

1 **INSURANCE COVERAGE OF HEALTH CARE**
2 **PROFESSIONALS**

3 2003 GENERAL SESSION
4 STATE OF UTAH

5 **Sponsor: James A. Dunnigan**

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

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

10 AMENDS:

11 **36-23-107**, as enacted by Chapter 152, Laws of Utah 1999

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

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

14 **36-23-107. Review criteria.**

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

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

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

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



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

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

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

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

37 [~~7~~] (8) whether the public can be adequately protected by means other than
38 regulation; and

39 [~~8~~] (9) other appropriate criteria as determined by the committee.

Legislative Review Note

as of 2-10-03 9:12 AM

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

Office of Legislative Research and General Counsel

Fiscal Note**Insurance Coverage of Health Care Professionals***17-Feb-03***Bill Number HB0332***10:52 AM*

State Impact

No fiscal impact.

Individual and Business ImpactNo fiscal impact.

Office of the Legislative Fiscal Analyst