

1 **PROFESSIONAL LICENSING AMENDMENTS**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Margaret Dayton**

5 AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; ESTABLISHING A SINGLE
6 STANDARD FOR LICENSURE BY ENDORSEMENT AND LICENSURE BY
7 EQUIVALENCY; PERMITTING A TIME-LIMITED EXCEPTION TO THE EXPERIENCE
8 REQUIREMENT FOR A LICENSE BY ENDORSEMENT; REQUIRING GOOD CAUSE FOR
9 OPTIONAL LICENSING INTERVIEWS; MAKING CONFORMING AND TECHNICAL
10 AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

11 This act affects sections of Utah Code Annotated 1953 as follows:

12 AMENDS:

13 **58-3a-302**, as enacted by Chapter 260, Laws of Utah 1996

14 **58-16a-302**, as renumbered and amended by Chapter 13, Laws of Utah 1997

15 **58-17a-102**, as last amended by Chapter 162, Laws of Utah 1999

16 **58-17a-302**, as last amended by Chapter 28, Laws of Utah 1998

17 **58-17a-305**, as enacted by Chapter 247, Laws of Utah 1996

18 **58-22-302**, as last amended by Chapter 133, Laws of Utah 1998

19 **58-26-7**, as last amended by Chapter 297, Laws of Utah 1993

20 **58-60-109**, as last amended by Chapter 248, Laws of Utah 1997

21 **58-61-304**, as last amended by Chapter 28, Laws of Utah 1995

22 **58-61-501**, as enacted by Chapter 32, Laws of Utah 1994

23 **58-67-302**, as last amended by Chapter 327, Laws of Utah 1999

24 **58-67-403**, as enacted by Chapter 248, Laws of Utah 1996

25 **58-68-302**, as enacted by Chapter 248, Laws of Utah 1996

26 **58-68-403**, as enacted by Chapter 248, Laws of Utah 1996

27 **58-69-302**, as last amended by Chapter 206, Laws of Utah 1998

28 **58-71-302**, as enacted by Chapter 282, Laws of Utah 1996

29 **58-72-302**, as repealed and reenacted by Chapter 26, Laws of Utah 1998

30 REPEALS AND REENACTS:

31 **58-1-302**, as renumbered and amended by Chapter 297, Laws of Utah 1993

32 REPEALS:

33 **58-5a-305**, as last amended by Chapter 232, Laws of Utah 1996

34 **58-26-6**, as last amended by Chapter 313, Laws of Utah 1994

35 **58-31b-307**, as enacted by Chapter 288, Laws of Utah 1998

36 **58-60-115**, as enacted by Chapter 311, Laws of Utah 1998

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

38 Section 1. Section **58-1-302** is repealed and reenacted to read:

39 **58-1-302. License by endorsement and equivalency.**

40 (1) An applicant for a license by endorsement shall:

41 (a) submit an application on a form prescribed by the division;

42 (b) pay a fee determined by the division under Section 63-38-3.2;

43 (c) be currently licensed in good standing in any state, district, or territory of the United
44 States in an occupation or profession with the equivalent scope of practice for which the applicant
45 is seeking licensure;

46 (d) have no action pending against the applicant's license;

47 (e) have actively engaged in the legal practice of the applicant's occupation or profession
48 for not less than 6,000 hours during the eight years immediately preceding the date of application
49 for licensure in Utah;

50 (f) pass any Utah jurisprudence examination required of other first-time applicants by the
51 applicable chapter or division rule; and

52 (g) meet any endorsement requirement established in:

53 (i) division rule pursuant to Subsection (3); or

54 (ii) the applicable chapter of this title.

55 (2) An applicant for a license by equivalency shall:

56 (a) submit an application on a form prescribed by the division;

57 (b) pay a fee determined by the division under Section 63-38-3.2;

58 (c) be a legal resident of the United States;

- 59 (d) have a current certificate from a recognized independent credentialing organization,
60 as defined by division rule in collaboration with the applicable board, verifying that:
61 (i) the applicant's education, training, and, if applicable, experience are:
62 (A) equivalent to that required for the applicable Utah license; and
63 (B) valid and authentic; and
64 (ii) if the applicant is licensed, the license is active and in good standing;
65 (e) pass the licensing or certification examinations required of other first-time applicants
66 by the applicable chapter or division rule; and
67 (f) meet any equivalency requirement established in:
68 (i) division rule pursuant to Subsection (3); or
69 (ii) the applicable chapter of this title.
70 (3) The division may establish rules under this section if necessary to protect the public
71 health, safety, or welfare.
72 (4) The division shall issue a license to an applicant that satisfies the requirements of
73 Subsection (1) or (2).
74 (5) Until November 1, 2000, the division may issue a license by endorsement to an
75 applicant without requiring compliance with Subsection (1)(d) if the applicant:
76 (a) has been licensed for at least ten years in any state, district, or territory of the United
77 States; and
78 (b) is otherwise qualified for licensure.
- 79 Section 2. Section **58-3a-302** is amended to read:
80 **58-3a-302. Qualifications for licensure.**
81 [~~(1) Except as provided in Subsection (2), each~~] Each applicant for licensure as an
82 architect shall:
83 [(a)] (1) submit an application in a form prescribed by the division;
84 [(b)] (2) pay a fee determined by the department under Section 63-38-3.2;
85 [(c)] (3) provide satisfactory evidence of good moral character;
86 [(d)] (4) have graduated and received an earned bachelors or masters degree from an
87 architecture program meeting criteria established by rule by the division in collaboration with the
88 board;
89 [(e)] (5) have successfully completed a program of diversified practical experience

90 established by rule by the division in collaboration with the board;

91 ~~[(f)] (6)~~ have successfully passed examinations established by rule by the division in
92 collaboration with the board; and

93 ~~[(g)] (7)~~ meet with the board or representative of the division upon request for the purpose
94 of evaluating the applicant's qualifications for license.

95 ~~[(2) Each applicant for licensure as an architect by endorsement shall:]~~

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

97 ~~[(b) pay a fee determined by the department under Section 63-38-3.2;]~~

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

99 ~~[(d) submit satisfactory evidence of:]~~

100 ~~[(i) current licensure in good standing in a jurisdiction recognized by rule by the division
101 in collaboration with the board; and]~~

102 ~~[(ii) current certification from the National Council of Architectural Registration Boards;
103 or]~~

104 ~~[(iii) current license in good standing in a jurisdiction recognized by rule by the division
105 in collaboration with the board; and]~~

106 ~~[(iv) full-time employment as a licensed architect as a principal for at least five of the last
107 seven years immediately preceding the date of the application; and]~~

108 ~~[(e) have successfully passed any examination established by rule by the division in
109 collaboration with the board; and]~~

110 ~~[(f) meet with the board or representative of the division upon request for the purpose of
111 evaluating the applicant's qualifications for license:]~~

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

113 **58-16a-302. Qualifications for licensure.**

114 ~~[(1)]~~ Each applicant for licensure as an optometrist shall:

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

116 ~~[(b)] (2)~~ pay a fee as determined by the division under Section 63-38-3.2;

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

118 ~~[(d)] (i)] (4)(a)~~ be a doctoral graduate of a recognized school of optometry accredited by:

119 ~~[(A)] (i)~~ a regional accrediting body recognized by the Council on Post-Secondary
120 Education; and

121 [(B)] (ii) the American Optometric Association's Council on Optometric Education; or
 122 [(ii)] (b) be a graduate of a school of optometry located outside the United States that
 123 meets the criteria that would qualify the school for accreditation under Subsection [(d)(i)] (4)(a),
 124 as demonstrated by the applicant for licensure;

125 [(e)] (5) if the applicant graduated from a recognized school of optometry prior to July 1,
 126 1996, have successfully completed a course of study satisfactory to the division, in consultation
 127 with the board, in general and ocular pharmacology and emergency medical care;

128 [(f)] (6) have passed examinations approved by the division in consultation with the board
 129 that include:

130 [(i)] (a) a standardized national optometry examination;

131 [(ii)] (b) a standardized clinical examination;

132 [(iii)] (c) a standardized national therapeutics examination; and

133 [(iv)] (d) the Utah Optometry Law Examination;

134 [(g)] (7) show evidence of membership in a peer review program approved by the division
 135 in collaboration with the board and agree in writing to maintain membership while licensed as an
 136 optometrist in this state; and

137 [(h)] (8) meet with the board and representatives of the division, if requested by either
 138 party, for the purpose of evaluating the applicant's qualifications for licensure.

