

HB0087S03 compared with HB0087S01

~~text~~ shows text that was in HB0087S01 but was deleted in HB0087S03.

Inserted text shows text that was not in HB0087S01 but was inserted into HB0087S03.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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 ~~amends portions of the Utah Medical Practice Act and the Utah Osteopathic Medical Practice Act~~ changes the licensing provisions for certain health care providers.

Highlighted Provisions:

This bill:

- ▶ requires ~~an individual to complete a course in~~ 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~~:
 - the Utah Medical Practice Act ~~or~~;
 - the Utah Osteopathic Medical Practice Act; ~~and~~
 - the Nurse Practice Act; or
 - the Physician Assistant Act;

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- ▶ ~~{allows}~~requires the division to ~~{issue a waiver from}~~adopt standards for the suicide prevention training requirement; and
- ▶ allows an individual to fulfill the requirements created in this bill ~~{for certain individuals whose scope of practice does not include prescribing psychotropic drugs}~~by requesting a waiver or by passing an exam adopted by the division.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

58-67-304 (Superseded 07/01/18), as last amended by Laws of Utah 2011, Chapters 161 and 214

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

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

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

58-68-304 (Superseded 07/01/18), as last amended by Laws of Utah 2011, Chapters 161 and 214

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

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

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

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

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

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

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- (1) An applicant for certification as a medication aide shall:
 - (a) submit an application to the division on a form prescribed by the division;
 - (b) pay a fee to the division as determined under Section 63J-1-504;
 - (c) have a high school diploma or its equivalent;
 - (d) have a current certification as a nurse aide, in good standing, from the Department of Health;
 - (e) have a minimum of 2,000 hours of experience within the two years prior to application, working as a certified nurse aide in a long-term care facility;
 - (f) obtain letters of recommendation from a long-term care facility administrator and one licensed nurse familiar with the applicant's work practices as a certified nurse aide;
 - (g) be in a condition of physical and mental health that will permit the applicant to practice safely as a medication aide certified;
 - (h) have completed an approved education program or an equivalent as determined by the division in collaboration with the board;
 - (i) have passed the examinations as required by division rule made in collaboration with the board; and
 - (j) meet with the board, if requested, to determine the applicant's qualifications for certification.
- (2) An applicant for licensure as a licensed practical nurse shall:
 - (a) submit to the division an application in a form prescribed by the division;
 - (b) pay to the division a fee determined under Section 63J-1-504;
 - (c) have a high school diploma or its equivalent;
 - (d) be in a condition of physical and mental health that will permit the applicant to practice safely as a licensed practical nurse;
 - (e) have completed an approved practical nursing education program or an equivalent as determined by the board;
 - (f) have passed the examinations as required by division rule made in collaboration with the board; ~~and~~
 - ~~(g)~~ (g) if applicable, satisfy the suicide prevention training requirement adopted by the division under Subsection 58-31b-309(4); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) have completed a nurse anesthesia program in accordance with Subsection (4)(f)(ii);

(f) have completed:

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

(ii) a nurse anesthesia program which is approved by the Council on Accreditation of

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Nurse Anesthesia Educational Programs;

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

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

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

~~(j); and~~

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

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

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

(a) the applicant shall:

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

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

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

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

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

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

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

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

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

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

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

(I) shall act upon the license as required under Section 58-1-401; and

(II) may not renew or subsequently issue a license to the person under this chapter; and

(B) if the person is not licensed under this chapter, the division may not issue a license to the person under this chapter.

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

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

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

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

58-31b-309. Continuing education.

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

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

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

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

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

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

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

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

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

Section ~~41~~3. Section **58-67-302** is amended to read:

58-67-302. Qualifications for licensure.

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

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

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

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

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

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

(c) be of good moral character;

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

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

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

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

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

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

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

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

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

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

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

(i) designate:

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

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

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

(k) ~~{complete a minimum of two hours of training in}~~if applicable, satisfy the suicide prevention ~~{via a course approved}~~training requirement adopted by the division under Subsection 58-67-304(6).

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

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

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

(c) comply with the requirements for licensure under Subsections (1)(a) through (d), (1)(e)(i), and (1)(g) through ~~{(j)}~~ (k);

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

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

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

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

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

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

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

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

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

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

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

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

(A) invitation of the health care facility; and

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

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

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

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

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

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

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

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

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

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

~~{ (6) The division may issue a waiver from the requirement in Subsection (1)(k) to an applicant if the individual can demonstrate that the scope of practice of the individual does not include prescribing psychotropic drugs, as defined in Subsection 26-18-2.4(3). }~~

‡ Section ~~{2}~~4. Section **58-67-302.5** is amended to read:

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

(1) Notwithstanding any other provision of law to the contrary, an individual enrolled in a medical school outside the United States, its territories, the District of Columbia, or Canada is eligible for licensure as a physician and surgeon in this state if the individual has satisfied the following requirements:

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

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

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

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

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

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

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

(h) if applicable, has ~~completed a minimum of two hours of training in~~ satisfied the suicide prevention ~~via a course approved~~ training requirement adopted by the division under Subsection 58-67-304(6).

