

5087 (ii) a record of professional liability claims made against the applicant and settlements
5088 paid by or on behalf of the applicant; and

5089 (iii) authorization to use a record coordination and verification service approved by the
5090 division in collaboration with the board;

5091 (b) pay a fee determined by the department under Section 63J-1-504;

5092 [~~(c)~~] ~~be of good moral character;~~

5093 [~~(d)~~] (c) if the applicant is applying to participate in the Interstate Medical Licensure
5094 Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a criminal
5095 background check in accordance with Section 58-67-302.1 and any requirements established by
5096 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

5097 [~~(e)~~] (d) provide satisfactory documentation of having successfully completed a
5098 program of professional education preparing an individual as a physician and surgeon, as
5099 evidenced by:

5100 (i) having received an earned degree of doctor of medicine from an LCME accredited
5101 medical school or college; or

5102 (ii) if the applicant graduated from a medical school or college located outside the
5103 United States or its territories, submitting a current certification by the Educational
5104 Commission for Foreign Medical Graduates or any successor organization approved by the
5105 division in collaboration with the board;

5106 [~~(f)~~] (e) satisfy the division and board that the applicant:

5107 (i) has successfully completed 24 months of progressive resident training in a program
5108 approved by the ACGME, the Royal College of Physicians and Surgeons, the College of
5109 Family Physicians of Canada, or any similar body in the United States or Canada approved by
5110 the division in collaboration with the board; or

5111 (ii) (A) has successfully completed 12 months of resident training in an ACGME
5112 approved program after receiving a degree of doctor of medicine as required under Subsection
5113 (1)[~~(e)~~](d);

5114 (B) has been accepted in and is successfully participating in progressive resident
5115 training in an ACGME approved program within Utah, in the applicant's second or third year
5116 of postgraduate training; and

5117 (C) has agreed to surrender to the division the applicant's license as a physician and
5118 surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act,
5119 and has agreed the applicant's license as a physician and surgeon will be automatically revoked
5120 by the division if the applicant fails to continue in good standing in an ACGME approved
5121 progressive resident training program within the state;

5122 ~~(g)~~ (f) pass the licensing examination sequence required by division rule made in
5123 collaboration with the board;

5124 ~~(h)~~ (g) be able to read, write, speak, understand, and be understood in the English
5125 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

5126 ~~(i)~~ (h) meet with the board and representatives of the division, if requested, for the
5127 purpose of evaluating the applicant's qualifications for licensure;

5128 ~~(j)~~ (i) designate:

5129 (i) a contact person for access to medical records in accordance with the federal Health
5130 Insurance Portability and Accountability Act; and

5131 (ii) an alternate contact person for access to medical records, in the event the original
5132 contact person is unable or unwilling to serve as the contact person for access to medical
5133 records; and

5134 ~~(k)~~ (j) establish a method for notifying patients of the identity and location of the
5135 contact person and alternate contact person, if the applicant will practice in a location with no
5136 other persons licensed under this chapter.

5137 (2) An applicant for licensure as a physician and surgeon by endorsement who is
5138 currently licensed to practice medicine in any state other than Utah, a district or territory of the
5139 United States, or Canada shall:

5140 (a) be currently licensed with a full unrestricted license in good standing in any state,
5141 district, or territory of the United States, or Canada;

5142 (b) have been actively engaged in the legal practice of medicine in any state, district, or
5143 territory of the United States, or Canada for not less than 6,000 hours during the five years
5144 immediately preceding the date of application for licensure in Utah;

5145 (c) comply with the requirements for licensure under Subsections (1)(a) through ~~[(e)]~~
5146 ~~(d)~~, ~~(1)(f)(e)(i)~~, and ~~(1)(h)(g)~~ through ~~[(h)]~~ (j);

5147 (d) have passed the licensing examination sequence required in Subsection ~~[(f)]~~
5148 ~~(1)(e)~~ or another medical licensing examination sequence in another state, district or territory of
5149 the United States, or Canada that the division in collaboration with the board by rulemaking
5150 determines is equivalent to its own required examination;

5151 (e) not have any investigation or action pending against any health care license of the
5152 applicant, not have a health care license that was suspended or revoked in any state, district or
5153 territory of the United States, or Canada, and not have surrendered a health care license in lieu
5154 of a disciplinary action, unless:

5155 (i) the license was subsequently reinstated as a full unrestricted license in good
5156 standing; or

5157 (ii) the division in collaboration with the board determines to its satisfaction, after full
5158 disclosure by the applicant, that:

5159 (A) the conduct has been corrected, monitored, and resolved; or

5160 (B) a mitigating circumstance exists that prevents its resolution, and the division in
5161 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
5162 would be reinstated;

5163 (f) submit to a records review, a practice history review, and comprehensive
5164 assessments, if requested by the division in collaboration with the board; and

5165 (g) produce satisfactory evidence that the applicant meets the requirements of this
5166 Subsection (2) to the satisfaction of the division in collaboration with the board.

5167 (3) An applicant for licensure by endorsement may engage in the practice of medicine
5168 under a temporary license while the applicant's application for licensure is being processed by
5169 the division, provided:

5170 (a) the applicant submits a complete application required for temporary licensure to the
5171 division;

5172 (b) the applicant submits a written document to the division from:

5173 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
5174 Licensing and Inspection Act, stating that the applicant is practicing under the:

5175 (A) invitation of the health care facility; and

- 5176 (B) the general supervision of a physician practicing at the facility; or
5177 (ii) two individuals licensed under this chapter, whose license is in good standing and
5178 who practice in the same clinical location, both stating that:
- 5179 (A) the applicant is practicing under the invitation and general supervision of the
5180 individual; and
- 5181 (B) the applicant will practice at the same clinical location as the individual;
- 5182 (c) the applicant submits a signed certification to the division that the applicant meets
5183 the requirements of Subsection (2);
- 5184 (d) the applicant does not engage in the practice of medicine until the division has
5185 issued a temporary license;
- 5186 (e) the temporary license is only issued for and may not be extended or renewed
5187 beyond the duration of one year from issuance; and
- 5188 (f) the temporary license expires immediately and prior to the expiration of one year
5189 from issuance, upon notification from the division that the applicant's application for licensure
5190 by endorsement is denied.
- 5191 (4) The division shall issue a temporary license under Subsection (3) within 15
5192 business days after the applicant satisfies the requirements of Subsection (3).
- 5193 (5) The division may not require the following requirements for licensure:
- 5194 (a) a post-residency board certification; or
- 5195 (b) a cognitive test when the physician reaches a specified age, unless:
- 5196 (i) the screening is based on evidence of cognitive changes associated with aging that
5197 are relevant to physician performance;
- 5198 (ii) the screening is based on principles of medical ethics;
- 5199 (iii) physicians are involved in the development of standards for assessing competency;
- 5200 (iv) guidelines, procedures, and methods of assessment, which may include cognitive
5201 screening, are relevant to physician practice and to the physician's ability to perform the tasks
5202 specifically required in the physician's practice environment;
- 5203 (v) the primary driver for establishing assessment results is the ethical obligation of the
5204 profession to the health of the public and patient safety;
- 5205 (vi) the goal of the assessment is to optimize physician competency and performance
5206 through education, remediation, and modifications to a physician's practice environment or

5207 scope;

5208 (vii) a credentialing committee determines that public health or patient safety is
5209 directly threatened, the screening permits a physician to retain the right to modify the
5210 physician's practice environment to allow the physician to continue to provide safe and
5211 effective care;

5212 (viii) guidelines, procedures, and methods of assessment are transparent to physicians
5213 and physicians' representatives, if requested by a physician or a physician's representative, and
5214 physicians are made aware of the specific methods used, performance expectations and
5215 standards against which performance will be judged, and the possible outcomes of the
5216 screening or assessment;

5217 (ix) education or remediation practices that result from screening or assessment
5218 procedures are:

5219 (A) supportive of physician wellness;

5220 (B) ongoing; and

5221 (C) proactive; and

5222 (x) procedures and screening mechanisms that are distinctly different from for cause
5223 assessments do not result in undue cost or burden to senior physicians providing patient care.

5224 Section 87. Section **58-67-302.5** is amended to read:

5225 **58-67-302.5. Licensing of graduates of foreign medical schools.**

5226 (1) Notwithstanding any other provision of law to the contrary, an individual enrolled
5227 in a medical school outside the United States, its territories, the District of Columbia, or
5228 Canada is eligible for licensure as a physician and surgeon in this state if the individual has
5229 satisfied the following requirements:

5230 (a) meets all the requirements of Subsection 58-67-302(1), except for Subsection
5231 58-67-302(1)(~~e~~)(d);

5232 (b) has studied medicine in a medical school located outside the United States which is
5233 recognized by an organization approved by the division;

5234 (c) has completed all of the formal requirements of the foreign medical school except
5235 internship or social service;

5236 (d) has attained a passing score on the educational commission for foreign medical
5237 graduates examination or other qualifying examinations such as the United States Medical

5238 Licensing Exam parts I and II, which are approved by the division or a medical school
5239 approved by the division;

5240 (e) has satisfactorily completed one calendar year of supervised clinical training under
5241 the direction of a United States medical education setting accredited by the liaison committee
5242 for graduate medical education and approved by the division;

5243 (f) has completed the postgraduate hospital training required by Subsection
5244 58-67-302(1)[~~(f)~~](e)(i); and

5245 (g) has passed the examination required by the division of all applicants for licensure.

5246 (2) Satisfaction of the requirements of Subsection (1) is in lieu of:

5247 (a) the completion of any foreign internship or social service requirements; and

5248 (b) the certification required by Subsection 58-67-302(1)[~~(e)~~](d).

5249 (3) Individuals who satisfy the requirements of Subsections (1)(a) through (g) shall be
5250 eligible for admission to graduate medical education programs within the state, including
5251 internships and residencies, which are accredited by the liaison committee for graduate medical
5252 education.

5253 (4) A document issued by a medical school located outside the United States shall be
5254 considered the equivalent of a degree of doctor of medicine for the purpose of licensure as a
5255 physician and surgeon in this state if:

5256 (a) the foreign medical school is recognized by an organization approved by the
5257 division;

5258 (b) the document granted by the foreign medical school is issued after the completion
5259 of all formal requirements of the medical school except internship or social service; and

5260 (c) the foreign medical school certifies that the person to whom the document was
5261 issued has satisfactorily completed the requirements of Subsection (1)(c).

5262 (5) The division may not require as a requirement for licensure a cognitive test when
5263 the physician reaches a specified age, unless the test reflects the standards described in
5264 Subsections 58-67-302(5)(b)(i) through (x).

5265 (6) The provisions for licensure under this section shall be known as the "fifth pathway
5266 program."

5267 Section 88. Section **58-67-302.7** is amended to read:

5268 **58-67-302.7. Licensing of physician-educators.**

5269 (1) As used in this section:

5270 (a) "Foreign country" means a country other than the United States, its territories, or
5271 Canada.