139 ~~[(2) An applicant for licensure as an optometrist qualifying under the endorsement
 140 provision of Section 58-1-302 shall:]~~

141 ~~[(a) be currently licensed in good standing in any state of the United States; and]~~

142 ~~[(b) have been actively engaged in the legal practice of optometry for not less than 3,200
 143 hours in the immediately preceding two years, in a manner that is consistent with the legal practice
 144 of optometry in this state.]~~

145 Section 4. Section **58-17a-102** is amended to read:

146 **58-17a-102. Definitions.**

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

148 (1) "Administering" means:

149 (a) the direct application of a prescription drug or device, whether by injection, inhalation,
 150 ingestion, or by any other means, to the body of a human patient or research subject by another
 151 person; or

152 (b) the placement by a veterinarian with the owner or caretaker of an animal or group of
153 animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other
154 means directed to the body of the animal by the owner or caretaker in accordance with written
155 directions of the veterinarian.

156 (2) "Analytical laboratory":

157 (a) means a facility in possession of prescription drugs for the purpose of analysis; and

158 (b) does not include a laboratory possessing prescription drugs used as standards and
159 controls in performing drug monitoring or drug screening analysis if the prescription drugs are
160 prediluted in a human or animal body fluid, human or animal body fluid components, organic
161 solvents, or inorganic buffers at a concentration not exceeding one milligram per milliliter when
162 labeled or otherwise designated as being for in-vitro diagnostic use.

163 (3) "Animal euthanasia agency" means an agency performing euthanasia on animals by
164 the use of prescription drugs.

165 (4) "Board" means the State Board of Pharmacy created in Section 58-17a-201.

166 (5) "Branch pharmacy" means a drug outlet or other facility in a rural or medically
167 underserved area, used for the storage and dispensing of prescription drugs, which is dependent
168 upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and
169 approved by the division as the parent pharmacy.

170 (6) "Compounding":

171 (a) means the preparation, mixing, assembling, packaging, or labeling of reasonable
172 quantities of a prescription drug or device by a licensed pharmacist or pharmacy intern upon
173 receipt of a valid prescription or medication order from a practitioner for an individually identified
174 patient;

175 (b) includes preparation, mixing, assembling, packaging, or labeling of reasonable
176 quantities of a prescription drug for the purpose of, or incidental to research, teaching, or chemical
177 analysis on the condition the prescription drug is not offered for sale or dispensing;

178 (c) includes the preparation of a reasonable quantity of a prescription drug by a licensed
179 pharmacist or pharmacy intern in anticipation of a valid prescription or medication order to be
180 dispensed or administered to a patient based on routine, regularly observed prescribing patterns
181 of a practitioner; and

182 (d) does not include the preparation of prescription drugs by a pharmacist or pharmacy

183 intern for sale to another pharmacist, drug outlet, or the preparation by a pharmacist or pharmacy
184 intern of any prescription drug in a dosage form which is regularly and commonly available from
185 a manufacturer in quantities and strengths prescribed by a practitioner.

186 (7) "Controlled substance" has the same definition as in Section 58-37-2.

187 (8) "Device" means an instrument, apparatus, implement, machine, contrivance, implant,
188 in-vitro reagent, or other similar or related article, including any component part or accessory,
189 which is required under federal or state law to be prescribed by a practitioner and dispensed by a
190 pharmacist or pharmacy intern.

191 (9) "Dispense" means to prepare and deliver a prescription drug or device or
192 nonprescription drug or device under a lawful order of a practitioner in a suitable container
193 appropriately labeled for subsequent administration to or use by a patient, research subject, an
194 animal, or other individual entitled to receive the prescription drug or device.

195 (10) "Distribute" means to deliver a drug or device other than by administering or
196 dispensing.

197 (11) "Drug" or "drugs" means a prescription drug as defined in this chapter.

198 (12) "Drug outlet" means any person, other than an individual licensed as a pharmacist,
199 pharmacy technician, or pharmacy intern, who engages in dispensing, delivering, distributing,
200 manufacturing, or wholesaling prescription drugs or devices within or into this state.

201 (13) "Drug product equivalent" means a drug product that is designated the therapeutic
202 equivalent of another drug product in the Approved Drug Products with Therapeutic Equivalence
203 Evaluations prepared by the Center for Drug Evaluation and Research of the Federal Food and
204 Drug Administration.

205 (14) "Drug sample" means a prescription drug packaged in small quantities consistent with
206 limited dosage therapy of the particular drug, which is marked "sample," is not intended to be sold,
207 and is intended to be provided to practitioners for the immediate needs of patients for trial
208 purposes or to provide the drug to the patient until a prescription can be filled by the patient.

209 (15) "Extern" means a college of pharmacy student enrolled in a college coordinated
210 practical experience program in a licensed pharmacy under the supervision of a preceptor, as
211 defined in Subsection (45), and approved by the college of pharmacy.

212 (16) "Filling" or "refilling" have same meaning as dispense.

213 (17) "General supervision" means the supervising pharmacist is in the pharmacy or the

214 facility in which the pharmacy is located and is available for immediate oral contact with the
215 supervised pharmacy technician or pharmacy intern.

216 (18) "Hospital pharmacy" means a drug outlet providing pharmaceutical service to
217 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health
218 under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

219 (19) "Institutional pharmacy":

220 (a) means a drug outlet providing pharmaceutical service to a defined and exclusive group
221 of patients who have access to the services of the pharmacy because they are treated by or have an
222 affiliation with a specific entity including health maintenance organizations and infusion
223 companies; and

224 (b) does not include hospital pharmacies, drug outlets engaged in retail sales of
225 prescription drugs and devices to the general public, or the offices of practitioners.

226 (20) "Labeling" means the process of preparing and affixing a label to the container of any
227 drug or device, exclusive of the labeling by a manufacturer, packer, or distributor of a
228 nonprescription drug or commercially packaged legend drug or device. Any label shall include
229 all information required by federal and state law or rule.

230 (21) "Licensee" means any person to whom a license has been granted under this chapter.

231 (22) "Manufacture":

232 (a) means the production, preparation, propagation, compounding, conversion, or
233 processing of a prescription drug or a device, either directly or indirectly by extraction from
234 substances of natural origin or independently by means of chemical synthesis or by a combination
235 of extraction and chemical synthesis and includes any packaging or repackaging of a substance or
236 labeling or relabeling of its container; and

237 (b) does not include the preparation or compounding of a noncontrolled substance drug
238 by an individual for that individual's own use or the preparation, compounding, packaging, or
239 labeling of a drug:

240 (i) by a pharmacist, pharmacy intern, or practitioner incident to administering or
241 dispensing of a drug in the course of professional practice; or

242 (ii) by a practitioner or by that practitioner's authorization under supervision for the
243 purpose of or incident to research, teaching, or chemical analysis and not for sale.

