

Representative Justin L. Fawson proposes the following substitute bill:

SUICIDE PREVENTION TRAINING AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Justin L. Fawson

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill changes the licensing provisions for certain health care providers.

Highlighted Provisions:

This bill:

▶ requires certain health care professionals who practice in a primary care setting to fulfill a suicide prevention training requirement in order to obtain or renew a license under:

- the Utah Medical Practice Act;
- the Utah Osteopathic Medical Practice Act;
- the Nurse Practice Act; or
- the Physician Assistant Act;

▶ requires the division to adopt standards for the suicide prevention training requirement; and

▶ allows an individual to fulfill the requirements created in this bill by requesting a waiver or by passing an exam adopted by the division.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **58-31b-302**, as last amended by Laws of Utah 2014, Chapter 316

30 **58-31b-309**, as enacted by Laws of Utah 1998, Chapter 288

31 **58-67-302**, as last amended by Laws of Utah 2012, Chapters 162 and 225

32 **58-67-302.5**, as last amended by Laws of Utah 2011, Chapter 214

33 **58-67-302.8 (Effective 07/01/18)**, as enacted by Laws of Utah 2017, Chapter 299

34 **58-67-304 (Superseded 07/01/18)**, as last amended by Laws of Utah 2011, Chapters

35 161 and 214

36 **58-67-304 (Effective 07/01/18)**, as last amended by Laws of Utah 2017, Chapter 299

37 **58-68-302**, as last amended by Laws of Utah 2012, Chapters 162 and 225

38 **58-68-302.5 (Effective 07/01/18)**, as enacted by Laws of Utah 2017, Chapter 299

39 **58-68-304 (Superseded 07/01/18)**, as last amended by Laws of Utah 2011, Chapters

40 161 and 214

41 **58-68-304 (Effective 07/01/18)**, as last amended by Laws of Utah 2017, Chapter 299

42 **58-70a-302**, as last amended by Laws of Utah 2017, Chapter 309

43 **58-70a-304**, as last amended by Laws of Utah 2001, Chapter 268



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

46 Section 1. Section **58-31b-302** is amended to read:

47 **58-31b-302. Qualifications for licensure or certification -- Criminal background**
48 **checks.**

49 (1) An applicant for certification as a medication aide shall:

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

51 (b) pay a fee to the division as determined under Section **63J-1-504**;

52 (c) have a high school diploma or its equivalent;

53 (d) have a current certification as a nurse aide, in good standing, from the Department
54 of Health;

55 (e) have a minimum of 2,000 hours of experience within the two years prior to
56 application, working as a certified nurse aide in a long-term care facility;

57 (f) obtain letters of recommendation from a long-term care facility administrator and
58 one licensed nurse familiar with the applicant's work practices as a certified nurse aide;

59 (g) be in a condition of physical and mental health that will permit the applicant to
60 practice safely as a medication aide certified;

61 (h) have completed an approved education program or an equivalent as determined by
62 the division in collaboration with the board;

63 (i) have passed the examinations as required by division rule made in collaboration
64 with the board; and

65 (j) meet with the board, if requested, to determine the applicant's qualifications for
66 certification.

67 (2) An applicant for licensure as a licensed practical nurse shall:

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

69 (b) pay to the division a fee determined under Section 63J-1-504;

70 (c) have a high school diploma or its equivalent;

71 (d) be in a condition of physical and mental health that will permit the applicant to
72 practice safely as a licensed practical nurse;

73 (e) have completed an approved practical nursing education program or an equivalent
74 as determined by the board;

75 (f) have passed the examinations as required by division rule made in collaboration
76 with the board; [~~and~~]

77 (g) if applicable, satisfy the suicide prevention training requirement adopted by the
78 division under Subsection 58-31b-309(4); and

79 [~~(g)~~] (h) meet with the board, if requested, to determine the applicant's qualifications
80 for licensure.

81 (3) An applicant for licensure as a registered nurse shall:

82 (a) submit to the division an application form prescribed by the division;

83 (b) pay to the division a fee determined under Section 63J-1-504;

84 (c) have a high school diploma or its equivalent;

85 (d) be in a condition of physical and mental health that will allow the applicant to
86 practice safely as a registered nurse;

87 (e) have completed an approved registered nursing education program;

88 (f) have passed the examinations as required by division rule made in collaboration
89 with the board; and

90 (g) meet with the board, if requested, to determine the applicant's qualifications for
91 licensure.