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

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

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

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

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

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

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

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

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

~~{ (6) The division may issue a waiver from the requirement in Subsection (1)(h) to an applicant if the individual can demonstrate that the scope of practice of the individual does not include prescribing psychotropic drugs, as defined in Subsection 26-18-2.4(3).~~

~~58-70a-302. Qualifications for licensure:~~

~~Each applicant for licensure as a physician assistant shall:~~

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

~~(2) pay a fee determined by the department under Section 63J-1-504;~~

~~(3) be of good moral character;~~

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- ~~_____ (4) have successfully completed a physician assistant program accredited by the:~~
- ~~_____ (a) Accreditation Review Commission on Education for the Physician Assistant, or~~
- ~~_____ (b) if prior to January 1, 2001, either the:~~
- ~~_____ (i) Committee on Accreditation of Allied Health Education Programs; or~~
- ~~_____ (ii) Committee on Allied Health Education and Accreditation;~~
- ~~_____ (5) have passed the licensing examinations required by division rule made in collaboration with the board;~~
- ~~_____ (6) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and~~
- ~~_____ (7) (a) if the applicant desires to practice in Utah, complete a form provided by the division indicating:~~
- ~~_____ (i) the applicant has completed a delegation of services agreement signed by the physician assistant and the supervising physician; and~~
- ~~_____ (ii) the agreement is on file at the Utah practice sites; or~~
- ~~_____ (b) complete a form provided by the division indicating the applicant is not practicing in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection (7)(a).~~

~~_____ 58-70a-304. License renewal-- Continuing education.~~

- ~~_____ (1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements as defined by division rule made in collaboration with the board.~~
- ~~_____ (2) If a renewal period is extended or shortened under Section 58-70a-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.~~

‡ Section ~~{3}~~5. Section **58-67-302.8 (Effective 07/01/18)** is amended to read:

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

- (1) An individual may apply for a restricted license as an associate physician if the individual:
 - (a) meets the requirements described in Subsections 58-67-302(1)(a) through (c), (1)(d)(i), and (1)(g) through ~~[(f)]~~ (k);
 - (b) successfully completes Step 1 and Step 2 of the United States Medical Licensing

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Examination or the equivalent steps of another board-approved medical licensing examination:

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

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

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

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

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

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

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

~~{ (4) The division may issue a waiver from the requirement in Subsection 58-67-302(1)(k) to an applicant if the individual can demonstrate that the scope of practice of the individual does not include prescribing psychotropic drugs, as defined in Subsection 26-18-2.4(3). }~~

† Section ~~{4}~~6. Section **58-67-304 (Superseded 07/01/18)** is amended to read:

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

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

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

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

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

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

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decreased proportionally.

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

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

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

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

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

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

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

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

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

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

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

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(b) The suicide prevention training requirement adopted under Subsection (6)(a) does not apply to an individual ~~if~~ who certifies to the ~~individual can demonstrate~~ division that ~~the scope of practice of~~ the individual does not ~~include prescribing psychotropic drugs, as defined~~ practice in a primary care setting.

(c) A passing score on the exam approved by the division under Subsection (6)(a)(ii) shall fulfill two credit hours of the continuing professional education requirements described in Subsection ~~26-18-2.4~~(1)(~~3~~)a).

Section ~~5~~7. Section **58-67-304 (Effective 07/01/18)** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

- (a) of the name and business address of the physician; and
- (b) that the physician responded positively to the question described in Subsection

(3)(a).

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

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

(i) a minimum of two hours of training in suicide prevention via a course approved by the division~~{,}~~;

~~{(b) The division may issue}~~ii) a passing score on an exam approved by the division that demonstrates an individual's competency in suicide prevention for health care professionals; or

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

(b) The suicide prevention training requirement adopted under Subsection (6)(a) does not apply to an individual ~~{if}~~ who certifies to the ~~{individual can demonstrate}~~ division that ~~{the scope of practice of}~~ the individual does not ~~{include prescribing psychotropic drugs, as defined}~~ practice in a primary care setting.

(c) A passing score on the exam approved by the division under Subsection (6)(a)(ii) shall fulfill two credit hours of the continuing professional education requirements described in Subsection ~~{26-18-2.4}~~(1)~~{(3)}~~a).

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Section ~~6~~8. Section **58-68-302** is amended to read:

58-68-302. Qualifications for licensure.

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

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

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

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

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

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

(c) be of good moral character;

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

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

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

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

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

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

(B) has been accepted in and is successfully participating in progressive resident

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training in an ACGME or AOA approved program within Utah, in the applicant's second or third year of postgraduate training; and

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

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

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

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

(i) designate:

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

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

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

(k) ~~complete a minimum of two hours of training in~~ if applicable, satisfy the suicide prevention ~~via a course approved~~ training requirement adopted by the division under Subsection 58-67-304(6).

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

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

(b) have been actively engaged in the legal practice of osteopathic medicine in any

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state, district or territory of the United States, or Canada for not less than 6,000 hours during the five years immediately preceding the day on which the applicant applied for licensure in Utah;

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) invitation of the health care facility; and

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

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

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

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

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

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

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

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

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

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

~~{ (6) The division may issue a waiver from the requirement in Subsection (1)(k) to an applicant if the individual can demonstrate that the scope of practice of the individual does not include prescribing psychotropic drugs, as defined in Subsection 26-18-2.4(3). }~~

‡ Section ~~{7}~~9. Section **58-68-302.5 (Effective 07/01/18)** is amended to read:

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

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

(a) meets the requirements described in Subsections 58-68-302(1)(a) through (c), (1)(d)(i), and (1)(g) through ~~{†}~~ (k);

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

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

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

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

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

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

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

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

Section ~~8~~10. Section **58-68-304 (Superseded 07/01/18)** is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) a minimum of two hours of training in suicide prevention via a course approved by the division~~{,}~~;

~~{(b) The division may issue}~~ii) a passing score on an exam approved by the division that demonstrates an individual's competency in suicide prevention for health care professionals; or

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

(b) The suicide prevention training requirement adopted under Subsection (6)(a) does not apply to an individual ~~{if}~~ who certifies to the ~~{individual can demonstrate}~~ division that~~{~~

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~~the scope of practice of~~ the individual does not ~~include prescribing psychotropic drugs, as defined~~; practice in a primary care setting.

(c) A passing score on the exam approved by the division under Subsection (6)(a)(ii) shall fulfill two credit hours of the continuing professional education requirements described in Subsection ~~26-18-2.4~~(1)(~~3~~)a).

Section ~~9~~11. Section **58-68-304 (Effective 07/01/18)** is amended to read:

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

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

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

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

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

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

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

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

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

(b) immediately following the question, contain the following statement: "For purposes of the immediately preceding question, elective abortion means an abortion other than one of the following: removal of a dead fetus, removal of an ectopic pregnancy, an abortion that is necessary to avert the death of a woman, an abortion that is necessary to avert a serious risk of

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substantial and irreversible impairment of a major bodily function of a woman, an abortion of a fetus that has a defect that is uniformly diagnosable and uniformly lethal, or an abortion where the woman is pregnant as a result of rape or incest."

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

- (a) of the name and business address of the physician; and
- (b) that the physician responded positively to the question described in Subsection

(3)(a).

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

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

(i) a minimum of two hours of training in suicide prevention via a course approved by the division~~{,}~~;

~~{(b) The division may issue}~~(ii) a passing score on an exam approved by the division that demonstrates an individual's competency in suicide prevention for health care professionals; or

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

(b) The suicide prevention training requirement adopted under Subsection (6)(a) does not apply to an individual ~~{if}~~ who certifies to the ~~{individual can demonstrate}~~ division that ~~{the scope of practice of}~~ the individual does not ~~{include prescribing psychotropic drugs, as defined}~~ practice in a primary care setting.

(c) A passing score on the exam approved by the division under Subsection (6)(a)(ii) shall fulfill two credit hours of the continuing professional education requirements described in Subsection ~~{26-18-2.4(3)}~~.

~~{(1)(a)}~~.

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

58-70a-302. Qualifications for licensure.

Each applicant for licensure as a physician assistant shall:

- (1) submit an application in a form prescribed by the division;
 - (2) pay a fee determined by the department under Section 63J-1-504;
 - (3) be of good moral character;
 - (4) have successfully completed a physician assistant program accredited by the:
 - (a) Accreditation Review Commission on Education for the Physician Assistant; or
 - (b) if prior to January 1, 2001, either the:
 - (i) Committee on Accreditation of Allied Health Education Programs; or
 - (ii) Committee on Allied Health Education and Accreditation;
 - (5) have passed the licensing examinations required by division rule made in collaboration with the board;
 - (6) if applicable, satisfy the suicide prevention training requirement adopted by the division under Subsection 58-70a-304(4);
 - ~~[(6)] (7) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and~~
 - ~~[(7)] (8) (a) if the applicant desires to practice in Utah, complete a form provided by the division indicating:~~
 - (i) the applicant has completed a delegation of services agreement signed by the physician assistant and the supervising physician; and
 - (ii) the agreement is on file at the Utah practice sites; or
 - (b) complete a form provided by the division indicating the applicant is not practicing in Utah and, prior to practicing in Utah, the applicant will meet the requirements of Subsection ~~[(7)] (8)(a).~~
- Section 13. Section 58-70a-304 is amended to read:
- ### **58-70a-304. License renewal -- Continuing education.**
- (1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule, complete qualified continuing professional education requirements as defined by division rule made in collaboration with the board.
 - (2) If a renewal period is extended or shortened under Section 58-70a-303, the

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

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

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

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

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

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

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

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