244 (23) "Medication profile" or "profile" means a record system maintained as to drugs or

245 devices prescribed for a pharmacy patient to enable a pharmacist, or pharmacy intern to analyze
246 for potential harmful or dangerous interactions, or other factors, or other drugs or devices
247 prescribed for the patient.

248 (24) "Nonprescription drugs" means medicines or drugs which may be sold without a
249 prescription and which are prepackaged for use by the consumer and labeled in accordance with
250 the requirements of the statutes and rules of this state and of the federal government.

251 (25) "Nuclear pharmacy" means a drug outlet providing radiopharmaceutical service.

252 (26) "Out-of-state mail service pharmacy" means a drug outlet located outside the state
253 that:

254 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a resident in
255 this state pursuant to a legally issued prescription;

256 (b) provides information to a resident of this state on drugs or devices which may include,
257 but is not limited to, advice relating to therapeutic values, potential hazards, and uses; or

258 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic
259 effects of drugs.

260 (27) "Person" means an individual, corporation, partnership, association, or any other legal
261 entity.

262 (28) "Pharmaceutical administration facility" means a health care facility or agency,
263 including birthing centers, ambulatory surgical facilities, abortion clinics, home health agencies,
264 hospices, nursing care facilities, end stage renal disease facilities, and penal institutions in which:

265 (a) a licensed drug outlet is not located;

266 (b) prescription drugs are held, stored, or are otherwise under the control of the facility or
267 agency for administration to patients of that facility or agency;

268 (c) prescription drugs are dispensed to the facility or agency by a licensed pharmacist or
269 pharmacy intern with whom the facility has established a prescription drug supervising relationship
270 under which the pharmacist or pharmacy intern provides counseling to the facility or agency staff
271 as required, and oversees drug control, accounting, and destruction; and

272 (d) prescription drugs are professionally administered in accordance with the order of a
273 practitioner by an employee or agent of the facility or agency.

274 (29) (a) "Pharmaceutical care" means carrying out the following in collaboration with a
275 prescribing practitioner, and in accordance with division rule:

276 (i) designing, implementing, and monitoring a therapeutic drug plan intended to achieve
277 favorable outcomes related to a specific patient for the purpose of curing or preventing the patient's
278 disease;

279 (ii) eliminating or reducing a patient's symptoms; or

280 (iii) arresting or slowing a disease process.

281 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a
282 prescribing practitioner.

283 (30) "Pharmaceutical dog trainer" means a person who is employed by or under contract
284 to a law enforcement agency who uses prescription drugs for the purpose of training dogs in the
285 detection of prescription drugs.

286 (31) "Pharmaceutical manufacturer" means a person engaged in the manufacture of
287 prescription drugs or devices.

288 (32) "Pharmaceutical researcher" means a person who is engaged in conducting scientific
289 research regarding drugs and their use in accordance with standard research protocols and
290 techniques, who maintains competent documentation with respect to the research, and who uses
291 prescription drugs in the conduct of the research.

292 (33) "Pharmaceutical teaching organization" means an accredited school of pharmacy
293 within the state, or a school or program meeting the requirements established in accordance with
294 Subsection 58-17a-302[(4)] (2) providing education for pharmacy technicians within the state.

295 (34) "Pharmaceutical wholesaler/distributor":

296 (a) means a drug outlet engaged in the business of wholesale vending or selling of any
297 prescription drug or device to other than the consumer or user of the prescription drug or device,
298 which the drug outlet has not produced, manufactured, compounded, or dispensed; and

299 (b) does not include a drug outlet carrying out the following business activities:

300 (i) intracompany sales;

301 (ii) the sale, purchase, or trade of a prescription drug or device, or offer to sell, purchase,
302 or trade a prescription drug or device between hospitals or other health care facilities that are under
303 common ownership or control of the management and operation of the facilities;

304 (iii) the sale, purchase, or trade of a prescription drug or device, or offer to sell, purchase,
305 or trade a prescription drug or device for emergency medical reasons, or to supply another drug
306 outlet to alleviate a temporary shortage; or

307 (iv) the distribution of a prescription drug or device as a sample by representatives of a
308 manufacturer.

309 (35) "Pharmacist" means an individual licensed by this state to engage in the practice of
310 pharmacy.

311 (36) "Pharmacy" means a facility or location where the practice of pharmacy is carried out.

312 (37) "Pharmacy intern" means an individual licensed by this state to engage in practice as
313 a pharmacy intern.

314 (38) "Pharmacy patient" or "patient" means an individual for whom a practitioner has
315 prescribed a drug or device which is to be administered to or taken or used by that individual or
316 an animal.

317 (39) "Pharmacy technician" means an individual licensed by this state to engage in practice
318 as a pharmacy technician.

319 (40) "Physician" means an individual licensed by this state to engage in the practice of
320 medicine.

321 (41) "Practice as a pharmacy intern" means engaging in the practice of pharmacy under
322 the general supervision of a licensed pharmacist approved by the division in collaboration with the
323 board and in accordance with a scope of practice as defined by division rule made in collaboration
324 with the board.

325 (42) "Practice as a pharmacy technician":

326 (a) means engaging in practice as a pharmacy technician under the general supervision of
327 a licensed pharmacist and in accordance with a scope of practice as defined by division rule made
328 in collaboration with the board; and

329 (b) does not include performing a final review of the prescription and prescribed drug
330 prepared for dispensing, dispensing of the drug, or counseling a patient with respect to a
331 prescription drug or nonprescription drug.

332 (43) "Practice of pharmacy" includes any of the following:

333 (a) interpreting prescription orders;

334 (b) compounding, packaging, labeling, dispensing, administering, and the coincident
335 distribution of prescription drugs and devices, provided that the administration of a prescription
336 drug or device is:

337 (i) pursuant to a lawful order of a practitioner when one is required by law; and

- 338 (ii) in accordance with written guidelines or protocols:
- 339 (A) established by the licensed facility in which the prescription drug or device is to be
- 340 administered on an inpatient basis; or
- 341 (B) approved by the division, in collaboration with the board and the Physician's Licensing
- 342 Board, created in Section 58-67-201, if the prescription drug or device is to be administered on an
- 343 outpatient basis solely by a licensed pharmacist;
- 344 (c) participating in drug utilization review;
- 345 (d) ensuring proper and safe storage of drugs and devices;
- 346 (e) maintaining records of drugs and devices in accordance with state and federal law and
- 347 the standards and ethics of the profession;
- 348 (f) providing information on drugs or devices, which may include advice relating to
- 349 therapeutic values, potential hazards, and uses;
- 350 (g) providing drug product equivalents;
- 351 (h) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy
- 352 technicians;
- 353 (i) providing patient counseling, including adverse and therapeutic effects of drugs; and
- 354 (j) providing pharmaceutical care.
- 355 (44) "Practitioner" means any person licensed by the state to prescribe drugs, medications,
- 356 or devices dispensed by prescription only.
- 357 (45) "Preceptor" means a licensed pharmacist approved by the division in collaboration
- 358 with the board to serve as a teacher, example of professional conduct, and supervisor of interns and
- 359 externs in the professional practice of pharmacy.
- 360 (46) "Prescription" means an order issued by a licensed practitioner, in the course of that
- 361 practitioner's professional practice, for a controlled substance, other prescription drug or device
- 362 with the intent the prescription drug or device will be used by a patient or an animal. The order
- 363 may be issued by word of mouth, written document, telephone, facsimile transmission, computer,
- 364 or other electronic means of communication as defined by division rule.
- 365 (47) "Prescription drug or device" or "legend drug or device" means:
- 366 (a) a drug or device which, under federal law, is required to be labeled with either of the
- 367 following statements or their equivalent:
- 368 (i) "CAUTION: Federal law prohibits dispensing without prescription"; or

369 (ii) "CAUTION: Federal law restricts this drug to use by or on the order of a licensed
370 veterinarian"; or

371 (b) a drug or device that is required by any applicable federal or state law or rule to be
372 dispensed on prescription only or is restricted to use by practitioners only.