92 (4) Applicants for licensure as an advanced practice registered nurse shall:

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

94 (b) pay to the division a fee determined under Section 63J-1-504;

95 (c) be in a condition of physical and mental health which will allow the applicant to
96 practice safely as an advanced practice registered nurse;

97 (d) hold a current registered nurse license in good standing issued by the state or be
98 qualified at the time for licensure as a registered nurse;

99 (e) (i) have earned a graduate degree in:

100 (A) an advanced practice registered nurse nursing education program; or

101 (B) a related area of specialized knowledge as determined appropriate by the division
102 in collaboration with the board; or

103 (ii) have completed a nurse anesthesia program in accordance with Subsection

104 (4)(f)(ii);

105 (f) have completed:

106 (i) course work in patient assessment, diagnosis and treatment, and
107 pharmacotherapeutics from an education program approved by the division in collaboration
108 with the board; or

109 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of
110 Nurse Anesthesia Educational Programs;

111 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as
112 described in division rule, that the applicant, after completion of a doctorate or master's degree
113 required for licensure, is in the process of completing the applicant's clinical practice
114 requirements in psychiatric mental health nursing, including in psychotherapy;

115 (h) have passed the examinations as required by division rule made in collaboration
116 with the board;

117 (i) be currently certified by a program approved by the division in collaboration with
118 the board and submit evidence satisfactory to the division of the certification; [and]

119 (i) if applicable, satisfy the suicide prevention training requirement adopted by the
120 division under Subsection 58-31b-309(4); and

121 ~~[(j)]~~ (k) meet with the board, if requested, to determine the applicant's qualifications
122 for licensure.

123 (5) For each applicant for licensure or certification under this chapter:

124 (a) the applicant shall:

125 (i) submit fingerprint cards in a form acceptable to the division at the time the
126 application is filed; and

127 (ii) consent to a fingerprint background check by the Utah Bureau of Criminal
128 Identification and the Federal Bureau of Investigation regarding the application; and

129 (b) the division shall request the Department of Public Safety to complete a Federal
130 Bureau of Investigation criminal background check through the national criminal history
131 system (NCIC) or any successor system.

132 (6) For purposes of conducting the criminal background checks required in Subsection
133 (5), the division shall have direct access to criminal background information maintained
134 pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

135 (7) (a) (i) Any new nurse license or certification issued under this section shall be
136 conditional, pending completion of the criminal background check.

137 (ii) If the criminal background check discloses the applicant has failed to accurately
138 disclose a criminal history, the license or certification shall be immediately and automatically
139 revoked.

140 (b) (i) Any person whose conditional license or certification has been revoked under
141 Subsection (7)(a) shall be entitled to a postrevocation hearing to challenge the revocation.

142 (ii) The hearing shall be conducted in accordance with Title 63G, Chapter 4,
143 Administrative Procedures Act.

144 (8) (a) If a person has been charged with a violent felony, as defined in Subsection
145 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of guilty or
146 nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the
147 successful completion of probation:

148 (i) the person is disqualified for licensure under this chapter; and

149 (ii) (A) if the person is licensed under this chapter, the division:

150 (I) shall act upon the license as required under Section 58-1-401; and
151 (II) may not renew or subsequently issue a license to the person under this chapter; and
152 (B) if the person is not licensed under this chapter, the division may not issue a license
153 to the person under this chapter.

154 (b) If a person has been charged with a felony other than a violent felony, as defined in
155 Subsection 76-3-203.5(1)(c), and, as a result, the person has been convicted, entered a plea of
156 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance
157 pending the successful completion of probation:

158 (i) if the person is licensed under this chapter, the division shall determine whether the
159 felony disqualifies the person for licensure under this chapter and act upon the license, as
160 required, in accordance with Section 58-1-401; and

161 (ii) if the person is not licensed under this chapter, the person may not file an
162 application for licensure under this chapter any sooner than five years after having completed
163 the conditions of the sentence or plea agreement.

164 Section 2. Section 58-31b-309 is amended to read:

165 **58-31b-309. Continuing education.**

166 (1) The division in collaboration with the board may establish continuing education
167 requirements for each classification of nurse licensure.

168 (2) The division may discriminate between classifications of licensure with respect to
169 continuing education requirements upon finding the continuing education requirements are
170 necessary to reasonably protect the public health, safety, or welfare.

171 (3) The continuing professional education requirements described in Subsection (1)
172 shall include, if applicable, the suicide prevention training requirement adopted by the
173 department under Subsection (4).

174 (4) (a) The division shall, in collaboration with the board and by rule made in
175 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt a suicide
176 prevention training requirement that may be fulfilled through:

177 (i) a minimum of two hours of training in suicide prevention via a course approved by
178 the division;

179 (ii) a passing score on an exam approved by the division that demonstrates an
180 individual's competency in suicide prevention for health care professionals; or

181 (iii) a waiver from the requirement in Subsection (4)(a) that the division shall issue to
182 any individual who requests a waiver.

183 (b) The suicide prevention training requirement adopted under Subsection (4)(a) does
184 not apply to an individual who certifies to the division that the individual does not practice in a
185 primary care setting.