5272 (b) "Foreign medical school" means a medical school that is outside the United States,
5273 its territories, and Canada.

5274 (2) Notwithstanding any provision of law to the contrary, an individual may receive a
5275 type I foreign teaching license if the individual:

5276 (a) submits an application in a form prescribed by the division, which may include:

5277 (i) submission by the applicant of information maintained in a practitioner data bank,
5278 as designated by division rule, with respect to the applicant;

5279 (ii) a record of professional liability claims made against the applicant and settlements
5280 paid by or on behalf of the applicant; and

5281 (iii) the applicant's curriculum vitae;

5282 (b) is a graduate of a foreign medical school that is accepted for certification by the
5283 Educational Commission for Foreign Medical Graduates;

5284 (c) is licensed in good standing in a foreign country, the United States, its territories, or
5285 Canada;

5286 (d) does not have an investigation or action pending against the physician's healthcare
5287 license, does not have a healthcare license that was suspended or revoked, and has not
5288 surrendered a healthcare license in lieu of disciplinary action, unless:

5289 (i) the license was subsequently reinstated in good standing; or

5290 (ii) the division in collaboration with the board determines to its satisfaction, after full
5291 disclosure by the applicant and full consideration by the division in collaboration with the
5292 board, that:

5293 (A) the conduct has been corrected, monitored, and resolved; or

5294 (B) a mitigating circumstance exists that prevents resolution, and the division in
5295 collaboration with the board is satisfied that but for the mitigating circumstance, the license
5296 would be reinstated;

5297 (e) submits documentation of legal status to work in the United States;

5298 (f) meets at least three of the following qualifications:

5299 (i) (A) published original results of clinical research, within 10 years before the day on

5300 which the application is submitted, in a medical journal listed in the Index Medicus or an
5301 equivalent scholarly publication; and

5302 (B) submits the publication to the Board in English or in a foreign language with a
5303 verifiable, certified English translation;

5304 (ii) held an appointment at a medical school approved by the LCME or at any medical
5305 school listed in the World Health Organization directory at the level of associate or full
5306 professor, or its equivalent, for at least five years;

5307 (iii) (A) developed a treatment modality, surgical technique, or other verified original
5308 contribution to the field of medicine within 10 years before the day on which the application is
5309 submitted; and

5310 (B) has the treatment modality, surgical technique, or other verified original
5311 contribution attested to by the dean of an LCME accredited school of medicine in Utah;

5312 (iv) actively practiced medicine cumulatively for 10 years; or

5313 (v) is board certified in good standing of a board of the American Board of Medical
5314 Specialities or equivalent specialty board;

5315 [~~(g) is of good moral character;~~]

5316 [~~(h)~~] (g) is able to read, write, speak, understand, and be understood in the English
5317 language and demonstrates proficiency to the satisfaction of the division in collaboration with
5318 the board, if requested;

5319 [~~(h)~~] (h) is invited by an LCME accredited medical school in Utah to serve as a
5320 full-time member of the medical school's academic faculty, as evidenced by written
5321 certification from:

5322 (i) the dean of the medical school, stating that the applicant has been appointed to a
5323 full-time faculty position, that because the applicant has unique expertise in a specific field of
5324 medicine the medical school considers the applicant to be a valuable member of the faculty,
5325 and that the applicant is qualified by knowledge, skill, and ability to practice medicine in the
5326 state; and

5327 (ii) the head of the department to which the applicant is to be appointed, stating that the
5328 applicant will be under the direction of the head of the department and will be permitted to
5329 practice medicine only as a necessary part of the applicant's duties, providing detailed evidence
5330 of the applicant's qualifications and competence, including the nature and location of the

5331 applicant's proposed responsibilities, reasons for any limitations of the applicant's practice
5332 responsibilities, and the degree of supervision, if any, under which the applicant will function;

5333 ~~(f)~~ (i) pays a licensing fee set by the division under Section 63J-1-504; and

5334 ~~(k)~~ (j) has practiced medicine for at least 10 years as an attending physician.

5335 (3) Notwithstanding any provision of law to the contrary, an individual may receive a
5336 type II foreign teaching license if the individual:

5337 (a) satisfies the requirements of Subsections (2)(a) through (e) and (g) through ~~(f)~~ (i);

5338 (b) has delivered clinical care to patients cumulatively for five years after graduation
5339 from medical school; and

5340 (c) (i) will be completing a clinical fellowship while employed at the medical school
5341 described in Subsection (2)~~(f)~~(h); or

5342 (ii) has already completed a medical residency accredited by the Royal College of
5343 Physicians and Surgeons of Canada, the United Kingdom, Australia, or New Zealand, or a
5344 comparable accreditation organization as determined by the division in collaboration with the
5345 board.

5346 (4) After an initial term of one year, a type I license may be renewed for periods of two
5347 years if the licensee continues to satisfy the requirements described in Subsection (2) and
5348 completes the division's continuing education renewal requirements established under Section
5349 58-67-303.

5350 (5) A type II license may be renewed on an annual basis, up to four times, if the
5351 licensee continues to satisfy the requirements described in Subsection (3) and completes the
5352 division's continuing education renewal requirements established under Section 58-67-303.

5353 (6) A license issued under this section:

5354 (a) authorizes the licensee to practice medicine:

5355 (i) within the scope of the licensee's employment at the medical school described in
5356 Subsection (2)~~(f)~~(h) and the licensee's academic position; and

5357 (ii) at a hospital or clinic affiliated with the medical school described in Subsection
5358 (2)~~(f)~~(h) for the purpose of teaching, clinical care, or pursuing research;

5359 (b) shall list the limitations described in Subsection (6)(a); and

5360 (c) shall expire on the earlier of:

5361 (i) one year after the day on which the type I or type II license is initially issued, unless

5362 the license is renewed;

5363 (ii) for a type I license, two years after the day on which the license is renewed;

5364 (iii) for a type II license, one year after the day on which the license is renewed; or

5365 (iv) the day on which employment at the medical school described in Subsection

5366 (2)~~(f)~~(h) ends.

5367 (7) A person who holds a type I license for five consecutive years may apply for

5368 licensure as a physician and surgeon in this state and shall be licensed if the individual satisfies

5369 the requirements described in Subsection (8). If the person fails to obtain licensure as a

5370 physician and surgeon in this state, the person may apply for a renewal of the type I license

5371 under Subsection (2).

5372 (8) An individual who holds a type I or type II license for five consecutive years is

5373 eligible for licensure as a physician and surgeon in this state if the individual:

5374 (a) worked an average of at least 40 hours per month at the level of an attending

5375 physician during the time the individual held the type I or type II license;

5376 (b) holds the rank of associate professor or higher at the medical school described in

5377 Subsection (2)~~(f)~~(h);

5378 (c) obtains certification from the Educational Commission for Foreign Medical

5379 Graduates or any successor organization approved by the division in collaboration with the

5380 board;

5381 (d) spent a cumulative 20 hours per year while holding a type I or type II license:

5382 (i) teaching or lecturing to medical students or house staff;

5383 (ii) participating in educational department meetings or conferences that are not

5384 certified to meet the continuing medical education license renewal requirement; or

5385 (iii) attending continuing medical education classes in addition to the requirements for

5386 continuing education described in Subsections (4) and (5);

5387 (e) obtains a passing score on the final step of the licensing examination sequence

5388 required by division rule made in collaboration with the board; and

5389 (f) satisfies the requirements described in Subsections 58-67-302(1)(a) through ~~(d)~~;

5390 ~~(f)~~ and ~~(g)~~ (c), (h), and (i).

5391 (9) If a person who holds a type II license fails to obtain licensure as a physician and

5392 surgeon in this state after applying under the procedures described in Subsection (8), the person

5393 may not:

5394 (a) reapply for or renew a type II license; or

5395 (b) apply for a type I license.

5396 (10) The division or the board may require an applicant for licensure under this section
5397 to meet with the board and representatives of the division for the purpose of evaluating the
5398 applicant's qualifications for licensure.

5399 (11) The division in collaboration with the board may withdraw a license under this
5400 section at any time for material misrepresentation or unlawful or unprofessional conduct.

5401 Section 89. Section **58-67-302.8** is amended to read:

5402 **58-67-302.8. Restricted licensing of an associate physician.**

5403 (1) An individual may apply for a restricted license as an associate physician if the
5404 individual:

5405 (a) meets the requirements described in Subsections 58-67-302(1)(a) through ~~[(d);~~
5406 ~~(1)(e)(i), and (1)(h) through (k)]~~ (c), (1)(d)(i), and (1)(g) through (j);

5407 (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing
5408 Examination or the equivalent steps of another board-approved medical licensing examination:

5409 (i) within three years after the day on which the applicant graduates from a program
5410 described in Subsection 58-67-302~~[(1)(e)(i)]~~ (1)(d)(i); and

5411 (ii) within two years before applying for a restricted license as an associate physician;
5412 and

5413 (c) is not currently enrolled in and has not completed a residency program.

5414 (2) Before a licensed associate physician may engage in the practice of medicine as
5415 described in Subsection (3), the licensed associate physician shall:

5416 (a) enter into a collaborative practice arrangement described in Section 58-67-807
5417 within six months after the associate physician's initial licensure; and

5418 (b) receive division approval of the collaborative practice arrangement.

5419 (3) An associate physician's scope of practice is limited to primary care services to
5420 medically underserved populations or in medically underserved areas within the state.

5421 Section 90. Section **58-67-304** is amended to read:

5422 **58-67-304. License renewal requirements.**

5423 (1) As a condition precedent for license renewal, each licensee shall, during each

5424 two-year licensure cycle or other cycle defined by division rule:

5425 (a) complete qualified continuing professional education requirements in accordance
5426 with the number of hours and standards defined by division rule made in collaboration with the
5427 board;

5428 (b) appoint a contact person for access to medical records and an alternate contact
5429 person for access to medical records in accordance with Subsection 58-67-302(1)(~~f~~)(i);

5430 (c) if the licensee practices medicine in a location with no other persons licensed under
5431 this chapter, provide some method of notice to the licensee's patients of the identity and
5432 location of the contact person and alternate contact person for the licensee; and

5433 (d) if the licensee is an associate physician licensed under Section 58-67-302.8,
5434 successfully complete the educational methods and programs described in Subsection
5435 58-67-807(4).

5436 (2) If a renewal period is extended or shortened under Section 58-67-303, the
5437 continuing education hours required for license renewal under this section are increased or
5438 decreased proportionally.

5439 (3) An application to renew a license under this chapter shall:

5440 (a) require a physician to answer the following question: "Do you perform elective
5441 abortions in Utah in a location other than a hospital?"; and

5442 (b) immediately following the question, contain the following statement: "For purposes
5443 of the immediately preceding question, elective abortion means an abortion other than one of
5444 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5445 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5446 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5447 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5448 the woman is pregnant as a result of rape or incest."