373 (48) "Prescription drug or device order" means a lawful written or oral order of a
374 practitioner for a prescription drug or device for use in humans or animals.

375 (49) "Retail pharmacy" means a drug outlet dispensing prescription drugs and devices to
376 the general public.

377 (50) "Supportive personnel" means unlicensed individuals who:

378 (a) may assist a pharmacist, pharmacy intern, or pharmacy technician in nonjudgmental
379 duties not included in the definition of the practice of pharmacy, and as those duties may be further
380 defined by division rule made in collaboration with the board; and

381 (b) are supervised by a pharmacist in accordance with rules made by the division in
382 collaboration with the board.

383 (51) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-17a-501.

384 (52) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-17a-502, and as
385 may be further defined by rule.

386 (53) "Veterinary pharmaceutical outlet" means a drug outlet dispensing veterinary
387 prescription drugs.

388 Section 5. Section **58-17a-302** is amended to read:

389 **58-17a-302. Qualifications for licensure of pharmacist, pharmacy technician, and**
390 **pharmacy intern.**

391 (1) Each applicant for licensure as a pharmacist and to practice pharmacy shall:

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

393 (b) pay a fee as determined by the department under Section 63-38-3.2;

394 (c) have graduated and received a professional entry degree from a school or college of
395 pharmacy which is accredited by the American Council on Pharmaceutical Education;

396 (d) have completed an internship meeting standards established by division rule made in
397 collaboration with the board;

398 (e) have successfully passed examinations required by division rule made in collaboration
399 with the board;

400 (f) produce satisfactory evidence of good moral character as it relates to the applicant's
401 ability to practice pharmacy; and

402 (g) have no physical or mental condition of a nature which prevents the applicant from
403 engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public.

404 [~~(2) Each applicant for a license as a pharmacist by endorsement under Section 58-1-302~~
405 ~~shall:]~~

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

407 [~~(b) pay the fee determined by the department under Section 63-38-3.2;~~]

408 [~~(c) be currently licensed in good standing as a pharmacist in another state, territory, or~~
409 ~~possession of the United States;]~~

410 [~~(d) produce satisfactory evidence of completing the professional education and internship~~
411 ~~required under Subsection (1);]~~

412 [~~(e) be of good moral character as required of applicants for licensure as pharmacists under~~
413 ~~Subsection (1);]~~

414 [~~(f) produce satisfactory evidence of having met the examination requirements which~~
415 ~~existed in this state at the time the applicant became licensed in the other state;]~~

416 [~~(g) pass the jurisprudence examination prescribed by division rule made in collaboration~~
417 ~~with the board;]~~

418 [~~(h) have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in the four~~
419 ~~years immediately preceding the date of application; and]~~

420 [~~(i) have no physical or mental condition of a nature which prevents the applicant from~~
421 ~~engaging in the practice of pharmacy with reasonable skill, competency, and safety to the public.]~~

422 [~~(3) Each applicant for licensure as a pharmacist whose pharmacy education was~~
423 ~~completed at a foreign pharmacy school, shall, in addition to the requirements under Subsection~~
424 ~~(1), demonstrate educational equivalency of the foreign pharmacy school education with a~~
425 ~~domestically accredited school of pharmacy by obtaining certification of equivalency from the~~
426 ~~Foreign Pharmacy Graduate Examination Committee of the National Association of Boards of~~
427 ~~Pharmacy Foundation.]~~

428 [(4)] (2) Each applicant for licensure as a pharmacy technician shall:

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

430 (b) pay a fee determined by the department under Section 63-38-3.2;

- 431 (c) be of good moral character;
- 432 (d) have no physical or mental condition of a nature which prevents the applicant from
433 engaging in practice as a pharmacy technician with reasonable skill, competency, and safety to the
434 public; and
- 435 (e) (i) prior to July 1, 1998, have completed a program of education and training, meeting
436 standards established by division rule made in collaboration with the board, in either a formal
437 educational setting or on-the-job training in a licensed Utah pharmacy; or
- 438 (ii) after July 1, 1998:
- 439 (A) have completed a program of education and training, meeting standards established
440 by division rule made in collaboration with the board, in either a formal educational setting or
441 on-the-job training in a licensed Utah pharmacy; and
- 442 (B) successfully passed examinations required by division rule made in collaboration with
443 the board.
- 444 ~~[(5)]~~ (3) Each applicant for a license to become a pharmacy intern shall:
- 445 (a) (i) be a current pharmacy student, or a resident or fellow in a program approved by the
446 division in collaboration with the board;
- 447 (ii) have graduated and received a professional entry degree from a school or college of
448 pharmacy which is accredited by the American Council on Pharmaceutical Education; or
- 449 (iii) have graduated from a foreign pharmacy school and received a certificate of
450 equivalency from the Foreign Pharmacy Graduate Examination Committee of the National
451 Association of Boards of Pharmacy foundation;
- 452 (b) meet the preliminary educational qualifications required by division rule made in
453 collaboration with the board, which rules shall require not less than completion of preprofessional
454 college training and the equivalent of 15 semester hours or more of training in professional
455 pharmacy courses, or its equivalent, completed in a college or school of pharmacy recognized by
456 the division in collaboration with the board;
- 457 (c) submit an application in a form prescribed by the division; and
- 458 (d) pay a fee determined by the department under Section 63-38-3.2.
- 459 ~~[(6)]~~ (4) (a) The duration of a pharmacy intern license may be no longer than:
- 460 (i) one year for a license issued under Subsection ~~[(5)]~~ (3)(a)(ii) or (iii); and
- 461 (ii) four years for a license issued under Subsection ~~[(5)]~~ (3)(a)(i).

462 (b) A pharmacy intern license issued under this chapter may not be renewed, but may be
463 extended by the division in collaboration with the board.

464 Section 6. Section **58-17a-305** is amended to read:

465 **58-17a-305. Exemptions from licensure.**

466 In addition to the exemptions from licensure in Section 58-1-307, an individual who has
467 completed all qualifications for licensure as a pharmacy technician, except an experience
468 requirement which may be established by rule under Subsection 58-17a-302[(4)] (2), may practice
469 under the direct personal supervision of a pharmacist while completing that requirement for a
470 period not to exceed six consecutive months without being licensed under this chapter.

471 Section 7. Section **58-22-302** is amended to read:

472 **58-22-302. Qualifications for licensure.**

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

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

475 (b) pay a fee determined by the department under Section 63-38-3.2;

476 (c) provide satisfactory evidence of good moral character;

477 (d) (i) have graduated and received an earned bachelors or masters degree from an
478 engineering program meeting criteria established by rule by the division in collaboration with the
479 board; or

480 (ii) have completed the Transportation Engineering Technology and Fundamental
481 Engineering College Program prior to July 1, 1998, under the direction of the Utah Department
482 of Transportation and as certified by the Utah Department of Transportation;

483 (e) have successfully completed a program of qualifying experience established by rule
484 by the division in collaboration with the board;

485 (f) have successfully passed examinations established by rule by the division in
486 collaboration with the board; and

487 (g) meet with the board or representative of the division upon request for the purpose of
488 evaluating the applicant's qualification for licensure.

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

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

491 (b) pay a fee determined by the department under Section 63-38-3.2;

492 (c) provide satisfactory evidence of good moral character;

493 (d) have graduated and received an earned bachelors or masters degree from an
494 engineering program meeting criteria established by rule by the division in collaboration with the
495 board;

496 (e) have successfully completed three years of licensed professional engineering
497 experience established by rule by the division in collaboration with the board;

498 (f) have successfully passed examinations established by rule by the division in
499 collaboration with the board; and

500 (g) meet with the board or representative of the division upon request for the purpose of
501 evaluating the applicant's qualification for licensure.

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

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

504 (b) pay a fee determined by the department under Section 63-38-3.2;

505 (c) provide satisfactory evidence of good moral character;

506 (d) have graduated and received an earned associates, bachelors, or masters degree from
507 a land surveying program, or an equivalent land surveying program, established by rule by the
508 division in collaboration with the board; or

509 (e) have successfully completed a program of qualifying experience in land surveying
510 established by rule by the division in collaboration with the board;

511 (f) have successfully completed a program of qualifying experience in land surveying
512 established by rule by the division in collaboration with the board, which experience is in addition
513 to any experience obtained in Subsection (3)(e);

514 (g) have successfully passed examinations established by rule by the division in
515 collaboration with the board; and

516 (h) meet with the board or representative of the division upon request for the purpose of
517 evaluating the applicant's qualification for licensure.

518 [~~(4) Each applicant for licensure by endorsement shall:~~]

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

520 [~~(b) pay a fee determined by the department under Section 63-38-3.2;~~]

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

522 [~~(d) submit satisfactory evidence of:~~]

523 [~~(i) current licensure in good standing in a jurisdiction recognized by rule by the division~~]

524 in collaboration with the board; and]

525 [(ii) have successfully passed any examination established by rule by the division in
526 collaboration with the board; and]

527 [(iii) full-time employment as a licensed professional engineer, professional structural
528 engineer, or professional land surveyor as a principal for at least five of the last seven years
529 immediately preceding the date of the application; and]

530 [(e) meet with the board or representative of the division upon request for the purpose of
531 evaluating the applicant's qualifications for license.]

532 Section 8. Section **58-26-7** is amended to read:

533 **58-26-7. Conditions for issuance and renewal of licenses -- Quality review --**

534 **Continuing professional education.**

535 (1) The division shall issue an initial license as a certified public accountant to any person
536 who meets the requirements of Section 58-26-4 [or 58-26-6].

537 (2) Each license issued under this chapter shall be issued in accordance with a two-year
538 renewal cycle established by rule. A renewal period may be extended or shortened by as much as
539 one year to maintain established renewal cycles or to change an established renewal cycle.

540 (3) Each license expires on the expiration date shown on the license unless renewed by the
541 licensee in accordance with Section 58-1-308.

542 (4) After July 1, 1994, the division, in collaboration with the board, shall require as a
543 condition for renewal of licenses under this section, that a licensee who is engaged in the practice
544 of public accountancy undergo, at his expense, quality reviews commensurate in scope with the
545 licensee's practice. Licensees and firms that perform audits of historical or prospective financial
546 statements shall have an on-site quality review not less frequently than every three years.

547 Licensees and firms that perform compilation or review services, but no audits, shall have an
548 off-site review not less frequently than every three years, unless the licensee or firm elects an
549 on-site quality review. This quality review shall be conducted as the board may require by rule.
550 However, any quality review requirement shall:

551 (a) be promulgated reasonably in advance of the time when it is first required to be met;

552 (b) include reasonable provision for compliance by an applicant's firm showing that the
553 firm has undergone a satisfactory quality review performed for other purposes which review was
554 substantially equivalent to quality reviews generally required pursuant to this Subsection (4); and

555 (c) provide that all financial statements, working papers, or other documents obtained from
556 applicants for quality review are confidential and not be subject to public inspection except
557 pursuant to an order of a court; provided, however, that the documents may be introduced as
558 evidence in any proceedings before the board.

559 (5) To renew his license every two years, each person holding a license or certificate shall
560 complete 80 hours of qualified continuing professional education, at least 20 hours of which is
561 earned in one calendar year. The division in collaboration with the board shall establish the
562 standards of the professional education and the reporting requirements for completed qualified
563 continuing professional education by rule, in accordance with Title 63, Chapter 46a, Utah
564 Administrative Rulemaking Act, and the following:

565 (a) If a renewal period is shortened or extended to effect a change of renewal cycle, the
566 continuing education hours required for that renewal period shall be increased or decreased
567 accordingly as a prorata amount of the requirements of a two-year period.

568 (b) Upon application on forms specified by the division, a licensee or certificate holder
569 may request the board to waive the requirement for qualified continuing professional education
570 for a period of up to three years on the basis that the licensee or certificate holder will be engaged
571 in activities or be subject to circumstances which prevent the licensee or certificate holder from
572 meeting the requirement. The board shall grant the waiver on a finding of good cause. After the
573 period of waiver, the licensee or certificate holder must complete 30 hours of qualified continuing
574 education within six months. Auditing shall comprise 16 of the 30 hours and approved accounting
575 education the remaining 14 hours.

576 (c) The licensee bears the burden of establishing that any particular education component
577 qualifies as "qualified continuing professional education." The division shall establish a peer
578 advisory committee in accordance with the provisions of Subsection 58-1-203 (6), to advise the
579 board regarding continuing professional education, and rule whether a particular component
580 qualifies. An applicant may appeal a denial to the board, in accordance with Title 63, Chapter 46b,
581 Administrative Procedures Act, except that the board's ruling is not subject to further appeal.

582 (d) Each licensee and certificate holder shall report the qualified continuing professional
583 education completed on a form required by the division including certification by the licensee or
584 certificate holder that the information reported is correct.

585 (e) The board shall make procedures for reviewing reports of qualified continuing

586 professional education.

587 Section 9. Section **58-60-109** is amended to read:

588 **58-60-109. Unlawful conduct.**

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

590 (1) practice of the following unless licensed in the appropriate classification or exempted
591 from licensure under this title:

592 (a) mental health therapy;

593 (b) clinical social work;

594 (c) certified social work;

595 (d) marriage and family therapy;

596 (e) professional counseling;

597 (f) practice as a social service worker; or

598 (g) licensed substance abuse counselor;

599 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
600 documented to the division his completion of the supervised training in mental health therapy
601 required under Subsection 58-61-304[~~(f)~~] (6); or

602 (3) representing oneself as or using the title of any of the following unless currently
603 licensed in a license classification under this title:

604 (a) psychiatrist;

605 (b) psychotherapist;

606 (c) registered psychiatric mental health nurse specialist;

607 (d) mental health therapist;

608 (e) clinical social worker;

609 (f) certified social worker;

610 (g) marriage and family therapist;

611 (h) professional counselor;

612 (i) clinical hypnotist;

613 (j) social service worker; or

614 (k) licensed substance abuse counselor.