186 (c) A passing score on the exam approved by the division under Subsection (4)(a)(ii)
187 shall fulfill two credit hours of the continuing professional education requirements described in
188 Subsection (1).

189 Section 3. Section **58-67-302** is amended to read:

190 **58-67-302. Qualifications for licensure.**

191 (1) ~~[A]~~ Except as provided in Subsection (2), an applicant for licensure as a physician
192 and surgeon~~[-except as set forth in Subsection (2);]~~ shall:

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

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

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

198 (iii) authorization to use a record coordination and verification service approved by the
199 division in collaboration with the board;

200 (b) pay a fee determined by the department under Section [63J-1-504](#);

201 (c) be of good moral character;

202 (d) provide satisfactory documentation of having successfully completed a program of
203 professional education preparing an individual as a physician and surgeon, as evidenced by:

204 (i) having received an earned degree of doctor of medicine from an LCME accredited
205 medical school or college; or

206 (ii) if the applicant graduated from a medical school or college located outside the
207 United States or its territories, submitting a current certification by the Educational
208 Commission for Foreign Medical Graduates or any successor organization approved by the
209 division in collaboration with the board;

210 (e) satisfy the division and board that the applicant:

211 (i) has successfully completed 24 months of progressive resident training in a program

212 approved by the ACGME, the Royal College of Physicians and Surgeons, the College of
213 Family Physicians of Canada, or any similar body in the United States or Canada approved by
214 the division in collaboration with the board; or

215 (ii) (A) has successfully completed 12 months of resident training in an ACGME
216 approved program after receiving a degree of doctor of medicine as required under Subsection
217 (1)(d);

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

221 (C) has agreed to surrender to the division the applicant's license as a physician and
222 surgeon without any proceedings under Title 63G, Chapter 4, Administrative Procedures Act,
223 and has agreed the applicant's license as a physician and surgeon will be automatically revoked
224 by the division if the applicant fails to continue in good standing in an ACGME approved
225 progressive resident training program within the state;

226 (f) pass the licensing examination sequence required by division rule made in
227 collaboration with the board;

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

230 (h) meet with the board and representatives of the division, if requested, for the
231 purpose of evaluating the applicant's qualifications for licensure;

232 (i) designate:

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

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

238 (j) establish a method for notifying patients of the identity and location of the contact
239 person and alternate contact person, if the applicant will practice in a location with no other
240 persons licensed under this chapter[-]; and

241 (k) if applicable, satisfy the suicide prevention training requirement adopted by the
242 division under Subsection [58-67-304\(6\)](#).

243 (2) An applicant for licensure as a physician and surgeon by endorsement who is
244 currently licensed to practice medicine in any state other than Utah, a district or territory of the
245 United States, or Canada shall:

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

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

251 (c) comply with the requirements for licensure under Subsections (1)(a) through (d),
252 (1)(e)(i), and (1)(g) through [(j)] (k);

253 (d) have passed the licensing examination sequence required in Subsection (1)(f) or
254 another medical licensing examination sequence in another state, district or territory of the
255 United States, or Canada that the division in collaboration with the board by rulemaking
256 determines is equivalent to its own required examination;

257 (e) not have any investigation or action pending against any health care license of the
258 applicant, not have a health care license that was suspended or revoked in any state, district or
259 territory of the United States, or Canada, and not have surrendered a health care license in lieu
260 of a disciplinary action, unless:

261 (i) the license was subsequently reinstated as a full unrestricted license in good
262 standing; or

263 (ii) the division in collaboration with the board determines to its satisfaction, after full
264 disclosure by the applicant, that:

265 (A) the conduct has been corrected, monitored, and resolved; or

266 (B) a mitigating circumstance exists that prevents its resolution, and the division in
267 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
268 would be reinstated;

269 (f) submit to a records review, a practice history review, and comprehensive
270 assessments, if requested by the division in collaboration with the board; and

271 (g) produce satisfactory evidence that the applicant meets the requirements of this
272 Subsection (2) to the satisfaction of the division in collaboration with the board.

273 (3) An applicant for licensure by endorsement may engage in the practice of medicine

274 under a temporary license while the applicant's application for licensure is being processed by
275 the division, provided:

276 (a) the applicant submits a complete application required for temporary licensure to the
277 division;

278 (b) the applicant submits a written document to the division from:

279 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
280 Licensing and Inspection Act, stating that the applicant is practicing under the:

281 (A) invitation of the health care facility; and

282 (B) the general supervision of a physician practicing at the facility; or

283 (ii) two individuals licensed under this chapter, whose license is in good standing and
284 who practice in the same clinical location, both stating that:

285 (A) the applicant is practicing under the invitation and general supervision of the
286 individual; and

287 (B) the applicant will practice at the same clinical location as the individual;

288 (c) the applicant submits a signed certification to the division that the applicant meets
289 the requirements of Subsection (2);

290 (d) the applicant does not engage in the practice of medicine until the division has
291 issued a temporary license;

292 (e) the temporary license is only issued for and may not be extended or renewed
293 beyond the duration of one year from issuance; and

294 (f) the temporary license expires immediately and prior to the expiration of one year
295 from issuance, upon notification from the division that the applicant's application for licensure
296 by endorsement is denied.