5449 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
5450 to the licensing of an abortion clinic and the enforcement of Title 76, Chapter 7, Part 3,
5451 Abortion, if a physician responds positively to the question described in Subsection (3)(a), the
5452 division shall, within 30 days after the day on which it renews the physician's license under this
5453 chapter, inform the Department of Health in writing:

5454 (a) of the name and business address of the physician; and

5455 (b) that the physician responded positively to the question described in Subsection
5456 (3)(a).

5457 (5) The division shall accept and apply toward the hour requirement in Subsection
5458 (1)(a) any continuing education that a physician completes in accordance with Sections
5459 26-61a-106, 26-61a-403, and 26-61a-602.

5460 Section 91. Section **58-67-403** is amended to read:

5461 **58-67-403. Revocation of license -- Nondisciplinary.**

5462 Revocation by the division of a license under Subsection 58-67-302(1)~~(f)~~(e) for
5463 failure to continue on a resident training program for reasons other than unprofessional or
5464 unlawful conduct is a nondisciplinary action and may not be reported by the division as a
5465 disciplinary action against the licensee.

5466 Section 92. Section **58-68-302** is amended to read:

5467 **58-68-302. Qualifications for licensure.**

5468 (1) An applicant for licensure as an osteopathic physician and surgeon, except as set
5469 forth in Subsection (2), shall:

5470 (a) submit an application in a form prescribed by the division, which may include:

5471 (i) submissions by the applicant of information maintained by practitioner data banks,
5472 as designated by division rule, with respect to the applicant;

5473 (ii) a record of professional liability claims made against the applicant and settlements
5474 paid by or on behalf of the applicant; and

5475 (iii) authorization to use a record coordination and verification service approved by the
5476 division in collaboration with the board;

5477 (b) pay a fee determined by the department under Section 63J-1-504;

5478 ~~[(c) be of good moral character;]~~

5479 ~~[(d)]~~ (c) if the applicant is applying to participate in the Interstate Medical Licensure
5480 Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a criminal
5481 background check in accordance with Section 58-68-302.1 and any requirements established by
5482 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

5483 ~~[(e)]~~ (d) provide satisfactory documentation of having successfully completed a
5484 program of professional education preparing an individual as an osteopathic physician and
5485 surgeon, as evidenced by:

5486 (i) having received an earned degree of doctor of osteopathic medicine from an AOA
5487 approved medical school or college; or

5488 (ii) submitting a current certification by the Educational Commission for Foreign
5489 Medical Graduates or any successor organization approved by the division in collaboration
5490 with the board, if the applicant is graduated from an osteopathic medical school or college
5491 located outside of the United States or its territories which at the time of the applicant's
5492 graduation, met criteria for accreditation by the AOA;

5493 ~~(f)~~ (e) satisfy the division and board that the applicant:

5494 (i) has successfully completed 24 months of progressive resident training in an
5495 ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine
5496 required under Subsection (1)~~(e)~~(d); or

5497 (ii) (A) has successfully completed 12 months of resident training in an ACGME or
5498 AOA approved program after receiving a degree of doctor of osteopathic medicine as required
5499 under Subsection (1)~~(e)~~(d);

5500 (B) has been accepted in and is successfully participating in progressive resident
5501 training in an ACGME or AOA approved program within Utah, in the applicant's second or
5502 third year of postgraduate training; and

5503 (C) has agreed to surrender to the division the applicant's license as an osteopathic
5504 physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative
5505 Procedures Act, and has agreed the applicant's license as an osteopathic physician and surgeon
5506 will be automatically revoked by the division if the applicant fails to continue in good standing
5507 in an ACGME or AOA approved progressive resident training program within the state;

5508 ~~(g)~~ (f) pass the licensing examination sequence required by division rule, as made in
5509 collaboration with the board;

5510 ~~(h)~~ (g) be able to read, write, speak, understand, and be understood in the English
5511 language and demonstrate proficiency to the satisfaction of the board, if requested by the board;

5512 ~~(i)~~ (h) meet with the board and representatives of the division, if requested for the
5513 purpose of evaluating the applicant's qualifications for licensure;

5514 ~~(j)~~ (i) designate:

5515 (i) a contact person for access to medical records in accordance with the federal Health
5516 Insurance Portability and Accountability Act; and

5517 (ii) an alternate contact person for access to medical records, in the event the original
5518 contact person is unable or unwilling to serve as the contact person for access to medical
5519 records; and

5520 ~~[(k)]~~ (j) establish a method for notifying patients of the identity and location of the
5521 contact person and alternate contact person, if the applicant will practice in a location with no
5522 other persons licensed under this chapter.

5523 (2) An applicant for licensure as an osteopathic physician and surgeon by endorsement
5524 who is currently licensed to practice osteopathic medicine in any state other than Utah, a
5525 district or territory of the United States, or Canada shall:

5526 (a) be currently licensed with a full unrestricted license in good standing in any state,
5527 district or territory of the United States, or Canada;

5528 (b) have been actively engaged in the legal practice of osteopathic medicine in any
5529 state, district or territory of the United States, or Canada for not less than 6,000 hours during
5530 the five years immediately preceding the day on which the applicant applied for licensure in
5531 Utah;

5532 (c) comply with the requirements for licensure under Subsections (1)(a) through ~~[(e);~~
5533 ~~(1)(f)(i), and (1)(h) through (k)]~~ (d), (1)(e)(i), and (1)(g) through (j);

5534 (d) have passed the licensing examination sequence required in Subsection (1)~~[(g)]~~(f)
5535 or another medical licensing examination sequence in another state, district or territory of the
5536 United States, or Canada that the division in collaboration with the board by rulemaking
5537 determines is equivalent to its own required examination;

5538 (e) not have any investigation or action pending against any health care license of the
5539 applicant, not have a health care license that was suspended or revoked in any state, district or
5540 territory of the United States, or Canada, and not have surrendered a health care license in lieu
5541 of a disciplinary action, unless:

5542 (i) the license was subsequently reinstated as a full unrestricted license in good
5543 standing; or

5544 (ii) the division in collaboration with the board determines, after full disclosure by the
5545 applicant, that:

5546 (A) the conduct has been corrected, monitored, and resolved; or

5547 (B) a mitigating circumstance exists that prevents its resolution, and the division in

5548 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
5549 would be reinstated;

5550 (f) submit to a records review, a practice review history, and physical and
5551 psychological assessments, if requested by the division in collaboration with the board; and

5552 (g) produce evidence that the applicant meets the requirements of this Subsection (2) to
5553 the satisfaction of the division in collaboration with the board.

5554 (3) An applicant for licensure by endorsement may engage in the practice of medicine
5555 under a temporary license while the applicant's application for licensure is being processed by
5556 the division, provided:

5557 (a) the applicant submits a complete application required for temporary licensure to the
5558 division;

5559 (b) the applicant submits a written document to the division from:

5560 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
5561 Licensing and Inspection Act, stating that the applicant is practicing under the:

5562 (A) invitation of the health care facility; and

5563 (B) the general supervision of a physician practicing at the health care facility; or

5564 (ii) two individuals licensed under this chapter, whose license is in good standing and
5565 who practice in the same clinical location, both stating that:

5566 (A) the applicant is practicing under the invitation and general supervision of the
5567 individual; and

5568 (B) the applicant will practice at the same clinical location as the individual;

5569 (c) the applicant submits a signed certification to the division that the applicant meets
5570 the requirements of Subsection (2);

5571 (d) the applicant does not engage in the practice of medicine until the division has
5572 issued a temporary license;

5573 (e) the temporary license is only issued for and may not be extended or renewed
5574 beyond the duration of one year from issuance; and

5575 (f) the temporary license expires immediately and prior to the expiration of one year
5576 from issuance, upon notification from the division that the applicant's application for licensure
5577 by endorsement is denied.

5578 (4) The division shall issue a temporary license under Subsection (3) within 15

5579 business days after the applicant satisfies the requirements of Subsection (3).

5580 (5) The division may not require a:

5581 (a) post-residency board certification[-]; or

5582 (b) a cognitive test when the physician reaches a specified age, unless the test reflects
5583 the standards described in Subsections 58-67-302(5)(b)(i) through (x).

5584 Section 93. Section **58-68-302.5** is amended to read:

5585 **58-68-302.5. Restricted licensing of an associate physician.**

5586 (1) An individual may apply for a restricted license as an associate physician if the
5587 individual:

5588 (a) meets the requirements described in Subsections 58-68-302(1)(a) through [~~(d)~~;
5589 ~~(1)(e)(i), and (1)(h) through (k)~~] (c), (1)(d)(i), and (1)(g) through (j);

5590 (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing
5591 Examination or the equivalent steps of another board-approved medical licensing examination:

5592 (i) within three years after the day on which the applicant graduates from a program
5593 described in Subsection 58-68-302(1)[~~(e)(i)~~](d)(i); and

5594 (ii) within two years before applying for a restricted license as an associate physician;
5595 and

5596 (c) is not currently enrolled in and has not completed a residency program.

5597 (2) Before a licensed associate physician may engage in the practice of medicine as
5598 described in Subsection (3), the licensed associate physician shall:

5599 (a) enter into a collaborative practice arrangement described in Section 58-68-807
5600 within six months after the associate physician's initial licensure; and

5601 (b) receive division approval of the collaborative practice arrangement.

5602 (3) An associate physician's scope of practice is limited to primary care services to
5603 medically underserved populations or in medically underserved areas within the state.

5604 Section 94. Section **58-68-304** is amended to read:

5605 **58-68-304. License renewal requirements.**

5606 (1) As a condition precedent for license renewal, each licensee shall, during each
5607 two-year licensure cycle or other cycle defined by division rule:

5608 (a) complete qualified continuing professional education requirements in accordance
5609 with the number of hours and standards defined by division rule in collaboration with the

5610 board;

5611 (b) appoint a contact person for access to medical records and an alternate contact
5612 person for access to medical records in accordance with Subsection 58-68-302(1)~~(f)~~(i);

5613 (c) if the licensee practices osteopathic medicine in a location with no other persons
5614 licensed under this chapter, provide some method of notice to the licensee's patients of the
5615 identity and location of the contact person and alternate contact person for access to medical
5616 records for the licensee in accordance with Subsection 58-68-302(1)~~(f)~~(i); and

5617 (d) if the licensee is an associate physician licensed under Section 58-68-302.5,
5618 successfully complete the educational methods and programs described in Subsection
5619 58-68-807(4).

5620 (2) If a renewal period is extended or shortened under Section 58-68-303, the
5621 continuing education hours required for license renewal under this section are increased or
5622 decreased proportionally.

5623 (3) An application to renew a license under this chapter shall:

5624 (a) require a physician to answer the following question: "Do you perform elective
5625 abortions in Utah in a location other than a hospital?"; and

5626 (b) immediately following the question, contain the following statement: "For purposes
5627 of the immediately preceding question, elective abortion means an abortion other than one of
5628 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
5629 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
5630 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
5631 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
5632 the woman is pregnant as a result of rape or incest."