615 Section 10. Section **58-61-304** is amended to read:

616 **58-61-304. Qualifications for licensure by examination or endorsement.**

617 ~~[(1) All applicants]~~ Each applicant for licensure as a psychologist based upon education,
618 clinical training, and examination shall:

619 ~~[(a)]~~ (1) submit an application on a form provided by the division;

620 ~~[(b)]~~ (2) pay a fee determined by the department under Section 63-38-3.2;

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

622 ~~[(d)]~~ (4) produce certified transcripts of credit verifying satisfactory completion of a
623 doctoral degree in psychology that includes specific core course work established by division rule
624 under Section 58-1-203, from an institution of higher education whose doctoral program, at the
625 time the applicant received the doctoral degree, met approval criteria established by division rule
626 made in consultation with the board;

627 ~~[(e)]~~ (5) have completed a minimum of 4,000 hours of psychology training as defined by
628 division rule under Section 58-1-203 in not less than two years and under the supervision of a
629 psychologist supervisor approved by the division in collaboration with the board, 2,000 hours of
630 which are obtained after completion of a master's level of education in psychology and 2,000 hours
631 of which shall be obtained after completion of the requirements for a doctoral degree in
632 psychology;

633 ~~[(f)]~~ (6) to be qualified to engage in mental health therapy, document successful
634 completion of not less than 1,000 hours of supervised training in mental health therapy obtained
635 after completion of a master's level of education in psychology, which training may be included
636 as part of the 4,000 hours of training required in Subsection ~~[(1)(e)]~~ (5), and for which documented
637 evidence demonstrates not less than one hour of supervision for each 40 hours of supervised
638 training was obtained under the direct personal face to face supervision of a psychologist approved
639 by the division in collaboration with the board;

640 ~~[(g)]~~ (7) pass the examination requirement established by division rule under Section
641 58-1-203; and

642 ~~[(h)]~~ (8) successfully complete an oral interview with the board to evaluate the applicant's
643 qualifications for licensure.

644 ~~[(2) All applicants for licensure as a psychologist by endorsement based upon licensure
645 in another jurisdiction shall:]~~

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

647 ~~[(b) pay a fee determined by the department under Section 63-38-3.2;]~~

648 ~~[(c) be of good moral character and professional standing, and not have any disciplinary~~
649 ~~action pending or in effect against the applicant's psychologist license in any jurisdiction;]~~

650 ~~[(d) have passed the Utah Psychologist Law and Ethics Examination established by~~
651 ~~division rule;]~~

652 ~~[(e) provide satisfactory evidence the applicant is currently licensed in another state,~~
653 ~~district, or territory of the United States, or in any other jurisdiction approved by the division in~~
654 ~~collaboration with the board;]~~

655 ~~[(f) provide satisfactory evidence the applicant has actively practiced psychology in that~~
656 ~~jurisdiction for not less than 2,000 hours or one year, whichever is greater; and]~~

657 ~~[(g) provide satisfactory evidence that:]~~

658 ~~[(i) the education, supervised experience, examination, and all other requirements for~~
659 ~~licensure in that jurisdiction at the time the applicant obtained licensure were substantially~~
660 ~~equivalent to the licensure requirements for a psychologist in Utah at the time the applicant~~
661 ~~obtained licensure in the other jurisdiction; or]~~

662 ~~[(ii) the applicant is a current holder of diplomate status in good standing from the~~
663 ~~American Board of Professional Psychology; and]~~

664 ~~[(h) successfully complete an oral interview with the board to evaluate the applicant's~~
665 ~~qualifications for licensure.]~~

666 Section 11. Section **58-61-501** is amended to read:

667 **58-61-501. Unlawful conduct.**

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

669 (1) practice of psychology unless licensed under this chapter or exempted from licensure
670 under this title;

671 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
672 documented to the division his completion of the supervised training in psychotherapy required
673 under Subsection 58-61-304~~[(1)(f)]~~ (6); or

674 (3) representing oneself as or using the title of psychologist unless currently licensed under
675 this chapter.

676 Section 12. Section **58-67-302** is amended to read:

677 **58-67-302. Qualifications for licensure.**

678 ~~[(1)]~~ An applicant for licensure as a physician and surgeon~~[, except as set forth in~~

679 Subsection (2),] shall:

680 [(a)] (1) submit an application in a form prescribed by the division, which may include:

681 [(i)] (a) submissions by the applicant of information maintained by practitioner data banks,
682 as designated by division rule, with respect to the applicant; and

683 [(ii)] (b) a record of professional liability claims made against the applicant and
684 settlements paid by or on behalf of the applicant;

685 [(b)] (2) pay a fee determined by the department under Section 63-38-3.2;

686 [(c)] (3) be of good moral character;

687 [(d)] (4) provide satisfactory documentation of having successfully completed a program
688 of professional education preparing an individual as a physician and surgeon, as evidenced by
689 having received an earned degree of doctor of medicine from:

690 [(i)] (a) an LCME accredited medical school or college; or

691 [(ii)] (b) a medical school or college located outside of the United States or its jurisdictions
692 which at the time of the applicant's graduation, met criteria for LCME accreditation;

693 [(e)] (5) hold a current certification by the Educational Commission for Foreign Medical
694 Graduates or any successor organization approved by the division in collaboration with the board,
695 if the applicant graduated from a medical school or college located outside of the United States or
696 its jurisdictions;

697 [(f)] (6) satisfy the division and board that the applicant:

698 [(i)] (a) has successfully completed 24 months of progressive resident training in a
699 program approved by the ACGME, the Royal College of Physicians and Surgeons, the College of
700 Family Physicians of Canada, or any similar body in the United States or Canada approved by the
701 division in collaboration with the board; or

702 [(ii) (A)] (b) (i) has successfully completed 12 months of resident training in an ACGME
703 approved program after receiving a degree of doctor of medicine as required under Subsection
704 [(1) (d)] (4);

705 [(B)] (ii) has been accepted in and is successfully participating in progressive resident
706 training in an ACGME approved program within Utah, in the applicant's second or third year of
707 postgraduate training; and

708 [(C)] (iii) has agreed to surrender to the division his license as a physician and surgeon
709 without any proceedings under Title 63, Chapter 46b, Administrative Procedures Act, and has

710 agreed his license as a physician and surgeon will be automatically revoked by the division if the
 711 applicant fails to continue in good standing in an ACGME approved progressive resident training
 712 program within the state;

713 ~~[(g)] (7)~~ pass the licensing examination sequence required by division rule made in
 714 collaboration with the board;

715 ~~[(h)] (8)~~ be able to read, write, speak, understand, and be understood in the English
 716 language and demonstrate proficiency to the satisfaction of the board if requested by the board; and

717 ~~[(i)] (9)~~ meet with the board and representatives of the division, ~~[if requested]~~ upon request
 718 for good cause, for the purpose of evaluating the applicant's qualifications for licensure.

719 ~~[(2) An applicant for licensure as a physician and surgeon by endorsement shall:]~~

720 ~~[(a) be currently licensed with a full unrestricted license in good standing in any state,
 721 district, or territory of the United States;]~~

722 ~~[(b) have been actively engaged in the legal practice of medicine in any state, district, or
 723 territory of the United States for not less than 6,000 hours during the five years immediately
 724 preceding the date of application for licensure in Utah;]~~

725 ~~[(c) not have any action pending against the applicant's license; and]~~

726 ~~[(d) produce satisfactory evidence of the applicant's qualifications, identity, and good
 727 standing to the satisfaction of the division in collaboration with the board.]~~

728 Section 13. Section **58-67-403** is amended to read:

729 **58-67-403. Revocation of license -- Nondisciplinary.**

730 Revocation by the division of a license under Subsection 58-67-302~~[(1)(f)] (6)~~ for failure
 731 to continue on a resident training program for reasons other than unprofessional or unlawful
 732 conduct is a nondisciplinary action and may not be reported by the division as a disciplinary action
 733 against the licensee.