297 (4) The division shall issue a temporary license under Subsection (3) within 15
298 business days after the applicant satisfies the requirements of Subsection (3).

299 (5) The division may not require a post-residency board certification as a requirement
300 for licensure.

301 Section 4. Section **58-67-302.5** is amended to read:

302 **58-67-302.5. Licensing of graduates of foreign medical schools.**

303 (1) Notwithstanding any other provision of law to the contrary, an individual enrolled
304 in a medical school outside the United States, its territories, the District of Columbia, or

305 Canada is eligible for licensure as a physician and surgeon in this state if the individual has
306 satisfied the following requirements:

307 (a) meets all the requirements of Subsection 58-67-302(1), except for Subsection
308 58-67-302(1)(d);

309 (b) has studied medicine in a medical school located outside the United States which is
310 recognized by an organization approved by the division;

311 (c) has completed all of the formal requirements of the foreign medical school except
312 internship or social service;

313 (d) has attained a passing score on the educational commission for foreign medical
314 graduates examination or other qualifying examinations such as the United States Medical
315 Licensing Exam parts I and II, which are approved by the division or a medical school
316 approved by the division;

317 (e) has satisfactorily completed one calendar year of supervised clinical training under
318 the direction of a United States medical education setting accredited by the liaison committee
319 for graduate medical education and approved by the division;

320 (f) has completed the postgraduate hospital training required by Subsection
321 58-67-302(1)(e)(i); ~~and~~

322 (g) has passed the examination required by the division of all applicants for
323 licensure[-]; and

324 (h) if applicable, has satisfied the suicide prevention training requirement adopted by
325 the division under Subsection 58-67-304(6).

326 (2) Satisfaction of the requirements of Subsection (1) is in lieu of:

327 (a) the completion of any foreign internship or social service requirements; and

328 (b) the certification required by Subsection 58-67-302(1)(d)(ii).

329 (3) Individuals who satisfy the requirements of Subsections (1)(a) through (f) shall be
330 eligible for admission to graduate medical education programs within the state, including
331 internships and residencies, which are accredited by the liaison committee for graduate medical
332 education.

333 (4) A document issued by a medical school located outside the United States shall be
334 considered the equivalent of a degree of doctor of medicine for the purpose of licensure as a
335 physician and surgeon in this state if:

336 (a) the foreign medical school is recognized by an organization approved by the
337 division;

338 (b) the document granted by the foreign medical school is issued after the completion
339 of all formal requirements of the medical school except internship or social service; and

340 (c) the foreign medical school certifies that the person to whom the document was
341 issued has satisfactorily completed the requirements of Subsection (1)(c).

342 (5) The provisions for licensure under this section shall be known as the "fifth pathway
343 program."

344 Section 5. Section **58-67-302.8 (Effective 07/01/18)** is amended to read:

345 **58-67-302.8 (Effective 07/01/18). Restricted licensing of an associate physician.**

346 (1) An individual may apply for a restricted license as an associate physician if the
347 individual:

348 (a) meets the requirements described in Subsections **58-67-302(1)(a)** through (c),
349 (1)(d)(i), and (1)(g) through [(j)] (k);

350 (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing
351 Examination or the equivalent steps of another board-approved medical licensing examination:

352 (i) within three years after the day on which the applicant graduates from a program
353 described in Subsection **58-67-302(1)(d)(i)**; and

354 (ii) within two years before applying for a restricted license as an associate physician;
355 and

356 (c) is not currently enrolled in and has not completed a residency program.

357 (2) Before a licensed associate physician may engage in the practice of medicine as
358 described in Subsection (3), the licensed associate physician shall:

359 (a) enter into a collaborative practice arrangement described in Section **58-67-807**
360 within six months after the associate physician's initial licensure; and

361 (b) receive division approval of the collaborative practice arrangement.

362 (3) An associate physician's scope of practice is limited to primary care services to
363 medically underserved populations or in medically underserved areas within the state.

