

1 (c) A written notice of denial of licensure shall be provided to an applicant who submits
2 a complete application if the division determines that the applicant does not meet the qualifications
3 of licensure.

4 (d) A written notice of incomplete application and conditional denial of licensure shall be
5 provided to an applicant who submits an incomplete application. This notice shall advise the
6 applicant that:

7 (i) the application is incomplete; and [that]

8 (ii) the application is denied, unless the applicant:

9 (A) corrects the deficiencies within the time period specified in the notice; and

10 (B) otherwise meets all qualifications for licensure.

11 (3) Before any person is issued a license under this title, all requirements for that license
12 as established under this title and by rule shall be met.

13 (4) If all requirements are met for the specific license, the division shall issue the license.

14 (5) (a) For purposes of this Subsection (5), "restricted license" means a license subject to
15 disciplinary action qualifying or limiting the scope of the license:

16 (i) issued to an applicant for initial licensure, renewal or reinstatement of licensure, or
17 relicensure in accordance with Section 58-1-304; or

18 (ii) issued to a licensee in place of the licensee's current license or disciplinary status.

19 (b) A licensee that receives a restricted license shall disclose any restrictions under the
20 license imposed by the division on the licensee to an existing or potential client of the licensee
21 prior to providing any service to the existing or potential client for which a license is required.

22 (c) The disclosure required by Subsection (5)(b):

23 (i) shall state the restrictions imposed by the division on the licensee; and

24 (ii) may include:

25 (A) displaying a document stating the restrictions imposed by the division in a prominent
26 location that is accessible to the existing or potential clients of the licensee; or

27 (B) providing an existing or potential client a written statement of the restrictions imposed
28 by the division on the license.

29 (d) The division may make rules providing for the form and content of the disclosure
30 required under Subsection (5)(b).

31 Section 2. Section **58-1-501** is amended to read:

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

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

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

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

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

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

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

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

17 (e) obtaining a passing score on a licensure examination, applying for or obtaining a
18 license, or otherwise dealing with the division or a licensing board through the use of fraud,
19 forgery, or intentional deception, misrepresentation, misstatement, or omission.

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

22 (a) violating, or aiding or abetting any other person to violate, any statute, rule, or order
23 regulating an occupation or profession under this title;

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

26 (c) engaging in conduct that results in conviction of, or a plea of nolo contendere to, a
27 crime of moral turpitude or any other crime that, when considered with the functions and duties
28 of the occupation or profession for which the license was issued or is to be issued, bears a
29 reasonable relationship to the licensee's or applicant's ability to safely or competently practice the
30 occupation or profession;

31 (d) engaging in conduct that results in disciplinary action, including reprimand, censure,

1 diversion, probation, suspension, or revocation, by any other licensing or regulatory authority
2 having jurisdiction over the licensee or applicant in the same occupation or profession if the
3 conduct would, in this state, constitute grounds for denial of licensure or disciplinary proceedings
4 under Section 58-1-401;

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

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

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

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

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

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

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

22 (l) failing to disclose restrictions imposed by the division on a licensee by a restricted
23 license in accordance with Subsection 58-1-301(5).

Legislative Review Note
as of 10-20-97 9:56 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel