



UTAH | COMMERCE

Division of Professional Licensing

Background Checks for Professional Licensure

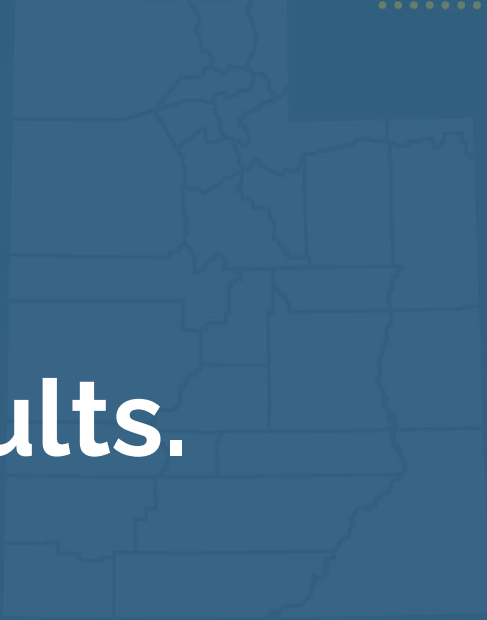

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For each application, DOPL is statutorily mandated to assess if an applicant's criminal convictions are **“substantially related” to their ability to safely and competently practice the profession.**





DOPL always verifies educational credentials, training, and exam results.

For most applicants, DOPL cannot verify self-reported criminal history (*no comprehensive background check*): Why?



1. WHO has the Legislature made subject to a comprehensive criminal history background check?
2. WHY a comprehensive criminal history background check to verify accuracy (vs. relying on the honor system)?
3. WHAT are the RISK FACTORS when considering whether to subject a profession to a comprehensive criminal history background check?



WHO IS SUBJECT TO A COMPREHENSIVE CRIMINAL HISTORY BACKGROUND CHECK? APPROXIMATELY 40% OF DOPL'S LICENSED PROFESSIONALS

Long-standing requirement:	
● Nursing (APRN, RN, LPN, MACE)	57,409
● Pharmacist (also Pharmacy Technician, Pharmacy Technician Trainee, Pharmacy Intern) Pharmacy manager	17,210
● Security (Armed & Unarmed Security Officers; Armored Car Security Officer) Contract Security Company owners, officers	9,702
● Alarm Company Agents ● Alarm Company owners, officers	9,488
● Deception Detection Examiners	37
● Massage Therapy (Massage Therapist, Massage Apprentice, Massage Assistant, Massage Assistant In-Training)	8,046

Recently added (2022-2024):	
● Mental/behavioral health providers	13,809
○ Clinical Mental Health Counselor (CMHC, Assoc. CMHC)	3,310
○ Marriage and Family Therapist (MFT, Assc. MFT)	1,756
○ Social Worker (LCSW, CSW);	8,743
○ Master Addiction Counselor (MAC, Assc. MAC)	
● Physical Therapy (PT, PT Assistant)	4,431
● <i>Some professions, for an interstate compact license:</i> +	
○ Occupational Therapy (OT, OTA)	
○ Physician Assistant (PA)	
○ Physicians (MD, DO)	



Why does the Legislature require a comprehensive criminal history background check, and not just self-reporting?

- Level of accuracy clearly identifies the applicant, and holds them accountable for answering fully and correctly on their application
- Deters individuals who have committed a relevant criminal offense from applying to high-risk fields
- Helps Utah avoid becoming a magnet for bad actors moving from another jurisdiction



What are the Risks, based on Scope of Practice:

- Potential for **Physical Harm**
- Potential for **Sexual Misconduct**, especially in professions with **physical contact** or **private settings**
- Potential for **Financial Exploitation** (access to funds/significant money)
- Potential for **Emotional or Psychological Harm** (risk of coercive practices, failure to provide appropriate care)



Special Positions of Trust, Responsibility for Vulnerable Populations

CURRENT background check (40%):

- Nursing 57,409
- Pharmacy/ Pharmacists 17,210
- Security Company/ Security Officers 9,702
- Alarm Company/ Agents 9,488
- Deception Detection 37
- Massage Therapy 8,046
- Physical Therapy 4,431
- Behavioral (Mental) Health Providers/ Therapists 13,809
- + Compact privileges (Physician, OT, PA)

ADD (19%) :

- Physicians
 - Physician and Surgeon (MD) 13,965
 - Osteopathic Physician and Surgeon (DO) 2,128
 - Podiatric Physician 261
 - Naturopathic Physician 129
 - Chiropractic Physician 1,055
- Physician Assistant (PA) 2,969
- Dentist, Dental Hygienist 7,520
- Anesthesiologist Assistant 6
- Optometrist 632
- Contractor (owners/qualifer; No employees) 34,025



Commerce has worked with the Legislature to ensure CAREFUL, FOCUSED CONSIDERATION of criminal history:

- DOPL considers criminal history only if a crime is “Substantially” related to the individual’s ability to safely or competently practice. (2019 H.B. 90)
- Antiquated and subjective “good moral character” licensing requirement Removed from statutes and rules. (2020 S.B. 23).
- Individualized consideration (2020 S.B. 201) - For each crime, DOPL considers:
 - Age when crime committed
 - Time Elapsed since crime committed
 - Rehabilitation efforts
 - Education/Training the individual pursued
 - Testimonials or Recommendations from teachers, parole officers, etc.
 - Any relevant information they want to submit.





Thank you!

Further questions?