364 Section 6. Section **58-67-304 (Superseded 07/01/18)** is amended to read:

365 **58-67-304 (Superseded 07/01/18). License renewal requirements.**

366 (1) As a condition precedent for license renewal, each licensee shall, during each

367 two-year licensure cycle or other cycle defined by division rule:

368 (a) complete qualified continuing professional education requirements in accordance
369 with the number of hours and standards defined by division rule made in collaboration with the
370 board;

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

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

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

379 (3) An application to renew a license under this chapter shall:

380 (a) require a physician to answer the following question: "Do you perform elective
381 abortions in Utah in a location other than a hospital?"; and

382 (b) immediately following the question, contain the following statement: "For purposes
383 of the immediately preceding question, elective abortion means an abortion other than one of
384 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
385 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
386 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
387 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
388 the woman is pregnant as a result of rape or incest."

389 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
390 to the licensing of an abortion clinic, if a physician responds positively to the question
391 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
392 renews the physician's license under this chapter, inform the Department of Health in writing:

393 (a) of the name and business address of the physician; and

394 (b) that the physician responded positively to the question described in Subsection
395 (3)(a).

396 (5) The continuing professional education requirements described in Subsection (1)(a)
397 shall include, if applicable, the suicide prevention training requirement adopted by the

398 department under Subsection (6).

399 (6) (a) The division shall, in collaboration with the board and by rule made in
400 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt a suicide
401 prevention training requirement that may be fulfilled through:

402 (i) a minimum of two hours of training in suicide prevention via a course approved by
403 the division;

404 (ii) a passing score on an exam approved by the division that demonstrates an
405 individual's competency in suicide prevention for health care professionals; or

406 (iii) a waiver from the requirement in Subsection (5)(a) that the division shall issue to
407 any individual who requests a waiver.

408 (b) The suicide prevention training requirement adopted under Subsection (6)(a) does
409 not apply to an individual who certifies to the division that the individual does not practice in a
410 primary care setting.

411 (c) A passing score on the exam approved by the division under Subsection (6)(a)(ii)
412 shall fulfill two credit hours of the continuing professional education requirements described in
413 Subsection (1)(a).

414 Section 7. Section **58-67-304 (Effective 07/01/18)** is amended to read:

415 **58-67-304 (Effective 07/01/18). License renewal requirements.**

416 (1) As a condition precedent for license renewal, each licensee shall, during each
417 two-year licensure cycle or other cycle defined by division rule:

418 (a) complete qualified continuing professional education requirements in accordance
419 with the number of hours and standards defined by division rule made in collaboration with the
420 board;

421 (b) appoint a contact person for access to medical records and an alternate contact
422 person for access to medical records in accordance with Subsection **58-67-302(1)(i)**;

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

426 (d) if the licensee is an associate physician licensed under Section **58-67-302.8**,
427 successfully complete the educational methods and programs described in Subsection
428 **58-67-807(4)**.

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

432 (3) An application to renew a license under this chapter shall:

433 (a) require a physician to answer the following question: "Do you perform elective
434 abortions in Utah in a location other than a hospital?"; and

435 (b) immediately following the question, contain the following statement: "For purposes
436 of the immediately preceding question, elective abortion means an abortion other than one of
437 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
438 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
439 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
440 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
441 the woman is pregnant as a result of rape or incest."

442 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
443 to the licensing of an abortion clinic, if a physician responds positively to the question
444 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
445 renews the physician's license under this chapter, inform the Department of Health in writing:

446 (a) of the name and business address of the physician; and

447 (b) that the physician responded positively to the question described in Subsection
448 (3)(a).

449 (5) The continuing professional education requirements described in Subsection (1)(a)
450 shall include, if applicable, the suicide prevention training requirement adopted by the
451 department under Subsection (6).

452 (6) (a) The division shall, in collaboration with the board and by rule made in
453 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt a suicide
454 prevention training requirement that may be fulfilled through:

455 (i) a minimum of two hours of training in suicide prevention via a course approved by
456 the division;

457 (ii) a passing score on an exam approved by the division that demonstrates an
458 individual's competency in suicide prevention for health care professionals; or

459 (iii) a waiver from the requirement in Subsection (5)(a) that the division shall issue to

460 any individual who requests a waiver.

461 (b) The suicide prevention training requirement adopted under Subsection (6)(a) does
462 not apply to an individual who certifies to the division that the individual does not practice in a
463 primary care setting.

464 (c) A passing score on the exam approved by the division under Subsection (6)(a)(ii)
465 shall fulfill two credit hours of the continuing professional education requirements described in
466 Subsection (1)(a).

467 Section 8. Section **58-68-302** is amended to read:

468 **58-68-302. Qualifications for licensure.**

469 (1) ~~[An]~~ Except as provided in Subsection (2), an applicant for licensure as an
470 osteopathic physician and surgeon~~[, except as set forth in Subsection (2);]~~ shall:

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

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

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

476 (iii) authorization to use a record coordination and verification service approved by the
477 division in collaboration with the board;

478 (b) pay a fee determined by the department under Section [63J-1-504](#);

479 (c) be of good moral character;

480 (d) provide satisfactory documentation of having successfully completed a program of
481 professional education preparing an individual as an osteopathic physician and surgeon, as
482 evidenced by:

483 (i) having received an earned degree of doctor of osteopathic medicine from an AOA
484 approved medical school or college; or

485 (ii) submitting a current certification by the Educational Commission for Foreign
486 Medical Graduates or any successor organization approved by the division in collaboration
487 with the board, if the applicant is graduated from an osteopathic medical school or college
488 located outside of the United States or its territories which at the time of the applicant's
489 graduation, met criteria for accreditation by the AOA;

490 (e) satisfy the division and board that the applicant:

491 (i) has successfully completed 24 months of progressive resident training in an
492 ACGME or AOA approved program after receiving a degree of doctor of osteopathic medicine
493 required under Subsection (1)(d); or

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

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

500 (C) has agreed to surrender to the division the applicant's license as an osteopathic
501 physician and surgeon without any proceedings under Title 63G, Chapter 4, Administrative
502 Procedures Act, and has agreed the applicant's license as an osteopathic physician and surgeon
503 will be automatically revoked by the division if the applicant fails to continue in good standing
504 in an ACGME or AOA approved progressive resident training program within the state;

505 (f) pass the licensing examination sequence required by division rule, as made in
506 collaboration with the board;

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

509 (h) meet with the board and representatives of the division, if requested for the purpose
510 of evaluating the applicant's qualifications for licensure;

511 (i) designate:

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

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

517 (j) establish a method for notifying patients of the identity and location of the contact
518 person and alternate contact person, if the applicant will practice in a location with no other
519 persons licensed under this chapter[-]; and

520 (k) if applicable, satisfy the suicide prevention training requirement adopted by the
521 division under Subsection [58-67-304\(6\)](#).

522 (2) An applicant for licensure as an osteopathic physician and surgeon by endorsement
523 who is currently licensed to practice osteopathic medicine in any state other than Utah, a
524 district or territory of the United States, or Canada shall:

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

527 (b) have been actively engaged in the legal practice of osteopathic medicine in any
528 state, district or territory of the United States, or Canada for not less than 6,000 hours during
529 the five years immediately preceding the day on which the applicant applied for licensure in
530 Utah;

531 (c) comply with the requirements for licensure under Subsections (1)(a) through (d),
532 (1)(e)(i), and (1)(g) through [(f)] (k);

533 (d) have passed the licensing examination sequence required in Subsection (1)(f) or
534 another medical licensing examination sequence in another state, district or territory of the
535 United States, or Canada that the division in collaboration with the board by rulemaking
536 determines is equivalent to its own required examination;

537 (e) not have any investigation or action pending against any health care license of the
538 applicant, not have a health care license that was suspended or revoked in any state, district or
539 territory of the United States, or Canada, and not have surrendered a health care license in lieu
540 of a disciplinary action, unless:

541 (i) the license was subsequently reinstated as a full unrestricted license in good
542 standing; or

543 (ii) the division in collaboration with the board determines, after full disclosure by the
544 applicant, that:

545 (A) the conduct has been corrected, monitored, and resolved; or

546 (B) a mitigating circumstance exists that prevents its resolution, and the division in
547 collaboration with the board is satisfied that, but for the mitigating circumstance, the license
548 would be reinstated;

549 (f) submit to a records review, a practice review history, and physical and
550 psychological assessments, if requested by the division in collaboration with the board; and

551 (g) produce evidence that the applicant meets the requirements of this Subsection (2) to
552 the satisfaction of the division in collaboration with the board.

553 (3) An applicant for licensure by endorsement may engage in the practice of medicine
554 under a temporary license while the applicant's application for licensure is being processed by
555 the division, provided:

556 (a) the applicant submits a complete application required for temporary licensure to the
557 division;

558 (b) the applicant submits a written document to the division from:

559 (i) a health care facility licensed under Title 26, Chapter 21, Health Care Facility
560 Licensing and Inspection Act, stating that the applicant is practicing under the:

561 (A) invitation of the health care facility; and

562 (B) the general supervision of a physician practicing at the health care facility; or

563 (ii) two individuals licensed under this chapter, whose license is in good standing and
564 who practice in the same clinical location, both stating that:

565 (A) the applicant is practicing under the invitation and general supervision of the
566 individual; and

567 (B) the applicant will practice at the same clinical location as the individual;

568 (c) the applicant submits a signed certification to the division that the applicant meets
569 the requirements of Subsection (2);

570 (d) the applicant does not engage in the practice of medicine until the division has
571 issued a temporary license;

572 (e) the temporary license is only issued for and may not be extended or renewed
573 beyond the duration of one year from issuance; and

574 (f) the temporary license expires immediately and prior to the expiration of one year
575 from issuance, upon notification from the division that the applicant's application for licensure
576 by endorsement is denied.