5633 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
5634 to the licensing of an abortion clinic, if a physician responds positively to the question
5635 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
5636 renews the physician's license under this chapter, inform the Department of Health in writing:

5637 (a) of the name and business address of the physician; and

5638 (b) that the physician responded positively to the question described in Subsection
5639 (3)(a).

5640 (5) The division shall accept and apply toward the hour requirement in Subsection

5641 (1)(a) any continuing education that a physician completes in accordance with Sections
5642 26-61a-106, 26-61a-403, and 26-61a-602.

5643 Section 95. Section **58-68-403** is amended to read:

5644 **58-68-403. Revocation of license -- Nondisciplinary.**

5645 Revocation by the division of a license under Subsection 58-68-302(1)~~(f)~~(e) for
5646 failure to continue on a resident training program for reasons other than unprofessional or
5647 unlawful conduct is a nondisciplinary action and may not be reported by the division as a
5648 disciplinary action against the licensee.

5649 Section 96. Section **58-69-302** is amended to read:

5650 **58-69-302. Qualifications -- Licensure as a dentist -- Licensure as a dental**
5651 **hygienist.**

5652 (1) An applicant for licensure as a dentist, except as provided in Subsection (2), shall:

5653 (a) submit an application in a form as prescribed by the division;

5654 (b) pay a fee as determined by the department under Section 63J-1-504;

5655 ~~(c) be of good moral character;~~

5656 ~~(d)~~ (c) provide satisfactory documentation of having successfully completed a
5657 program of professional education preparing an individual as a dentist as evidenced by having
5658 received an earned doctor's degree in dentistry from a dental school accredited by the
5659 Commission on Dental Accreditation of the American Dental Association;

5660 ~~(e)~~ (d) pass the National Board Dental Examinations as administered by the Joint
5661 Commission on National Dental Examinations of the American Dental Association;

5662 ~~(f)~~ (e) pass any regional dental clinical licensure examination approved by division
5663 rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
5664 Administrative Rulemaking Act;

5665 ~~(g)~~ (f) pass any other examinations regarding applicable law, rules, or ethics as
5666 established by division rule made in collaboration with the board and in accordance with Title
5667 63G, Chapter 3, Utah Administrative Rulemaking Act;

5668 ~~(h)~~ (g) be able to read, write, speak, understand, and be understood in the English
5669 language and demonstrate proficiency to the satisfaction of the board if requested by the board;
5670 and

5671 ~~(i)~~ (h) meet with the board if requested by the board or division for the purpose of

5672 examining the applicant's qualifications for licensure.

5673 (2) An applicant for licensure as a dentist qualifying under the endorsement provision
5674 of Section 58-1-302 shall:

5675 (a) be currently licensed in good standing with an unrestricted license in another
5676 jurisdiction described in Section 58-1-302;

5677 (b) document having met all requirements for licensure under Subsection (1) except
5678 Subsection ~~[(1)(d)]~~ (1)(c); and

5679 (c) document having been successfully engaged in clinical practice as a dentist for not
5680 less than 6,000 hours in the five years immediately preceding the date of application for
5681 licensure.

5682 (3) An applicant for licensure as a dental hygienist, except as set forth in Subsection
5683 (4), shall:

5684 (a) submit an application in a form as prescribed by the division;

5685 (b) pay a fee as determined by the department pursuant to Section 63J-1-504;

5686 ~~[(c) be of good moral character;]~~

5687 ~~[(d)]~~ (c) be a graduate holding a certificate or degree in dental hygiene from a school
5688 accredited by the Commission on Dental Accreditation of the American Dental Association;

5689 ~~[(e)]~~ (d) pass the National Board Dental Hygiene Examination as administered by the
5690 Joint Commission on National Dental Examinations of the American Dental Association;

5691 ~~[(f)]~~ (e) pass an examination consisting of practical demonstrations in the practice of
5692 dental hygiene and written or oral examination in the theory and practice of dental hygiene as
5693 established by division rule made in collaboration with the board;

5694 ~~[(g)]~~ (f) pass any other examinations regarding applicable law, rules, and ethics as
5695 established by rule by division rule made in collaboration with the board;

5696 ~~[(h)]~~ (g) be able to read, write, speak, understand, and be understood in the English
5697 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

5698 and

5699 ~~[(i)]~~ (h) meet with the board if requested by the board or division for the purpose of
5700 examining the applicant's qualifications for licensure.

5701 (4) An applicant for licensure as a dental hygienist qualifying under the endorsement
5702 provision of Section 58-1-302 shall:

- 5703 (a) be currently licensed in another jurisdiction set forth in Section 58-1-302;
- 5704 (b) (i) document having met all requirements for licensure under Subsection (3) except,
- 5705 an applicant having received licensure in another state or jurisdiction prior to 1962, the year
- 5706 when the National Board Dental Hygiene Examinations were first administered, shall
- 5707 document having passed a state administered examination acceptable to the division in
- 5708 collaboration with the board; or
- 5709 (ii) document having obtained licensure in another state or jurisdiction upon which
- 5710 licensure by endorsement is based by meeting requirements which were equal to licensure
- 5711 requirements in Utah at the time the applicant obtained licensure in the other state or
- 5712 jurisdiction; and
- 5713 (c) document having been successfully engaged in practice as a dental hygienist for not
- 5714 less than 2,000 hours in the two years immediately preceding the date of application for
- 5715 licensure.

5716 Section 97. Section **58-70a-302** is amended to read:

5717 **58-70a-302. Qualifications for licensure.**

5718 Each applicant for licensure as a physician assistant shall:

- 5719 (1) submit an application in a form prescribed by the division;
- 5720 (2) pay a fee determined by the department under Section 63J-1-504;
- 5721 [~~(3) be of good moral character;~~]
- 5722 [~~(4)~~ (3) have successfully completed a physician assistant program accredited by the:
- 5723 (a) Accreditation Review Commission on Education for the Physician Assistant; or
- 5724 (b) if prior to January 1, 2001, either the:
- 5725 (i) Committee on Accreditation of Allied Health Education Programs; or
- 5726 (ii) Committee on Allied Health Education and Accreditation;
- 5727 [~~(5)~~ (4) have passed the licensing examinations required by division rule made in
- 5728 collaboration with the board;
- 5729 [~~(6)~~ (5) meet with the board and representatives of the division, if requested, for the
- 5730 purpose of evaluating the applicant's qualifications for licensure; and
- 5731 [~~(7)~~ (6) (a) if the applicant desires to practice in Utah, complete a form provided by
- 5732 the division indicating:
- 5733 (i) the applicant has completed a delegation of services agreement signed by the

5734 physician assistant and the supervising physician; and

5735 (i) the agreement is on file at the Utah practice sites; or

5736 (b) complete a form provided by the division indicating the applicant is not practicing
5737 in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection
5738 ~~[(7)]~~ (6)(a).

5739 Section 98. Section **58-70a-306** is amended to read:

5740 **58-70a-306. Temporary license.**

5741 (1) An applicant for licensure as a physician assistant who has met all qualifications for
5742 licensure except passing an examination component as required in Section 58-70a-302, may
5743 apply for and be granted a temporary license to practice under Subsection (2).

5744 (2) (a) The applicant shall submit to the division evidence of completion of a physician
5745 assistant program as defined in Subsection 58-70a-302~~[(4)]~~(3).

5746 (b) (i) The temporary license shall be issued for a period not to exceed 120 days to
5747 allow the applicant to pass the Physician Assistant National Certifying Examination.

5748 (ii) The temporary license may not be renewed or extended.

5749 (c) A physician assistant holding a temporary license may work only under the direct
5750 supervision of an approved supervising or substitute supervising physician in accordance with
5751 a delegation of services agreement, and all patient charts shall be reviewed and countersigned
5752 by the supervising or substitute supervising physician.

5753 Section 99. Section **58-71-302** is amended to read:

5754 **58-71-302. Qualifications for licensure.**

5755 (1) An applicant for licensure as a naturopathic physician, except as set forth in
5756 Subsection (2), shall:

5757 (a) submit an application in a form prescribed by the division, which may include:

5758 (i) submissions by the applicant of information maintained by practitioner data banks,
5759 as designated by division rule, with respect to the applicant; and

5760 (ii) a record of professional liability claims made against the applicant and settlements
5761 paid by or in behalf of the applicant;

5762 (b) pay a fee determined by the department under Section 63J-1-504;

5763 ~~[(c) be of good moral character;]~~

5764 ~~[(d)]~~ (c) provide satisfactory documentation of having successfully completed a

5765 program of professional education preparing an individual as a naturopathic physician, as
5766 evidenced by having received an earned degree of doctor of naturopathic medicine from:

5767 (i) a naturopathic medical school or college accredited by the Council of Naturopathic
5768 Medical Education or its successor organization approved by the division;

5769 (ii) a naturopathic medical school or college that is a candidate for accreditation by the
5770 Council of Naturopathic Medical Education or its successor organization, and is approved by
5771 the division in collaboration with the board, upon a finding there is reasonable expectation the
5772 school or college will be accredited; or

5773 (iii) a naturopathic medical school or college which, at the time of the applicant's
5774 graduation, met current criteria for accreditation by the Council of Naturopathic Medical
5775 Education or its successor organization approved by the division;

5776 ~~(f)~~ (d) provide satisfactory documentation of having successfully completed, after
5777 successful completion of the education requirements set forth in Subsection ~~(1)(d)~~ (1)(c), 12
5778 months of clinical experience in naturopathic medicine in a residency program recognized by
5779 the division and associated with an accredited school or college of naturopathic medicine, and
5780 under the preceptorship of a licensed naturopathic physician, physician and surgeon, or
5781 osteopathic physician;

5782 ~~(f)~~ (e) pass the licensing examination sequence required by division rule established
5783 in collaboration with the board;

5784 ~~(g)~~ (f) be able to read, write, speak, understand, and be understood in the English
5785 language and demonstrate proficiency to the satisfaction of the board if requested by the board;
5786 and

5787 ~~(h)~~ (g) meet with the board and representatives of the division, if requested, for the
5788 purpose of evaluating the applicant's qualifications for licensure.

5789 (2) (a) In accordance with Subsection (2)(b), an applicant for licensure as a
5790 naturopathic physician under the endorsement provision of Section 58-1-302 shall:

5791 (i) meet the requirements of Section 58-1-302;

5792 (ii) document having met all requirements for licensure under Subsection (1) except
5793 the clinical experience requirement of Subsection ~~(1)(e)~~ (1)(d);

5794 (iii) have passed the examination requirements established under Subsection ~~(1)(f)~~
5795 ~~which~~ (1)(e) that:

5796 (A) the applicant has not passed in connection with licensure in another state or
5797 jurisdiction; and

5798 (B) are available to the applicant to take without requiring additional professional
5799 education;

5800 (iv) have been actively engaged in the practice of a naturopathic physician for not less
5801 than 6,000 hours during the five years immediately preceding the date of application for
5802 licensure in Utah; and

5803 (v) meet with the board and representatives of the division for the purpose of
5804 evaluating the applicant's qualifications for licensure.

