



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **58-67-302**, as last amended by Chapter 327, Laws of Utah 1999

31 **58-67-303**, as last amended by Chapter 268, Laws of Utah 2001

32 **58-67-304**, as last amended by Chapter 268, Laws of Utah 2001

33 **58-68-302**, as enacted by Chapter 248, Laws of Utah 1996

34 **58-68-303**, as last amended by Chapter 268, Laws of Utah 2001

35 **58-68-304**, as last amended by Chapter 268, Laws of Utah 2001



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

38 Section 1. Section **58-67-302** is amended to read:

39 **58-67-302. Qualifications for licensure.**

40 (1) An applicant for licensure as a physician and surgeon, except as set forth in

41 Subsection (2), shall:

42 (a) submit an application in a form prescribed by the division, which may include:

43 (i) submissions by the applicant of information maintained by practitioner data banks,  
44 as designated by division rule, with respect to the applicant; and

45 (ii) a record of professional liability claims made against the applicant and settlements  
46 paid by or on behalf of the applicant;

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

48 (c) be of good moral character;

49 (d) provide satisfactory documentation of having successfully completed a program of  
50 professional education preparing an individual as a physician and surgeon, as evidenced by  
51 having received an earned degree of doctor of medicine from:

52 (i) an LCME accredited medical school or college; or

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

55 (e) hold a current certification by the Educational Commission for Foreign Medical  
56 Graduates or any successor organization approved by the division in collaboration with the  
57 board, if the applicant graduated from a medical school or college located outside of the United  
58 States or its jurisdictions;

- 59 (f) satisfy the division and board that the applicant:
- 60 (i) has successfully completed 24 months of progressive resident training in a program
- 61 approved by the ACGME, the Royal College of Physicians and Surgeons, the College of
- 62 Family Physicians of Canada, or any similar body in the United States or Canada approved by
- 63 the division in collaboration with the board; or
- 64 (ii) (A) has successfully completed 12 months of resident training in an ACGME
- 65 approved program after receiving a degree of doctor of medicine as required under Subsection
- 66 (1)(d);
- 67 (B) has been accepted in and is successfully participating in progressive resident
- 68 training in an ACGME approved program within Utah, in the applicant's second or third year
- 69 of postgraduate training; and
- 70 (C) has agreed to surrender to the division his license as a physician and surgeon
- 71 without any proceedings under Title 63, Chapter 46b, Administrative Procedures Act, and has
- 72 agreed his license as a physician and surgeon will be automatically revoked by the division if
- 73 the applicant fails to continue in good standing in an ACGME approved progressive resident
- 74 training program within the state;
- 75 (g) pass the licensing examination sequence required by division rule made in
- 76 collaboration with the board;
- 77 (h) be able to read, write, speak, understand, and be understood in the English language
- 78 and demonstrate proficiency to the satisfaction of the board if requested by the board; ~~and~~
- 79 (i) meet with the board and representatives of the division, if requested, for the purpose
- 80 of evaluating the applicant's qualifications for licensure[-];
- 81 (j) designate:
- 82 (i) a contact person for access to medical records in accordance with the federal Health
- 83 Insurance Portability and Accountability Act; and
- 84 (ii) an alternate contact person for access to medical records, in the event the original
- 85 contact person is unable or unwilling to serve as the contact person for access to medical
- 86 records; and
- 87 (k) establish a method for notifying patients of the identity and location of the contact
- 88 person and alternate contact person, if the applicant will practice in a location with no other
- 89 persons licensed under this chapter.

90 (2) An applicant for licensure as a physician and surgeon by endorsement shall:

91 (a) be currently licensed with a full unrestricted license in good standing in any state,  
92 district, or territory of the United States;

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

96 (c) not have any action pending against the applicant's license; and

97 (d) produce satisfactory evidence of the applicant's qualifications, identity, and good  
98 standing to the satisfaction of the division in collaboration with the board.

99 Section 2. Section **58-67-303** is amended to read:

100 **58-67-303. Term of license -- Expiration -- Renewal.**

101 (1) (a) The division shall issue each license under this chapter in accordance with a  
102 two-year renewal cycle established by division rule.