577 (4) The division shall issue a temporary license under Subsection (3) within 15
578 business days after the applicant satisfies the requirements of Subsection (3).

579 (5) The division may not require a post-residency board certification as a requirement
580 for licensure.

581 Section 9. Section **58-68-302.5 (Effective 07/01/18)** is amended to read:

582 **58-68-302.5 (Effective 07/01/18). Restricted licensing of an associate physician.**

583 (1) An individual may apply for a restricted license as an associate physician if the

584 individual:

585 (a) meets the requirements described in Subsections 58-68-302(1)(a) through (c),
586 (1)(d)(i), and (1)(g) through [(f)] (k);

587 (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing
588 Examination or the equivalent steps of another board-approved medical licensing examination:

589 (i) within three years after the day on which the applicant graduates from a program
590 described in Subsection 58-68-302(1)(d)(i); and

591 (ii) within two years before applying for a restricted license as an associate physician;
592 and

593 (c) is not currently enrolled in and has not completed a residency program.

594 (2) Before a licensed associate physician may engage in the practice of medicine as
595 described in Subsection (3), the licensed associate physician shall:

596 (a) enter into a collaborative practice arrangement described in Section 58-68-807
597 within six months after the associate physician's initial licensure; and

598 (b) receive division approval of the collaborative practice arrangement.

599 (3) An associate physician's scope of practice is limited to primary care services to
600 medically underserved populations or in medically underserved areas within the state.

601 Section 10. Section 58-68-304 (Superseded 07/01/18) is amended to read:

602 **58-68-304 (Superseded 07/01/18). License renewal requirements.**

603 (1) As a condition precedent for license renewal, each licensee shall, during each
604 two-year licensure cycle or other cycle defined by division rule:

605 (a) complete qualified continuing professional education requirements in accordance
606 with the number of hours and standards defined by division rule in collaboration with the
607 board;

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

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

614 (2) If a renewal period is extended or shortened under Section 58-68-303, the

615 continuing education hours required for license renewal under this section are increased or
616 decreased proportionally.

617 (3) An application to renew a license under this chapter shall:

618 (a) require a physician to answer the following question: "Do you perform elective
619 abortions in Utah in a location other than a hospital?"; and

620 (b) immediately following the question, contain the following statement: "For purposes
621 of the immediately preceding question, elective abortion means an abortion other than one of
622 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is
623 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
624 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
625 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
626 the woman is pregnant as a result of rape or incest."

627 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
628 to the licensing of an abortion clinic, if a physician responds positively to the question
629 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
630 renews the physician's license under this chapter, inform the Department of Health in writing:

631 (a) of the name and business address of the physician; and

632 (b) that the physician responded positively to the question described in Subsection
633 (3)(a).

634 (5) The continuing professional education requirements described in Subsection (1)(a)
635 shall include, if applicable, the suicide prevention training requirement adopted by the
636 department under Subsection (6).

637 (6) (a) The division shall, in collaboration with the board and by rule made in
638 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt a suicide
639 prevention training requirement that may be fulfilled through:

640 (i) a minimum of two hours of training in suicide prevention via a course approved by
641 the division;

642 (ii) a passing score on an exam approved by the division that demonstrates an
643 individual's competency in suicide prevention for health care professionals; or

644 (iii) a waiver from the requirement in Subsection (5)(a) that the division shall issue to
645 any individual who requests a waiver.

646 (b) The suicide prevention training requirement adopted under Subsection (6)(a) does
647 not apply to an individual who certifies to the division that the individual does not practice in a
648 primary care setting.

649 (c) A passing score on the exam approved by the division under Subsection (6)(a)(ii)
650 shall fulfill two credit hours of the continuing professional education requirements described in
651 Subsection (1)(a).

652 Section 11. Section **58-68-304 (Effective 07/01/18)** is amended to read:

653 **58-68-304 (Effective 07/01/18). License renewal requirements.**

654 (1) As a condition precedent for license renewal, each licensee shall, during each
655 two-year licensure cycle or other cycle defined by division rule:

656 (a) complete qualified continuing professional education requirements in accordance
657 with the number of hours and standards defined by division rule in collaboration with the
658 board;

659 (b) appoint a contact person for access to medical records and an alternate contact
660 person for access to medical records in accordance with Subsection **58-68-302(1)(i)**;

661 (c) if the licensee practices osteopathic medicine in a location with no other persons
662 licensed under this chapter, provide some method of notice to the licensee's patients of the
663 identity and location of the contact person and alternate contact person for access to medical
664 records for the licensee in accordance with Subsection **58-68-302(1)(j)**; and

665 (d) if the licensee is an associate physician licensed under Section **58-68-302.5**,
666 successfully complete the educational methods and programs described in Subsection
667 **58-68-807(4)**.