5805 (b) The division may rely, either wholly or in part, on one or more credentialing
5806 associations designated by division rule, made in collaboration with the board, to document
5807 and certify in writing to the satisfaction of the division that an applicant has met each of the
5808 requirements of this Subsection (2), including the requirements of Section 58-1-302 that:

5809 (i) the applicant holds a current license;

5810 (ii) the education, experience, and examination requirements of the foreign country or
5811 the state, district, or territory of the United States that issued the applicant's license are, or were
5812 at the time the license was issued, equal to those of this state for licensure as a naturopathic
5813 physician; and

5814 (iii) the applicant has produced evidence satisfactory to the division of the applicant's
5815 qualifications, identity, and good standing as a naturopathic physician.

5816 Section 100. Section **58-72-302** is amended to read:

5817 **58-72-302. Qualifications for licensure.**

5818 An applicant for licensure as a licensed acupuncturist shall:

5819 (1) submit an application in a form prescribed by the division;

5820 (2) pay a fee determined by the department under Section 63J-1-504;

5821 [~~(3) be of good moral character;~~]

5822 [~~(4)~~] (3) meet the requirements for current active certification in acupuncture under
5823 guidelines established by the National Commission for the Certification of Acupuncture and
5824 Oriental Medicine (NCCAOM) as demonstrated through a current certificate or other
5825 appropriate documentation;

5826 [~~(5)~~] (4) pass the examination required by the division by rule;

5827 ~~[(6)]~~ (5) establish procedures, as defined by rule, which shall enable patients to give
5828 informed consent to treatment; and

5829 ~~[(7)]~~ (6) meet with the board, if requested, for the purpose of evaluating the applicant's
5830 qualifications for licensure.

5831 Section 101. Section **58-73-302** is amended to read:

5832 **58-73-302. Qualifications for licensure.**

5833 (1) Each applicant for licensure as a chiropractic physician, other than those applying
5834 for a license based on licensure as a chiropractor or chiropractic physician in another
5835 jurisdiction, shall:

5836 (a) submit an application in a form prescribed by the division;

5837 (b) pay a fee determined by the department under Section 63J-1-504;

5838 ~~[(c) be of good moral character;]~~

5839 ~~[(d)]~~ (c) demonstrate satisfactory completion of at least two years of general study in a
5840 college or university;

5841 ~~[(e)]~~ (d) demonstrate having earned a degree of doctor of chiropractic from a
5842 chiropractic college or university that at the time the degree was conferred was accredited by
5843 the Council on Chiropractic Education, Inc., or an equivalent chiropractic accrediting body
5844 recognized by the United States Department of Education and by the division rule made in
5845 collaboration with the board;

5846 ~~[(f)]~~ (e) demonstrate successful completion of:

5847 (i) the National Chiropractic Boards:

5848 (A) Parts I and II;

5849 (B) Written Clinical Competency Examination; and

5850 (C) Physical Therapy;

5851 (ii) the Utah Chiropractic Law and Rules Examination; and

5852 (iii) a practical examination approved by the division in collaboration with the board;

5853 and

5854 ~~[(g)]~~ (f) meet with the board, if requested, for the purpose of reviewing the applicant's
5855 qualifications for licensure.

5856 (2) Each applicant for licensure as a chiropractic physician based on licensure as a
5857 chiropractor or chiropractic physician in another jurisdiction shall:

- 5858 (a) submit an application in the form prescribed by the division;
- 5859 (b) pay a fee determined by the department under Section 63J-1-504;
- 5860 [~~(c)~~ be of good moral character;]
- 5861 [~~(d)~~ (c) demonstrate having obtained licensure as a chiropractor or chiropractic
- 5862 physician in another state under education requirements which were equivalent to the education
- 5863 requirements in this state to obtain a chiropractor or chiropractic physician license at the time
- 5864 the applicant obtained the license in the other state;
- 5865 [~~(e)~~ (d) demonstrate successful completion of:
- 5866 (i) the Utah Chiropractic Law and Rules Examination; and
- 5867 (ii) the Special Purposes Examination for Chiropractic (SPEC) of the National Board
- 5868 of Chiropractic Examiners;
- 5869 [~~(f)~~ (e) have been actively engaged in the practice of chiropractic for not less than two
- 5870 years immediately preceding application for licensure in this state; and
- 5871 [~~(g)~~ (f) meet with the board, if requested, for the purpose of reviewing the applicant's
- 5872 qualifications for licensure.

5873 Section 102. Section **58-74-102** is amended to read:

5874 **58-74-102. Definitions.**

5875 In addition to the definitions in Section 58-1-102, as used in this chapter:

- 5876 (1) "Practice of court reporting" means the making of a verbatim record, by
- 5877 stenography or voice writing, of any trial, legislative public hearing, state agency public
- 5878 hearing, deposition, examination before trial, hearing or proceeding before any grand jury,
- 5879 referee, board, commission, master or arbitrator, or other sworn testimony given under oath.
- 5880 (2) "State certified court reporter" means a person who engages in the practice of court
- 5881 reporting and has met the requirements for state certification as a state certified court reporter.
- 5882 (3) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501
- 5883 and 58-74-501.
- 5884 (4) "Unprofessional conduct" means the same as that term is defined in [Section]
- 5885 Sections 58-1-501 and 58-74-502 and as may be further defined by rule.

5886 Section 103. Section **58-74-302** is amended to read:

5887 **58-74-302. Qualifications for state certification.**

- 5888 (1) Each applicant for state certification as a state certified court reporter under this

5889 chapter shall:

- 5890 (a) be at least 18 years of age;
- 5891 (b) be a citizen of the United States and a resident of the state;
- 5892 (c) submit an application in a form prescribed by the division;
- 5893 (d) pay a fee determined by the department under Section 63J-1-504;
- 5894 (e) possess a high degree of skill and ability in the art of court reporting; and
- 5895 ~~[(f) produce satisfactory evidence of good moral character; and]~~
- 5896 ~~[(g)]~~ (f) submit evidence that the applicant has completed and passed the Registered
- 5897 Professional Reporter Examination of the National Court Reporters Association or the
- 5898 Certified Verbatim Reporter Examination of the National Verbatim Reporters Association.

5899 (2) ~~[Any]~~ A person granted a certificate to practice as a state certified court reporter

5900 may use the abbreviation "C.C.R." or "C.V.R." as long as the person's certificate is current and

5901 valid.

5902 Section 104. Section ~~58-75-302~~ is amended to read:

5903 **58-75-302. Qualifications for licensure -- Temporary license.**

5904 (1) Except as provided in Subsection (2), each applicant for licensure as a genetic

5905 counselor under this chapter shall:

- 5906 (a) submit an application in a form prescribed by the division;
- 5907 (b) pay a fee determined by the department under Section 63J-1-504;
- 5908 ~~[(c) be of good moral character;]~~
- 5909 ~~[(d)]~~ (c) provide satisfactory documentation of having earned:
- 5910 (i) a master's degree from a genetic counseling training program that is accredited by
- 5911 the American Board of Genetic Counseling or an equivalent as determined by the division; or
- 5912 (ii) a doctoral degree from a medical genetics training program that is accredited by the
- 5913 American Board of Medical Genetics or an equivalent as determined by the division; and
- 5914 ~~[(e)]~~ (d) meet the examination requirement for certification as:
- 5915 (i) a genetic counselor by the American Board of Genetic Counseling or the American
- 5916 Board of Medical Genetics; or
- 5917 (ii) a medical geneticist by the American Board of Medical Genetics.

5918 (2) The division may issue a temporary license, in accordance with Section 58-1-303

5919 and any other conditions established by rule, to an applicant who meets all of the requirements

5920 for licensure except the examination requirement of Subsection ~~[(1)(e)]~~ (1)(d).

5921 Section 105. Section **58-76-302** is amended to read:

5922 **58-76-302. Qualifications for licensure.**

5923 Each applicant for licensure as a professional geologist shall:

5924 (1) submit an application in a form as prescribed by the division;

5925 (2) pay a fee as determined by the department under Section 63J-1-504;

5926 ~~[(3) be of good moral character;]~~

5927 ~~[(4)]~~ (3) provide satisfactory evidence of:

5928 (a) a bachelors or graduate degree in the geosciences granted through an institution of
5929 higher education that is accredited by a regional or national accrediting agency with a minimum
5930 of 30 semester or 45 quarter hours of course work in the geosciences; or

5931 (b) completion of other equivalent educational requirements as determined by the
5932 division in collaboration with the board;

5933 ~~[(5)]~~ (4) provide satisfactory evidence of:

5934 (a) with a bachelors degree, a specific record of five years of active professional
5935 practice in geological work of a character satisfactory to the division, indicating the applicant is
5936 competent to be placed in a responsible charge of the work;

5937 (b) with a masters degree, a specific record of three years of active professional
5938 practice in geological work of a character satisfactory to the division, indicating the applicant is
5939 competent to be placed in a responsible charge of the work; or

5940 (c) with a doctorate degree, a specific record of one year of active professional practice
5941 in geological work of a character satisfactory to the division, indicating the applicant is
5942 competent to be placed in a responsible charge of the work; and

5943 ~~[(6)]~~ (5) after January 1, 2004, meet the examination requirement established by rule
5944 by the division in collaboration with the board.

5945 Section 106. Section **58-77-302** is amended to read:

5946 **58-77-302. Qualifications for licensure.**

5947 Each applicant for licensure as a licensed direct-entry midwife shall:

5948 (1) submit an application in a form prescribed by the division;

5949 (2) pay a fee as determined by the department under Section 63J-1-504;

5950 ~~[(3) be of good moral character;]~~

5951 ~~[(4)]~~ (3) hold a Certified Professional Midwife certificate in good standing with the
5952 North American Registry of Midwives or equivalent certification approved by the division in
5953 collaboration with the board;

5954 ~~[(5)]~~ (4) hold current adult and infant CPR and newborn resuscitation certifications
5955 through an organization approved by the division in collaboration with the board; and

5956 ~~[(6)]~~ (5) provide documentation of successful completion of an approved
5957 pharmacology course as defined by division rule.

5958 Section 107. Section **58-78-302** is amended to read:

5959 **58-78-302. Qualifications for licensure -- Licensure by credential.**

5960 (1) Except as provided in Subsection (2), an applicant for licensure as a vocational
5961 rehabilitation counselor under this chapter shall:

5962 (a) submit an application in a form as prescribed by the division;

5963 (b) pay a fee determined by the department under Section 63J-1-504 to recover the
5964 costs of administering licensing requirements relating to vocational rehabilitation counselors;

5965 ~~[(c) be of good moral character;]~~

5966 ~~[(d)]~~ (c) provide satisfactory evidence of having earned a master's degree in
5967 rehabilitation counseling or a related field;

5968 ~~[(e)]~~ (d) provide satisfactory evidence of having 4,000 hours of disability related work
5969 experience under the supervision of a licensed vocational rehabilitation counselor, except as
5970 otherwise provided in Subsection (2); and

5971 ~~[(f)]~~ (e) meet the examination requirement established by rule by the division in
5972 collaboration with the board.

