

Part 5

Unlawful and Unprofessional Conduct - Penalties

58-61-501 Unlawful conduct.

As used in this chapter, "unlawful conduct" includes:

- (1) practice of psychology unless licensed as a psychologist or certified psychology resident under this chapter or exempted from licensure under this title;
- (2) practice of mental health therapy by a licensed psychologist who has not acceptably documented to the division his completion of the supervised training in psychotherapy required under Subsection 58-61-304(1)(f); or
- (3) representing oneself as or using the title of psychologist, or certified psychology resident unless currently licensed under this chapter.

Amended by Chapter 281, 2001 General Session

58-61-502 Unprofessional conduct.

(1) As used in this chapter, "unprofessional conduct" includes:

- (a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;
 - (b) failure to confine practice conduct to those acts or practices:
 - (i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and
 - (ii) which are within applicable scope of practice laws of this chapter; and
 - (c) disclosing or refusing to disclose any confidential communication under Section 58-61-602.
- (2) "Unprofessional conduct" under this chapter may be further defined by division rule.

Amended by Chapter 281, 2001 General Session

58-61-503 Penalty for unlawful conduct.

An individual who commits any act of unlawful conduct as defined in:

- (1) Subsection 58-61-501(1) or (2) is guilty of a third degree felony; or
- (2) Subsection 58-61-501(3) is guilty of a class A misdemeanor.

Enacted by Chapter 32, 1994 General Session

58-61-504 Reporting of unprofessional or unlawful conduct -- Immunity from liability.

- (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section 58-61-102 by a person licensed under this chapter or an individual not licensed under this chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary action by a licensed health care facility, professional practice group, or professional society, or that results in a significant adverse impact upon the public health, safety, or welfare, the following shall report the conduct in writing to the division within 10 days after learning of the disciplinary action or the conduct unless the individual or person knows it has been reported:
 - (a) a licensed health care facility or organization in which an individual licensed under this chapter engages in practice;
 - (b) an individual licensed under this chapter; and

- (c) a professional society or organization whose membership is comprised of individuals licensed under this chapter and which has the authority to discipline or expel a member for acts of unprofessional or unlawful conduct.
- (2) Any individual reporting acts of unprofessional or unlawful conduct by an individual licensed under this chapter is immune from liability arising out of the disclosure to the extent the individual furnishes the information in good faith and without malice.

Enacted by Chapter 32, 1994 General Session