734 Section 14. Section **58-68-302** is amended to read:

735 **58-68-302. Qualifications for licensure.**

736 ~~[(1)]~~ An applicant for licensure as an osteopathic physician and surgeon~~[, except as set
 737 forth in Subsection (2) or (3),]~~ shall:

738 ~~[(a)] (1)~~ submit an application in a form prescribed by the division, which may include:

739 ~~[(i)] (a)~~ submissions by the applicant of information maintained by practitioner data banks,
 740 as designated by division rule, with respect to the applicant; and

741 [(ii)] (b) a record of professional liability claims made against the applicant and
742 settlements paid by or on behalf of the applicant;

743 [(b)] (2) pay a fee determined by the department under Section 63-38-3.2;

744 [(c)] (3) be of good moral character;

745 [(d)] (4) provide satisfactory documentation of having successfully completed a program
746 of professional education preparing an individual as an osteopathic physician and surgeon, as
747 evidenced by having received an earned degree of doctor of osteopathic medicine from:

748 [(i)] (a) an AOA approved medical school or college; or

749 [(ii)] (b) an osteopathic medical school or college located outside of the United States or
750 its jurisdictions which at the time of the applicant's graduation, met criteria for accreditation by the
751 AOA;

752 [(e)] (5) hold a current certification by the Educational Commission for Foreign Medical
753 Graduates or any successor organization approved by the division in collaboration with the board,
754 if the applicant graduated from a medical school or college located outside of the United States or
755 its jurisdictions;

756 [(f)] (6) satisfy the division and board that the applicant:

757 [(i)] (a) has successfully completed 24 months of progressive resident training in an
758 ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine
759 required under Subsection [(1)(d)] (4); or

760 [(ii)-(A)] (b) (i) has successfully completed 12 months of resident training in an ACGME
761 or AOA approved program after receiving a degree of doctor of osteopathic medicine as required
762 under Subsection [(1)(d)] (4);

763 [(B)] (ii) has been accepted in and is successfully participating in progressive resident
764 training in an ACGME or AOA approved program within Utah, in the applicant's second or third
765 year of postgraduate training; and

766 [(C)] (iii) has agreed to surrender to the division his license as an osteopathic physician
767 and surgeon without any proceedings under Title 63, Chapter 46b, Administrative Procedures Act,
768 and has agreed his license as an osteopathic physician and surgeon will be automatically revoked
769 by the division if the applicant fails to continue in good standing in an ACGME or AOA approved
770 progressive resident training program within the state;

771 [(g)] (7) pass the licensing examination sequence required by division rule, as made in

772 collaboration with the board;

773 ~~[(h)]~~ (8) be able to read, write, speak, understand, and be understood in the English
774 language and demonstrate proficiency to the satisfaction of the board, if requested by the board;
775 and

776 ~~[(i)]~~ (9) meet with the board and representatives of the division, ~~[if requested]~~ upon request
777 for good cause, for the purpose of evaluating the applicant's qualifications for licensure.

778 ~~[(2) An applicant for licensure as an osteopathic physician and surgeon qualifying under~~
779 ~~the endorsement provision of Section 58-1-302 shall:]~~

780 ~~[(a) be currently licensed in good standing in another jurisdiction as set forth in Section~~
781 ~~58-1-302;]~~

782 ~~[(b) (i) document having met all requirements for licensure under Subsection (1) except,~~
783 ~~if an applicant received licensure in another state or jurisdiction based upon only 12 months~~
784 ~~residency training after graduation from medical school, the applicant may qualify for licensure~~
785 ~~in Utah by endorsement only if licensed in the other state prior to July 1, 1996; or]~~

786 ~~[(ii) document having obtained licensure in another state or jurisdiction whose licensure~~
787 ~~requirements were at the time of obtaining licensure equal to licensure requirements at that time~~
788 ~~in Utah;]~~

789 ~~[(c) have passed the SPEX examination within 12 months preceding the date of application~~
790 ~~for licensure in Utah if the date on which the applicant passed qualifying examinations for~~
791 ~~licensure is greater than five years prior to the date of the application for licensure in Utah, or meet~~
792 ~~medical specialty certification requirements which may be established by division rule made in~~
793 ~~collaboration with the board;]~~

794 ~~[(d) have been actively engaged in the practice as an osteopathic physician and surgeon~~
795 ~~for not less than 6,000 hours during the five years immediately preceding the date of application~~
796 ~~for licensure in Utah; and]~~

797 ~~[(e) meet with the board and representatives of the division, if requested for the purpose~~
798 ~~of evaluating the applicant's qualifications for licensure.]~~

799 ~~[(3) An applicant for licensure as an osteopathic physician and surgeon, who has been~~
800 ~~licensed as an osteopathic physician in Utah, who has allowed his license in Utah to expire for~~
801 ~~nonpayment of license fees, and who is currently licensed in good standing in another state or~~
802 ~~jurisdiction of the United States shall:]~~

803 ~~[(a) submit an application in a form prescribed by the division;]~~
804 ~~[(b) pay a fee determined by the department under Section 63-38-3.2;]~~
805 ~~[(c) be of good moral character;]~~
806 ~~[(d) have passed the SPEX examination within 12 months preceding the date of~~
807 ~~application for licensure in Utah if the date on which the applicant passed qualifying examinations~~
808 ~~for licensure is greater than five years prior to the date of the application for licensure in Utah;]~~
809 ~~[(e) have been actively engaged in the practice as an osteopathic physician for not fewer~~
810 ~~than 6,000 hours during the five years immediately preceding the date of application for licensure;~~
811 ~~and]~~
812 ~~[(f) meet with the board and representatives of the division, if requested for the purpose~~
813 ~~of evaluating the applicant's qualifications for licensure.]~~

814 Section 15. Section **58-68-403** is amended to read:

815 **58-68-403. Revocation of license -- Nondisciplinary.**

816 Revocation by the division of a license under Subsection 58-68-302~~[(1)(f)]~~ (6) for failure
817 to continue on a resident training program for reasons other than unprofessional or unlawful
818 conduct is a nondisciplinary action and may not be reported by the division as a disciplinary action
819 against the licensee.

820 Section 16. Section **58-69-302** is amended to read:

821 **58-69-302. Qualifications for licensure.**

822 (1) An applicant for licensure as a dentist~~[, except as set forth in Subsection (2),]~~ shall:

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

824 (b) pay a fee as determined by the department under Section 63-38-3.2;

825 (c) be of good moral character;

826 (d) provide satisfactory documentation of having successfully completed a program of
827 professional education preparing an individual as a dentist as evidenced by having received an
828 earned doctor's degree in dentistry from:

829 (i) a dental school accredited by the Commission on Dental Accreditation of the American
830 Dental Association; or

831 (ii) a dental school located outside of the United States or its jurisdictions which, at the
832 time the applicant graduated from the dental school, met standards for accreditation by the
833 Commission on Dental Accreditation of the American Dental Association;

834 (e) pass the National Board Dental Examinations as administered by the Joint Commission
835 on National Dental Examinations of the American Dental Association;

836 (f) pass any one of the regional dental clinical licensure examinations unless the division,
837 in collaboration with the board, determines that:

838 (i) the examination is clearly inferior to the Western Regional Examination Board; and

839 (ii) reliance upon the examination poses an unjustifiable threat to public health and safety;

840 (g) pass any other examinations regarding applicable law, rules, or ethics as established
841 by division rule made in collaboration with the board;

842 (h) be able to read, write, speak, understand, and be understood in the English language
843 and demonstrate proficiency to the satisfaction of the board if requested by the board; and

844 (i) meet with the board if requested by the board or division for the purpose of examining
845 the applicant's qualifications for licensure.