5973 (2) The division may issue a license under this chapter to an individual who is licensed
5974 in another state or jurisdiction to practice vocational rehabilitation counseling if the division
5975 finds that the other state or jurisdiction has substantially the same or higher licensure
5976 requirements as this state.

5977 Section 108. Section **58-79-302** is amended to read:

5978 **58-79-302. Qualifications for licensure.**

5979 (1) An applicant for licensure as a hunting guide shall:

5980 (a) submit an application in a form prescribed by the division;

5981 (b) pay a fee determined by the department under Section 63J-1-504;

5982 [~~(c)~~ produce satisfactory evidence of good moral character;]
 5983 [~~(d)~~ (c) possess a high degree of skill and ability as a hunting guide;
 5984 [~~(e)~~ (d) successfully complete basic education and training requirements established
 5985 by rule by the division in collaboration with the board; and
 5986 [~~(f)~~ (e) meet with the division and board if requested by the division or board.

5987 (2) An applicant for licensure as an outfitter shall:

5988 (a) submit an application in a form prescribed by the division;

5989 (b) pay a fee determined by the department under Section 63J-1-504;

5990 [~~(c)~~ produce satisfactory evidence of good moral character;]

5991 [~~(d)~~ (c) possess a high degree of skill and ability as an outfitter;

5992 [~~(e)~~ (d) successfully complete basic education and training requirements established
 5993 by rule by the division in collaboration with the board; and

5994 [~~(f)~~ (e) meet with the division and board if requested by the division or board.

5995 Section 109. Section **58-84-201** is amended to read:

5996 **58-84-201. Qualifications for state certification.**

5997 (1) The division shall grant state certification to a person who qualifies under this
 5998 chapter to engage in the practice of music therapy as a state certified music therapist.

5999 (2) Each applicant for state certification as a state certified music therapist shall:

6000 (a) submit an application in a form prescribed by the division;

6001 (b) pay a fee determined by the department under Section 63J-1-504; and

6002 [~~(c)~~ be of good moral character; and]

6003 [~~(d)~~ (c) provide satisfactory documentation that the applicant is board certified by, and
 6004 in good standing with, the Certification Board for Music Therapists, or an equivalent board as
 6005 determined by division rule.

6006 Section 110. Section **58-86-202** is amended to read:

6007 **58-86-202. Qualifications for state certification.**

6008 Each applicant for state certification as a state certified commercial interior designer
 6009 shall:

6010 (1) submit an application in a form prescribed by the division;

6011 (2) pay a fee determined by the department under Section 63J-1-504; and

6012 (3) provide satisfactory evidence of [~~(a)~~ good moral character; and (~~b~~)] having

6013 qualified to take and having passed the examination of the National Council for Interior Design
6014 Qualification, or an equivalent body as determined by division rule.

6015 Section 111. Section **63G-2-305** is amended to read:

6016 **63G-2-305. Protected records.**

6017 The following records are protected if properly classified by a governmental entity:

6018 (1) trade secrets as defined in Section 13-24-2 if the person submitting the trade secret
6019 has provided the governmental entity with the information specified in Section 63G-2-309;

6020 (2) commercial information or nonindividual financial information obtained from a
6021 person if:

6022 (a) disclosure of the information could reasonably be expected to result in unfair
6023 competitive injury to the person submitting the information or would impair the ability of the
6024 governmental entity to obtain necessary information in the future;

6025 (b) the person submitting the information has a greater interest in prohibiting access
6026 than the public in obtaining access; and

6027 (c) the person submitting the information has provided the governmental entity with
6028 the information specified in Section 63G-2-309;

6029 (3) commercial or financial information acquired or prepared by a governmental entity
6030 to the extent that disclosure would lead to financial speculations in currencies, securities, or
6031 commodities that will interfere with a planned transaction by the governmental entity or cause
6032 substantial financial injury to the governmental entity or state economy;

6033 (4) records, the disclosure of which could cause commercial injury to, or confer a
6034 competitive advantage upon a potential or actual competitor of, a commercial project entity as
6035 defined in Subsection 11-13-103(4);

6036 (5) test questions and answers to be used in future license, certification, registration,
6037 employment, or academic examinations;

6038 (6) records, the disclosure of which would impair governmental procurement
6039 proceedings or give an unfair advantage to any person proposing to enter into a contract or
6040 agreement with a governmental entity, except, subject to Subsections (1) and (2), that this
6041 Subsection (6) does not restrict the right of a person to have access to, after the contract or
6042 grant has been awarded and signed by all parties:

6043 (a) a bid, proposal, application, or other information submitted to or by a governmental

6044 entity in response to:

- 6045 (i) an invitation for bids;
- 6046 (ii) a request for proposals;
- 6047 (iii) a request for quotes;
- 6048 (iv) a grant; or
- 6049 (v) other similar document; or

6050 (b) an unsolicited proposal, as defined in Section 63G-6a-712;

6051 (7) information submitted to or by a governmental entity in response to a request for
6052 information, except, subject to Subsections (1) and (2), that this Subsection (7) does not restrict
6053 the right of a person to have access to the information, after:

- 6054 (a) a contract directly relating to the subject of the request for information has been
6055 awarded and signed by all parties; or
- 6056 (b) (i) a final determination is made not to enter into a contract that relates to the
6057 subject of the request for information; and
- 6058 (ii) at least two years have passed after the day on which the request for information is
6059 issued;

6060 (8) records that would identify real property or the appraisal or estimated value of real
6061 or personal property, including intellectual property, under consideration for public acquisition
6062 before any rights to the property are acquired unless:

- 6063 (a) public interest in obtaining access to the information is greater than or equal to the
6064 governmental entity's need to acquire the property on the best terms possible;
- 6065 (b) the information has already been disclosed to persons not employed by or under a
6066 duty of confidentiality to the entity;
- 6067 (c) in the case of records that would identify property, potential sellers of the described
6068 property have already learned of the governmental entity's plans to acquire the property;
- 6069 (d) in the case of records that would identify the appraisal or estimated value of
6070 property, the potential sellers have already learned of the governmental entity's estimated value
6071 of the property; or
- 6072 (e) the property under consideration for public acquisition is a single family residence
6073 and the governmental entity seeking to acquire the property has initiated negotiations to acquire
6074 the property as required under Section 78B-6-505;

6075 (9) records prepared in contemplation of sale, exchange, lease, rental, or other
6076 compensated transaction of real or personal property including intellectual property, which, if
6077 disclosed prior to completion of the transaction, would reveal the appraisal or estimated value
6078 of the subject property, unless:

6079 (a) the public interest in access is greater than or equal to the interests in restricting
6080 access, including the governmental entity's interest in maximizing the financial benefit of the
6081 transaction; or

6082 (b) when prepared by or on behalf of a governmental entity, appraisals or estimates of
6083 the value of the subject property have already been disclosed to persons not employed by or
6084 under a duty of confidentiality to the entity;

6085 (10) records created or maintained for civil, criminal, or administrative enforcement
6086 purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if
6087 release of the records:

6088 (a) reasonably could be expected to interfere with investigations undertaken for
6089 enforcement, discipline, licensing, certification, or registration purposes;

6090 (b) reasonably could be expected to interfere with audits, disciplinary, or enforcement
6091 proceedings;

6092 (c) would create a danger of depriving a person of a right to a fair trial or impartial
6093 hearing;

6094 (d) reasonably could be expected to disclose the identity of a source who is not
6095 generally known outside of government and, in the case of a record compiled in the course of
6096 an investigation, disclose information furnished by a source not generally known outside of
6097 government if disclosure would compromise the source; or

6098 (e) reasonably could be expected to disclose investigative or audit techniques,
6099 procedures, policies, or orders not generally known outside of government if disclosure would
6100 interfere with enforcement or audit efforts;

6101 (11) records the disclosure of which would jeopardize the life or safety of an
6102 individual;

6103 (12) records the disclosure of which would jeopardize the security of governmental
6104 property, governmental programs, or governmental recordkeeping systems from damage, theft,
6105 or other appropriation or use contrary to law or public policy;

6106 (13) records that, if disclosed, would jeopardize the security or safety of a correctional
6107 facility, or records relating to incarceration, treatment, probation, or parole, that would interfere
6108 with the control and supervision of an offender's incarceration, treatment, probation, or parole;

6109 (14) records that, if disclosed, would reveal recommendations made to the Board of
6110 Pardons and Parole by an employee of or contractor for the Department of Corrections, the
6111 Board of Pardons and Parole, or the Department of Human Services that are based on the
6112 employee's or contractor's supervision, diagnosis, or treatment of any person within the board's
6113 jurisdiction;

6114 (15) records and audit workpapers that identify audit, collection, and operational
6115 procedures and methods used by the State Tax Commission, if disclosure would interfere with
6116 audits or collections;

6117 (16) records of a governmental audit agency relating to an ongoing or planned audit
6118 until the final audit is released;

6119 (17) records that are subject to the attorney client privilege;

6120 (18) records prepared for or by an attorney, consultant, surety, indemnitor, insurer,
6121 employee, or agent of a governmental entity for, or in anticipation of, litigation or a judicial,
6122 quasi-judicial, or administrative proceeding;

6123 (19) (a) (i) personal files of a state legislator, including personal correspondence to or
6124 from a member of the Legislature; and

6125 (ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of
6126 legislative action or policy may not be classified as protected under this section; and

6127 (b) (i) an internal communication that is part of the deliberative process in connection
6128 with the preparation of legislation between:

6129 (A) members of a legislative body;

6130 (B) a member of a legislative body and a member of the legislative body's staff; or

6131 (C) members of a legislative body's staff; and

6132 (ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of
6133 legislative action or policy may not be classified as protected under this section;

6134 (20) (a) records in the custody or control of the Office of Legislative Research and
6135 General Counsel, that, if disclosed, would reveal a particular legislator's contemplated
6136 legislation or contemplated course of action before the legislator has elected to support the

6137 legislation or course of action, or made the legislation or course of action public; and
6138 (b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the
6139 Office of Legislative Research and General Counsel is a public document unless a legislator
6140 asks that the records requesting the legislation be maintained as protected records until such
6141 time as the legislator elects to make the legislation or course of action public;

6142 (21) research requests from legislators to the Office of Legislative Research and
6143 General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared
6144 in response to these requests;

6145 (22) drafts, unless otherwise classified as public;

6146 (23) records concerning a governmental entity's strategy about:

6147 (a) collective bargaining; or
6148 (b) imminent or pending litigation;

6149 (24) records of investigations of loss occurrences and analyses of loss occurrences that
6150 may be covered by the Risk Management Fund, the Employers' Reinsurance Fund, the
6151 Uninsured Employers' Fund, or similar divisions in other governmental entities;

6152 (25) records, other than personnel evaluations, that contain a personal recommendation
6153 concerning an individual if disclosure would constitute a clearly unwarranted invasion of
6154 personal privacy, or disclosure is not in the public interest;