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

671 (3) An application to renew a license under this chapter shall:

672 (a) require a physician to answer the following question: "Do you perform elective
673 abortions in Utah in a location other than a hospital?"; and

674 (b) immediately following the question, contain the following statement: "For purposes
675 of the immediately preceding question, elective abortion means an abortion other than one of
676 the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is

677 necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of
678 substantial and irreversible impairment of a major bodily function of a woman, an abortion of a
679 fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where
680 the woman is pregnant as a result of rape or incest."

681 (4) In order to assist the Department of Health in fulfilling its responsibilities relating
682 to the licensing of an abortion clinic, if a physician responds positively to the question
683 described in Subsection (3)(a), the division shall, within 30 days after the day on which it
684 renews the physician's license under this chapter, inform the Department of Health in writing:

685 (a) of the name and business address of the physician; and

686 (b) that the physician responded positively to the question described in Subsection

687 (3)(a).

688 (5) The continuing professional education requirements described in Subsection (1)(a)
689 shall include, if applicable, the suicide prevention training requirement adopted by the
690 department under Subsection (6).

691 (6) (a) The division shall, in collaboration with the board and by rule made in
692 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt a suicide
693 prevention training requirement that may be fulfilled through:

694 (i) a minimum of two hours of training in suicide prevention via a course approved by
695 the division;

696 (ii) a passing score on an exam approved by the division that demonstrates an
697 individual's competency in suicide prevention for health care professionals; or

698 (iii) a waiver from the requirement in Subsection (5)(a) that the division shall issue to
699 any individual who requests a waiver.

700 (b) The suicide prevention training requirement adopted under Subsection (6)(a) does
701 not apply to an individual who certifies to the division that the individual does not practice in a
702 primary care setting.

703 (c) A passing score on the exam approved by the division under Subsection (6)(a)(ii)
704 shall fulfill two credit hours of the continuing professional education requirements described in
705 Subsection (1)(a).

706 Section 12. Section **58-70a-302** is amended to read:

707 **58-70a-302. Qualifications for licensure.**

708 Each applicant for licensure as a physician assistant shall:

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

710 (2) pay a fee determined by the department under Section [63J-1-504](#);

711 (3) be of good moral character;

712 (4) have successfully completed a physician assistant program accredited by the:

713 (a) Accreditation Review Commission on Education for the Physician Assistant; or

714 (b) if prior to January 1, 2001, either the:

715 (i) Committee on Accreditation of Allied Health Education Programs; or

716 (ii) Committee on Allied Health Education and Accreditation;

717 (5) have passed the licensing examinations required by division rule made in

718 collaboration with the board;

719 (6) if applicable, satisfy the suicide prevention training requirement adopted by the

720 division under Subsection [58-70a-304](#)(4);

721 ~~[(6)]~~ (7) meet with the board and representatives of the division, if requested, for the

722 purpose of evaluating the applicant's qualifications for licensure; and

723 ~~[(7)]~~ (8) (a) if the applicant desires to practice in Utah, complete a form provided by

724 the division indicating:

725 (i) the applicant has completed a delegation of services agreement signed by the

726 physician assistant and the supervising physician; and

727 (ii) the agreement is on file at the Utah practice sites; or

728 (b) complete a form provided by the division indicating the applicant is not practicing

729 in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection

730 ~~[(7)]~~ (8)(a).

731 Section 13. Section **58-70a-304** is amended to read:

732 **58-70a-304. License renewal -- Continuing education.**

733 (1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or

734 other cycle defined by division rule, complete qualified continuing professional education

735 requirements as defined by division rule made in collaboration with the board.

736 (2) If a renewal period is extended or shortened under Section [58-70a-303](#), the

737 continuing education hours required for license renewal under this section are increased or

738 decreased proportionally.

739 (3) The continuing professional education requirements described in Subsection (1)
740 shall include, if applicable, the suicide prevention training requirement adopted by the
741 department under Subsection (4).

742 (4) (a) The division shall, in collaboration with the board and by rule made in
743 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt a suicide
744 prevention training requirement that may be fulfilled through:

745 (i) a minimum of two hours of training in suicide prevention via a course approved by
746 the division;

747 (ii) a passing score on an exam approved by the division that demonstrates an
748 individual's competency in suicide prevention for health care professionals; or

749 (iii) a waiver from the requirement in Subsection (4)(a) that the division shall issue to
750 any individual who requests a waiver.

751 (b) The suicide prevention training requirement adopted under Subsection (4)(a) does
752 not apply to an individual who certifies to the division that the individual does not practice in a
753 primary care setting.

754 (c) A passing score on the exam approved by the division under Subsection (4)(a)(ii)
755 shall fulfill two credit hours of the continuing professional education requirements described in
756 Subsection (1).