

**INSURANCE COVERAGE OF HEALTH CARE
PROFESSIONALS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: James A. Dunnigan

This act modifies the Occupational and Professional Licensure Review Committee Act. The act adds to the criteria that must be considered by the committee when deciding whether to license a new health care professional.

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

AMENDS:

36-23-107, as enacted by Chapter 152, Laws of Utah 1999

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

Section 1. Section **36-23-107** is amended to read:

36-23-107. Review criteria.

When reviewing applications received under Subsection 36-23-106(2) and when conducting sunset reviews under Subsection 36-23-106(3), the committee shall use the following criteria to determine whether or not the occupation or profession should be licensed or regulated by the state:

(1) whether the unregulated practice of the occupation or profession has clearly harmed or may harm or endanger the health, safety, or welfare of the public, and whether the potential for harm is easily recognizable and not remote;

(2) whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence;

(3) whether regulation of the profession or occupation imposes significant new economic hardship on the public, significantly diminishes the supply of qualified practitioners, or otherwise creates barriers to service that are not consistent with the public welfare or interest;

(4) whether the occupation requires possession of knowledge, skills, and abilities that are both teachable and testable;

(5) whether the occupation is clearly distinguishable from other occupations that are already regulated;

(6) whether the occupational or professional group has an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service;

(7) whether the occupation or professional group is seeking licensure for the treatment of an illness, injury, or health care condition and will request payment of benefits for the treatment under an insurance contract subject to Section 31A-22-618;

~~[(7)]~~ (8) whether the public can be adequately protected by means other than regulation;
and

~~[(8)]~~ (9) other appropriate criteria as determined by the committee.