846 ~~[(2) An applicant for licensure as a dentist qualifying under the endorsement provision of~~
847 ~~Section 58-1-302 shall:]~~

848 ~~[(a) be currently licensed in good standing in another jurisdiction set forth in Section~~
849 ~~58-1-302;]~~

850 ~~[(b) (i) document having met all requirements for licensure under Subsection (1) except,~~
851 ~~an applicant having received licensure in another state or jurisdiction prior to the year when the~~
852 ~~National Board Dental Examinations were first administered, shall document having passed a state~~
853 ~~administered examination acceptable to the division in collaboration with the board; or]~~

854 ~~[(ii) document having obtained licensure in another state or jurisdiction upon which~~
855 ~~licensure by endorsement is based by meeting requirements which were equal to licensure~~
856 ~~requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction;~~
857 ~~and]~~

858 ~~[(c) document having been successfully engaged in practice as a dentist for not less than~~
859 ~~6,000 hours in the five years immediately preceding the date of application for licensure.]~~

860 ~~[(3)]~~ (2) An applicant for licensure as a dental hygienist~~[, except as set forth in Subsection~~
861 ~~(4);]~~ shall:

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

863 (b) pay a fee as determined by the department pursuant to Section 63-38-3.2;

864 (c) be of good moral character;

- 865 (d) be a graduate holding a certificate or degree in dental hygiene from:
- 866 (i) a school accredited by the Commission on Dental Accreditation of the American Dental
867 Association; or
- 868 (ii) a dental hygiene school located outside of the United States or its jurisdictions which,
869 at the time the applicant graduated from or received certification from the school, met standards
870 for accreditation by the Commission on Dental Accreditation of the American Dental Association;
- 871 (e) pass the National Board Dental Hygiene Examination as administered by the Joint
872 Commission on National Dental Examinations of the American Dental Association;
- 873 (f) pass an examination consisting of practical demonstrations in the practice of dental
874 hygiene and written or oral examination in the theory and practice of dental hygiene as established
875 by division rule made in collaboration with the board;
- 876 (g) pass any other examinations regarding applicable law, rules, and ethics as established
877 by rule by division rule made in collaboration with the board;
- 878 (h) be able to read, write, speak, understand, and be understood in the English language
879 and demonstrate proficiency to the satisfaction of the board if requested by the board; and
- 880 (i) meet with the board if requested by the board or division for the purpose of examining
881 the applicant's qualifications for licensure.
- 882 [~~(4) An applicant for licensure as a dental hygienist qualifying under the endorsement
883 provision of Section 58-1-302 shall:~~]
- 884 [~~(a) be currently licensed in another jurisdiction set forth in Section 58-1-302;~~]
- 885 [~~(b) (i) document having met all requirements for licensure under Subsection (3) except,
886 an applicant having received licensure in another state or jurisdiction prior to 1962, the year when
887 the National Board Dental Hygiene Examinations were first administered, shall document having
888 passed a state administered examination acceptable to the division in collaboration with the board;
889 or]~~]
- 890 [~~(ii) document having obtained licensure in another state or jurisdiction upon which
891 licensure by endorsement is based by meeting requirements which were equal to licensure
892 requirements in Utah at the time the applicant obtained licensure in the other state or jurisdiction;
893 and]~~]
- 894 [~~(c) document having been successfully engaged in practice as a dental hygienist for not
895 less than 2,000 hours in the two years immediately preceding the date of application for licensure.]~~]

896 Section 17. Section **58-71-302** is amended to read:

897 **58-71-302. Qualifications for licensure.**

898 [~~(1)~~] An applicant for licensure as a naturopathic physician[~~, except as set forth in~~
899 ~~Subsections (2) or (3),~~] shall:

900 [~~(a)~~] (1) submit an application in a form prescribed by the division which may include:

901 [~~(i)~~] (a) submissions by the applicant of information maintained by practitioner data banks,
902 as designated by division rule, with respect to the applicant; and

903 [~~(ii)~~] (b) a record of professional liability claims made against the applicant and
904 settlements paid by or in behalf of the applicant;

905 [~~(b)~~] (2) pay a fee determined by the department under Section 63-38-3.2;

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

907 [~~(d)~~] (4) provide satisfactory documentation of having successfully completed a program
908 of professional education preparing an individual as a naturopathic physician, as evidenced by
909 having received an earned degree of doctor of naturopathic medicine from:

910 [~~(i)~~] (a) a naturopathic medical school or college accredited by the Council of Naturopathic
911 Medical Education or its successor organization approved by the division;

912 [~~(ii)~~] (b) a naturopathic medical school or college that is a candidate for accreditation by
913 the Council of Naturopathic Medical Education or its successor organization, and is approved by
914 the division in collaboration with the board, upon a finding there is reasonable expectation the
915 school or college will be accredited; or

916 [~~(iii)~~] (c) a naturopathic medical school or college which, at the time of the applicant's
917 graduation, met current criteria for accreditation by the Council of Naturopathic Medical Education
918 or its successor approved by the division;

919 [~~(e)~~] (5) provide satisfactory documentation of having successfully completed, after
920 successful completion of the education requirements set forth in Subsection [~~(1)~~]~~(d)~~] (4), 12 months
921 of clinical experience in naturopathic medicine in a residency program recognized by the division
922 and associated with an accredited school or college of naturopathic medicine, and under the
923 preceptorship of a licensed naturopathic physician, physician and surgeon, or osteopathic
924 physician;

925 [~~(f)~~] (6) pass the licensing examination sequence required by division rule established in
926 collaboration with the board;

927 ~~[(g)] (7)~~ be able to read, write, speak, understand, and be understood in the English
 928 language and demonstrate proficiency to the satisfaction of the board if requested by the board; and
 929 ~~[(h)] (8)~~ meet with the board and representatives of the division, if requested, for the
 930 purpose of evaluating the applicant's qualifications for licensure.

931 ~~[(2) An applicant for licensure as a naturopathic physician qualifying under the
 932 endorsement provision of Section 58-1-302 shall:]~~

933 ~~[(a) be currently licensed in good standing in another jurisdiction as set forth in Section
 934 58-1-302;]~~

935 ~~[(b) document having met all requirements for licensure under Subsection (1) except the
 936 clinical experience requirement of Subsection (1)(e);]~~

937 ~~[(c) have passed the examination requirements established under Subsection (1)(f) which
 938 the applicant has not passed in connection with licensure in another state or jurisdiction;]~~

939 ~~[(d) have been actively engaged in the practice as a naturopathic physician for not less than
 940 6,000 hours during the five years immediately preceding the date of application for licensure in
 941 Utah; and]~~

942 ~~[(e) meet with the board and representatives of the division, if requested for the purpose
 943 of evaluating the applicant's qualifications for licensure.]~~

944 Section 18. Section **58-72-302** is amended to read:

945 **58-72-302. Qualification for licensure.**

946 ~~[Notwithstanding Section 58-1-302, all applicants]~~ Each applicant for licensure as an
 947 acupuncturist shall:

- 948 (1) submit an application in a form prescribed by the division;
- 949 (2) pay a fee determined by the department under Section 63-38-3.2;
- 950 (3) be of good moral character;
- 951 (4) meet the requirements for current active certification in acupuncture under guidelines
 952 established by the National Commission for the Certification of Acupuncturists (NCCA) as
 953 demonstrated through a current certificate or other appropriate documentation;
- 954 (5) pass the examination required by the division by rule;
- 955 (6) establish procedures, as defined by rule, which shall enable patients to give informed
 956 consent to treatment; and
- 957 (7) meet with the board, if requested, for the purpose of evaluating the applicant's

958 qualifications for licensure.

959 Section 19. **Repealer.**

960 This act repeals:

961 Section **58-5a-305, License by endorsement.**

962 Section **58-26-6, Licensure by endorsement.**

963 Section **58-31b-307, Licensure by endorsement.**

964 Section **58-60-115, License by endorsement.**

965 Section 20. **Effective date.**

966 This act takes effect on July 1, 2000.

Legislative Review Note
as of 1-21-00 1:50 PM

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

Office of Legislative Research and General Counsel