103 (b) The division may by rule extend or shorten a renewal period by as much as one year  
104 to stagger the renewal cycles it administers.

105 (2) At the time of renewal, the licensee shall show compliance with:

106 (a) continuing education renewal requirements[-]; and

107 (b) the requirement for designation of a contact person and alternate contact person for  
108 access to medical records and notice to patients as required by Subsections 58-67-304(1)(b)  
109 and (c).

110 (3) Each license issued under this chapter expires on the expiration date shown on the  
111 license unless renewed in accordance with Section 58-1-308.

112 Section 3. Section **58-67-304** is amended to read:

113 **58-67-304. License renewal requirements.**

114 (1) As a condition precedent for license renewal, each licensee shall, during each  
115 two-year licensure cycle or other cycle defined by division rule[-];

116 (a) complete qualified continuing professional education requirements in accordance  
117 with the number of hours and standards defined by division rule made in collaboration with the  
118 board[-];

119 (b) appoint a contact person for access to medical records and an alternate contact  
120 person for access to medical records in accordance with Subsection 58-67-302(1)(j); and

121           (c) if the licensee practices medicine in a location with no other persons licensed under  
122 this chapter, provide some method of notice to the licensee's patients of the identity and  
123 location of the contact person and alternate contact person for the licensee.

124           (2) If a renewal period is extended or shortened under Section 58-67-303, the  
125 continuing education hours required for license renewal under this section are increased or  
126 decreased proportionally.

127           Section 4. Section **58-68-302** is amended to read:

128           **58-68-302. Qualifications for licensure.**

129           (1) An applicant for licensure as an osteopathic physician and surgeon, except as set  
130 forth in Subsection (2) or (3), shall:

131           (a) submit an application in a form prescribed by the division, which may include:

132           (i) submissions by the applicant of information maintained by practitioner data banks,  
133 as designated by division rule, with respect to the applicant; and

134           (ii) a record of professional liability claims made against the applicant and settlements  
135 paid by or on behalf of the applicant;

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

137           (c) be of good moral character;

138           (d) provide satisfactory documentation of having successfully completed a program of  
139 professional education preparing an individual as an osteopathic physician and surgeon, as  
140 evidenced by having received an earned degree of doctor of osteopathic medicine from:

141           (i) an AOA approved medical school or college; or

142           (ii) an osteopathic medical school or college located outside of the United States or its  
143 jurisdictions which at the time of the applicant's graduation, met criteria for accreditation by the  
144 AOA;

145           (e) hold a current certification by the Educational Commission for Foreign Medical  
146 Graduates or any successor organization approved by the division in collaboration with the  
147 board, if the applicant graduated from a medical school or college located outside of the United  
148 States or its jurisdictions;

149           (f) satisfy the division and board that the applicant:

150           (i) has successfully completed 24 months of progressive resident training in an  
151 ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine

152 required under Subsection (1)(d); or

153 (ii) (A) has successfully completed 12 months of resident training in an ACGME or  
154 AOA approved program after receiving a degree of doctor of osteopathic medicine as required  
155 under Subsection (1)(d);

156 (B) has been accepted in and is successfully participating in progressive resident  
157 training in an ACGME or AOA approved program within Utah, in the applicant's second or  
158 third year of postgraduate training; and

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

164 (g) pass the licensing examination sequence required by division rule, as made in  
165 collaboration with the board;

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

168 (i) meet with the board and representatives of the division, if requested for the purpose  
169 of evaluating the applicant's qualifications for licensure[-];

170 (j) designate:

171 (i) a contact person for access to medical records in accordance with the federal Health  
172 Insurance Portability and Accountability Act; and

173 (ii) an alternate contact person for access to medical records, in the event the original  
174 contact person is unable or unwilling to serve as the contact person; and

175 (k) establish a method for notifying patients of the identity and location of the contact  
176 person and alternate contact person, if the applicant will practice in a location with no other  
177 persons licensed under this chapter.