6155 (26) records that reveal the location of historic, prehistoric, paleontological, or
6156 biological resources that if known would jeopardize the security of those resources or of
6157 valuable historic, scientific, educational, or cultural information;

6158 (27) records of independent state agencies if the disclosure of the records would
6159 conflict with the fiduciary obligations of the agency;

6160 (28) records of an institution within the state system of higher education defined in
6161 Section 53B-1-102 regarding tenure evaluations, appointments, applications for admissions,
6162 retention decisions, and promotions, which could be properly discussed in a meeting closed in
6163 accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of
6164 the final decisions about tenure, appointments, retention, promotions, or those students
6165 admitted, may not be classified as protected under this section;

6166 (29) records of the governor's office, including budget recommendations, legislative
6167 proposals, and policy statements, that if disclosed would reveal the governor's contemplated

6168 policies or contemplated courses of action before the governor has implemented or rejected
6169 those policies or courses of action or made them public;

6170 (30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis,
6171 revenue estimates, and fiscal notes of proposed legislation before issuance of the final
6172 recommendations in these areas;

6173 (31) records provided by the United States or by a government entity outside the state
6174 that are given to the governmental entity with a requirement that they be managed as protected
6175 records if the providing entity certifies that the record would not be subject to public disclosure
6176 if retained by it;

6177 (32) transcripts, minutes, recordings, or reports of the closed portion of a meeting of a
6178 public body except as provided in Section 52-4-206;

6179 (33) records that would reveal the contents of settlement negotiations but not including
6180 final settlements or empirical data to the extent that they are not otherwise exempt from
6181 disclosure;

6182 (34) memoranda prepared by staff and used in the decision-making process by an
6183 administrative law judge, a member of the Board of Pardons and Parole, or a member of any
6184 other body charged by law with performing a quasi-judicial function;

6185 (35) records that would reveal negotiations regarding assistance or incentives offered
6186 by or requested from a governmental entity for the purpose of encouraging a person to expand
6187 or locate a business in Utah, but only if disclosure would result in actual economic harm to the
6188 person or place the governmental entity at a competitive disadvantage, but this section may not
6189 be used to restrict access to a record evidencing a final contract;

6190 (36) materials to which access must be limited for purposes of securing or maintaining
6191 the governmental entity's proprietary protection of intellectual property rights including patents,
6192 copyrights, and trade secrets;

6193 (37) the name of a donor or a prospective donor to a governmental entity, including an
6194 institution within the state system of higher education defined in Section 53B-1-102, and other
6195 information concerning the donation that could reasonably be expected to reveal the identity of
6196 the donor, provided that:

6197 (a) the donor requests anonymity in writing;

6198 (b) any terms, conditions, restrictions, or privileges relating to the donation may not be

6199 classified protected by the governmental entity under this Subsection (37); and
6200 (c) except for an institution within the state system of higher education defined in
6201 Section 53B-1-102, the governmental unit to which the donation is made is primarily engaged
6202 in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority
6203 over the donor, a member of the donor's immediate family, or any entity owned or controlled
6204 by the donor or the donor's immediate family;

6205 (38) accident reports, except as provided in Sections 41-6a-404, 41-12a-202, and
6206 73-18-13;

6207 (39) a notification of workers' compensation insurance coverage described in Section
6208 34A-2-205;

6209 (40) (a) the following records of an institution within the state system of higher
6210 education defined in Section 53B-1-102, which have been developed, discovered, disclosed to,
6211 or received by or on behalf of faculty, staff, employees, or students of the institution:

6212 (i) unpublished lecture notes;

6213 (ii) unpublished notes, data, and information:

6214 (A) relating to research; and

6215 (B) of:

6216 (I) the institution within the state system of higher education defined in Section
6217 53B-1-102; or

6218 (II) a sponsor of sponsored research;

6219 (iii) unpublished manuscripts;

6220 (iv) creative works in process;

6221 (v) scholarly correspondence; and

6222 (vi) confidential information contained in research proposals;

6223 (b) Subsection (40)(a) may not be construed to prohibit disclosure of public
6224 information required pursuant to Subsection 53B-16-302(2)(a) or (b); and

6225 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

6226 (41) (a) records in the custody or control of the Office of Legislative Auditor General
6227 that would reveal the name of a particular legislator who requests a legislative audit prior to the
6228 date that audit is completed and made public; and

6229 (b) notwithstanding Subsection (41)(a), a request for a legislative audit submitted to the

6230 Office of the Legislative Auditor General is a public document unless the legislator asks that
6231 the records in the custody or control of the Office of Legislative Auditor General that would
6232 reveal the name of a particular legislator who requests a legislative audit be maintained as
6233 protected records until the audit is completed and made public;

6234 (42) records that provide detail as to the location of an explosive, including a map or
6235 other document that indicates the location of:

6236 (a) a production facility; or

6237 (b) a magazine;

6238 (43) information:

6239 (a) contained in the statewide database of the Division of Aging and Adult Services
6240 created by Section 62A-3-311.1; or

6241 (b) received or maintained in relation to the Identity Theft Reporting Information
6242 System (IRIS) established under Section 67-5-22;

6243 (44) information contained in the Management Information System and Licensing
6244 Information System described in Title 62A, Chapter 4a, Child and Family Services;

6245 (45) information regarding National Guard operations or activities in support of the
6246 National Guard's federal mission;

6247 (46) records provided by any pawn or secondhand business to a law enforcement
6248 agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop and
6249 Secondhand Merchandise Transaction Information Act;

6250 (47) information regarding food security, risk, and vulnerability assessments performed
6251 by the Department of Agriculture and Food;

6252 (48) except to the extent that the record is exempt from this chapter pursuant to Section
6253 63G-2-106, records related to an emergency plan or program, a copy of which is provided to or
6254 prepared or maintained by the Division of Emergency Management, and the disclosure of
6255 which would jeopardize:

6256 (a) the safety of the general public; or

6257 (b) the security of:

6258 (i) governmental property;

6259 (ii) governmental programs; or

6260 (iii) the property of a private person who provides the Division of Emergency

6261 Management information;

6262 (49) records of the Department of Agriculture and Food that provides for the
6263 identification, tracing, or control of livestock diseases, including any program established under
6264 Title 4, Chapter 24, Utah Livestock Brand and Anti-Theft Act, or Title 4, Chapter 31, Control
6265 of Animal Disease;

6266 (50) as provided in Section 26-39-501:

6267 (a) information or records held by the Department of Health related to a complaint
6268 regarding a child care program or residential child care which the department is unable to
6269 substantiate; and

6270 (b) information or records related to a complaint received by the Department of Health
6271 from an anonymous complainant regarding a child care program or residential child care;

6272 (51) unless otherwise classified as public under Section 63G-2-301 and except as
6273 provided under Section 41-1a-116, an individual's home address, home telephone number, or
6274 personal mobile phone number, if:

6275 (a) the individual is required to provide the information in order to comply with a law,
6276 ordinance, rule, or order of a government entity; and

6277 (b) the subject of the record has a reasonable expectation that this information will be
6278 kept confidential due to:

6279 (i) the nature of the law, ordinance, rule, or order; and

6280 (ii) the individual complying with the law, ordinance, rule, or order;

6281 (52) the portion of the following documents that contains a candidate's residential or
6282 mailing address, if the candidate provides to the filing officer another address or phone number
6283 where the candidate may be contacted:

6284 (a) a declaration of candidacy, a nomination petition, or a certificate of nomination,
6285 described in Section 20A-9-201, 20A-9-202, 20A-9-203, 20A-9-404, 20A-9-405, 20A-9-408,
6286 20A-9-408.5, 20A-9-502, or 20A-9-601;

6287 (b) an affidavit of impecuniosity, described in Section 20A-9-201; or

6288 (c) a notice of intent to gather signatures for candidacy, described in Section
6289 20A-9-408;

6290 (53) the name, home address, work addresses, and telephone numbers of an individual
6291 that is engaged in, or that provides goods or services for, medical or scientific research that is:

6292 (a) conducted within the state system of higher education, as defined in Section
6293 53B-1-102; and

6294 (b) conducted using animals;

6295 (54) in accordance with Section 78A-12-203, any record of the Judicial Performance
6296 Evaluation Commission concerning an individual commissioner's vote on whether or not to
6297 recommend that the voters retain a judge including information disclosed under Subsection
6298 78A-12-203(5)(e);

6299 (55) information collected and a report prepared by the Judicial Performance
6300 Evaluation Commission concerning a judge, unless Section 20A-7-702 or Title 78A, Chapter
6301 12, Judicial Performance Evaluation Commission Act, requires disclosure of, or makes public,
6302 the information or report;

6303 (56) records contained in the Management Information System created in Section
6304 62A-4a-1003;

6305 (57) records provided or received by the Public Lands Policy Coordinating Office in
6306 furtherance of any contract or other agreement made in accordance with Section 63J-4-603;

6307 (58) information requested by and provided to the 911 Division under Section
6308 63H-7a-302;

6309 (59) in accordance with Section 73-10-33:

6310 (a) a management plan for a water conveyance facility in the possession of the Division
6311 of Water Resources or the Board of Water Resources; or

6312 (b) an outline of an emergency response plan in possession of the state or a county or
6313 municipality;

6314 (60) the following records in the custody or control of the Office of Inspector General
6315 of Medicaid Services, created in Section 63A-13-201:

6316 (a) records that would disclose information relating to allegations of personal
6317 misconduct, gross mismanagement, or illegal activity of a person if the information or
6318 allegation cannot be corroborated by the Office of Inspector General of Medicaid Services
6319 through other documents or evidence, and the records relating to the allegation are not relied
6320 upon by the Office of Inspector General of Medicaid Services in preparing a final investigation
6321 report or final audit report;

6322 (b) records and audit workpapers to the extent they would disclose the identity of a

6323 person who, during the course of an investigation or audit, communicated the existence of any
6324 Medicaid fraud, waste, or abuse, or a violation or suspected violation of a law, rule, or
6325 regulation adopted under the laws of this state, a political subdivision of the state, or any
6326 recognized entity of the United States, if the information was disclosed on the condition that
6327 the identity of the person be protected;

6328 (c) before the time that an investigation or audit is completed and the final
6329 investigation or final audit report is released, records or drafts circulated to a person who is not
6330 an employee or head of a governmental entity for the person's response or information;

6331 (d) records that would disclose an outline or part of any investigation, audit survey
6332 plan, or audit program; or

6333 (e) requests for an investigation or audit, if disclosure would risk circumvention of an
6334 investigation or audit;

6335 (61) records that reveal methods used by the Office of Inspector General of Medicaid
6336 Services, the fraud unit, or the Department of Health, to discover Medicaid fraud, waste, or
6337 abuse;

6338 (62) information provided to the Department of Health or the Division of Occupational
6339 and Professional Licensing under [~~Subsection~~] Subsections 58-67-304(3) and (4) and
6340 Subsections 58-68-304(3) [or] and (4);

6341 (63) a record described in Section 63G-12-210;