178 (2) An applicant for licensure as an osteopathic physician and surgeon qualifying under  
179 the endorsement provision of Section 58-1-302 shall:

180 (a) be currently licensed in good standing in another jurisdiction as set forth in Section  
181 58-1-302;

182 (b) (i) document having met all requirements for licensure under Subsection (1) except,

183 if an applicant received licensure in another state or jurisdiction based upon only 12 months  
184 residency training after graduation from medical school, the applicant may qualify for licensure  
185 in Utah by endorsement only if licensed in the other state prior to July 1, 1996; or

186 (ii) document having obtained licensure in another state or jurisdiction whose licensure  
187 requirements were at the time of obtaining licensure equal to licensure requirements at that  
188 time in Utah;

189 (c) have passed the SPEX examination within 12 months preceding the date of  
190 application for licensure in Utah if the date on which the applicant passed qualifying  
191 examinations for licensure is greater than five years prior to the date of the application for  
192 licensure in Utah, or meet medical specialty certification requirements which may be  
193 established by division rule made in collaboration with the board;

194 (d) have been actively engaged in the practice as an osteopathic physician and surgeon  
195 for not less than 6,000 hours during the five years immediately preceding the date of  
196 application for licensure in Utah; and

197 (e) meet with the board and representatives of the division, if requested for the purpose  
198 of evaluating the applicant's qualifications for licensure.

199 (3) An applicant for licensure as an osteopathic physician and surgeon, who has been  
200 licensed as an osteopathic physician in Utah, who has allowed his license in Utah to expire for  
201 nonpayment of license fees, and who is currently licensed in good standing in another state or  
202 jurisdiction of the United States shall:

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

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

205 (c) be of good moral character;

206 (d) have passed the SPEX examination within 12 months preceding the date of  
207 application for licensure in Utah if the date on which the applicant passed qualifying  
208 examinations for licensure is greater than five years prior to the date of the application for  
209 licensure in Utah;

210 (e) have been actively engaged in the practice as an osteopathic physician for not fewer  
211 than 6,000 hours during the five years immediately preceding the date of application for  
212 licensure; and

213 (f) meet with the board and representatives of the division, if requested for the purpose

214 of evaluating the applicant's qualifications for licensure.

215 Section 5. Section **58-68-303** is amended to read:

216 **58-68-303. Term of license -- Expiration -- Renewal.**

217 (1) (a) The division shall issue each license under this chapter in accordance with a  
218 two-year renewal cycle established by division rule.

219 (b) The division may by rule extend or shorten a renewal period by as much as one year  
220 to stagger the renewal cycles it administers.

221 (2) At the time of renewal, the licensee shall show compliance with:

222 (a) continuing education renewal requirements[-]; and

223 (b) the requirement for designation of a contact person and alternate contact person for  
224 access to medical records and notice to patients as required by Subsections 58-68-304(1)(b)  
225 and (c).

226 (3) Each license issued under this chapter expires on the expiration date shown on the  
227 license unless renewed in accordance with Section 58-1-308.

228 Section 6. Section **58-68-304** is amended to read:

229 **58-68-304. License renewal requirements.**

230 (1) As a condition precedent for license renewal, each licensee shall, during each  
231 two-year licensure cycle or other cycle defined by division rule[-];

232 (a) complete qualified continuing professional education requirements in accordance  
233 with the number of hours and standards defined by division rule in collaboration with the  
234 board[-];

235 (b) appoint a contact person for access to medical records and an alternate contact  
236 person for access to medical records in accordance with Subsection 58-68-302(1)(j); and

237 (c) if the licensee practices osteopathic medicine in a location with no other persons  
238 licensed under this chapter, provide some method of notice to the licensee's patients of the  
239 identity and location of the contact person and alternate contact person for access to medical  
240 records for the licensee in accordance with Subsection 58-68-302(1)(k).

241 (2) If a renewal period is extended or shortened under Section 58-68-303, the  
242 continuing education hours required for license renewal under this section are increased or  
243 decreased proportionally.

---

---

**Legislative Review Note**

as of 1-24-05 12:49 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

---

---

**Fiscal Note**  
**Bill Number SB0055**

Access to Patient Medical Records

01-Feb-05

10:30 AM

---

---

**State Impact**

No fiscal impact.

---

**Individual and Business Impact**

No significant costs to physicians.

---

**Office of the Legislative Fiscal Analyst**