6342 (64) captured plate data that is obtained through an automatic license plate reader
6343 system used by a governmental entity as authorized in Section 41-6a-2003;

6344 (65) any record in the custody of the Utah Office for Victims of Crime relating to a
6345 victim, including:

6346 (a) a victim's application or request for benefits;

6347 (b) a victim's receipt or denial of benefits; and

6348 (c) any administrative notes or records made or created for the purpose of, or used to,
6349 evaluate or communicate a victim's eligibility for or denial of benefits from the Crime Victim
6350 Reparations Fund;

6351 (66) an audio or video recording created by a body-worn camera, as that term is
6352 defined in Section 77-7a-103, that records sound or images inside a hospital or health care
6353 facility as those terms are defined in Section 78B-3-403, inside a clinic of a health care

6354 provider, as that term is defined in Section 78B-3-403, or inside a human service program as
6355 that term is defined in Section 62A-2-101, except for recordings that:

6356 (a) depict the commission of an alleged crime;

6357 (b) record any encounter between a law enforcement officer and a person that results in
6358 death or bodily injury, or includes an instance when an officer fires a weapon;

6359 (c) record any encounter that is the subject of a complaint or a legal proceeding against
6360 a law enforcement officer or law enforcement agency;

6361 (d) contain an officer involved critical incident as defined in Subsection
6362 76-2-408(1)(d); or

6363 (e) have been requested for reclassification as a public record by a subject or
6364 authorized agent of a subject featured in the recording;

6365 (67) a record pertaining to the search process for a president of an institution of higher
6366 education described in Section 53B-2-102, except for application materials for a publicly
6367 announced finalist; and

6368 (68) an audio recording that is:

6369 (a) produced by an audio recording device that is used in conjunction with a device or
6370 piece of equipment designed or intended for resuscitating an individual or for treating an
6371 individual with a life-threatening condition;

6372 (b) produced during an emergency event when an individual employed to provide law
6373 enforcement, fire protection, paramedic, emergency medical, or other first responder service:

6374 (i) is responding to an individual needing resuscitation or with a life-threatening
6375 condition; and

6376 (ii) uses a device or piece of equipment designed or intended for resuscitating an
6377 individual or for treating an individual with a life-threatening condition; and

6378 (c) intended and used for purposes of training emergency responders how to improve
6379 their response to an emergency situation;

6380 (69) records submitted by or prepared in relation to an applicant seeking a
6381 recommendation by the Research and General Counsel Subcommittee, the Budget
6382 Subcommittee, or the Audit Subcommittee, established under Section 36-12-8, for an
6383 employment position with the Legislature;

6384 (70) work papers as defined in Section 31A-2-204;

6385 (71) a record made available to Adult Protective Services or a law enforcement agency
6386 under Section 61-1-206;

6387 (72) a record submitted to the Insurance Department in accordance with Section
6388 31A-37-201; and

6389 (73) a record described in Section 31A-37-503.

6390 (74) any record created by the Division of Occupational and Professional Licensing as
6391 a result of Subsection 58-37f-304(5) or 58-37f-702(2)(a)(ii); and

6392 (75) a record described in Section 72-16-306 that relates to the reporting of an injury
6393 involving an amusement ride.

6394 Section 112. Section **78B-3-416** is amended to read:

6395 **78B-3-416. Division to provide panel -- Exemption -- Procedures -- Statute of**
6396 **limitations tolled -- Composition of panel -- Expenses -- Division authorized to set license**
6397 **fees.**

6398 (1) (a) The division shall provide a hearing panel in alleged medical liability cases
6399 against health care providers as defined in Section 78B-3-403, except dentists.

6400 (b) (i) The division shall establish procedures for prelitigation consideration of medical
6401 liability claims for damages arising out of the provision of or alleged failure to provide health
6402 care.

6403 (ii) The division may establish rules necessary to administer the process and
6404 procedures related to prelitigation hearings and the conduct of prelitigation hearings in
6405 accordance with Sections 78B-3-416 through 78B-3-420.

6406 (c) The proceedings are informal, nonbinding, and are not subject to Title 63G, Chapter
6407 4, Administrative Procedures Act, but are compulsory as a condition precedent to commencing
6408 litigation.

6409 (d) Proceedings conducted under authority of this section are confidential, privileged,
6410 and immune from civil process.

6411 (e) The division may not provide more than one hearing panel for each alleged medical
6412 liability case against a health care provider.

6413 (2) (a) The party initiating a medical liability action shall file a request for prelitigation
6414 panel review with the division within 60 days after the service of a statutory notice of intent to
6415 commence action under Section 78B-3-412.

6416 (b) The request shall include a copy of the notice of intent to commence action. The
6417 request shall be mailed to all health care providers named in the notice and request.

6418 (3) (a) The filing of a request for prelitigation panel review under this section tolls the
6419 applicable statute of limitations until the later of:

6420 (i) 60 days following the division's issuance of:

6421 (A) an opinion by the prelitigation panel; or

6422 (B) a certificate of compliance under Section 78B-3-418; or

6423 (ii) the expiration of the time for holding a hearing under Subsection (3)(b)(ii).

6424 (b) The division shall:

6425 (i) send any opinion issued by the panel to all parties by regular mail; and

6426 (ii) complete a prelitigation hearing under this section within:

6427 (A) 180 days after the filing of the request for prelitigation panel review; or

6428 (B) any longer period as agreed upon in writing by all parties to the review.

6429 (c) If the prelitigation hearing has not been completed within the time limits
6430 established in Subsection (3)(b)(ii), the claimant shall:

6431 (i) file an affidavit of merit under the provisions of Section 78B-3-423; or

6432 (ii) file an affidavit with the division within 180 days of the request for pre-litigation
6433 review, in accordance with Subsection (3)(d), alleging that the respondent has failed to
6434 reasonably cooperate in scheduling the hearing.

6435 (d) If the claimant files an affidavit under Subsection (3)(c)(ii):

6436 (i) within 15 days of the filing of the affidavit under Subsection (3)(c)(ii), the division
6437 shall determine whether either the respondent or the claimant failed to reasonably cooperate in
6438 the scheduling of a pre-litigation hearing; and

6439 (ii) (A) if the determination is that the respondent failed to reasonably cooperate in the
6440 scheduling of a hearing, and the claimant did not fail to reasonably cooperate, the division
6441 shall, issue a certificate of compliance for the claimant in accordance with Section 78B-3-418;
6442 or

6443 (B) if the division makes a determination other than the determination in Subsection
6444 (3)(d)(ii)(A), the claimant shall file an affidavit of merit in accordance with Section 78B-3-423,
6445 within 30 days of the determination of the division under this Subsection (3).

6446 (e) (i) The claimant and any respondent may agree by written stipulation that no useful

6447 purpose would be served by convening a prelitigation panel under this section.

6448 (ii) When the stipulation is filed with the division, the division shall within 10 days
6449 after receipt issue a certificate of compliance under Section 78B-3-418, as it concerns the
6450 stipulating respondent, and stating that the claimant has complied with all conditions precedent
6451 to the commencement of litigation regarding the claim.

6452 (4) The division shall provide for and appoint an appropriate panel or panels to hear
6453 complaints of medical liability and damages, made by or on behalf of any patient who is an
6454 alleged victim of medical liability. The panels are composed of:

6455 (a) one member who is a resident lawyer currently licensed and in good standing to
6456 practice law in this state and who shall serve as chairman of the panel, who is appointed by the
6457 division from among qualified individuals who have registered with the division indicating a
6458 willingness to serve as panel members, and a willingness to comply with the rules of
6459 professional conduct governing lawyers in the state, and who has completed division training
6460 regarding conduct of panel hearings;

6461 (b) (i) one ~~[member who is a]~~ or more members who are licensed health care ~~[provider]~~
6462 providers listed under Section 78B-3-403, who ~~[is]~~ are practicing and knowledgeable in the
6463 same specialty as the proposed defendant, and who ~~[is]~~ are appointed by the division in
6464 accordance with Subsection (5); or

6465 (ii) in claims against only ~~[hospitals or their]~~ a health care facility or the facility's
6466 employees, one member who is an individual currently serving in a ~~[hospital]~~ health care
6467 facility administration position directly related to ~~[hospital]~~ health care facility operations or
6468 conduct that includes responsibility for the area of practice that is the subject of the liability
6469 claim, and who is appointed by the division; and

6470 (c) a lay panelist who is not a lawyer, doctor, hospital employee, or other health care
6471 provider, and who is a responsible citizen of the state, selected and appointed by the division
6472 from among individuals who have completed division training with respect to panel hearings.

6473 (5) (a) Each person listed as a health care provider in Section 78B-3-403 and practicing
6474 under a license issued by the state, is obligated as a condition of holding that license to
6475 participate as a member of a medical liability prelitigation panel at reasonable times, places,
6476 and intervals, upon issuance, with advance notice given in a reasonable time frame, by the
6477 division of an Order to Participate as a Medical Liability Prelitigation Panel Member.

6478 (b) A licensee may be excused from appearance and participation as a panel member
6479 upon the division finding participation by the licensee will create an unreasonable burden or
6480 hardship upon the licensee.

6481 (c) A licensee whom the division finds failed to appear and participate as a panel
6482 member when so ordered, without adequate explanation or justification and without being
6483 excused for cause by the division, may be assessed an administrative fine not to exceed \$5,000.

6484 (d) A licensee whom the division finds intentionally or repeatedly failed to appear and
6485 participate as a panel member when so ordered, without adequate explanation or justification
6486 and without being excused for cause by the division, may be assessed an administrative fine not
6487 to exceed \$5,000, and is guilty of unprofessional conduct.

6488 (e) All fines collected under Subsections (5)(c) and (d) shall be deposited in the
6489 Physicians Education Fund created in Section 58-67a-1.

6490 (f) The director of the division may collect a fine that is not paid by:

6491 (i) referring the matter to a collection agency; or

6492 (ii) bringing an action in the district court of the county where the person against whom
6493 the penalty is imposed resides or in the county where the office of the director is located.

6494 (g) A county attorney or the attorney general of the state shall provide legal assistance
6495 and advice to the director in an action to collect a fine.

6496 (h) A court shall award reasonable attorney fees and costs to the prevailing party in an
6497 action brought by the division to collect a fine.

6498 (6) Each person selected as a panel member shall certify, under oath, that he has no
6499 bias or conflict of interest with respect to any matter under consideration.

6500 (7) A member of the prelitigation hearing panel may not receive compensation or
6501 benefits for the member's service, but may receive per diem and travel expenses in accordance
6502 with:

6503 (a) Section 63A-3-106;

6504 (b) Section 63A-3-107; and

6505 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
6506 63A-3-107.

6507 (8) (a) In addition to the actual cost of administering the licensure of health care
6508 providers, the division may set license fees of health care providers within the limits

6509 established by law equal to their proportionate costs of administering prelitigation panels.

6510 (b) The claimant bears none of the costs of administering the prelitigation panel except

6511 under Section 78B-3-420.