

1 OCCUPATIONAL LICENSING REVISIONS

2 2019 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Norman K. Thurston

5 Senate Sponsor: Wayne A. Harper

7 LONG TITLE

8 General Description:

9 This bill modifies the Division of Occupational and Professional Licensing (DOPL)
10 Act.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ defines terms, including "competency-based licensing requirement";
- 14 ▶ allows the director of DOPL to implement competency-based licensing
15 requirements under certain circumstances; and
- 16 ▶ makes technical changes.

17 Money Appropriated in this Bill:

18 None

19 Other Special Clauses:

20 None

21 Utah Code Sections Affected:

22 AMENDS:

23 **58-1-301**, as last amended by Laws of Utah 2013, Chapter 426

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

26 Section 1. Section **58-1-301** is amended to read:

27 **58-1-301. License application -- Licensing procedure.**

28 (1) (a) Each license applicant shall apply to the division in writing upon forms
29 available from the division.

- 30 (b) Each completed application shall:
- 31 (i) contain documentation of the particular qualifications required of the applicant[;
- 32 shall];
- 33 (ii) include the applicant's social security number[; ~~shall~~];
- 34 (iii) be verified by the applicant[; ~~and shall~~]; and
- 35 (iv) be accompanied by the appropriate fees.

36 ~~(b)~~ (c) An applicant's social security number is a private record under Subsection
37 63G-2-302(1)(i).

38 (2) (a) ~~[A license shall be issued]~~ The division shall issue a license to an applicant who
39 submits a complete application if the division determines that the applicant meets the
40 qualifications of licensure.

41 (b) ~~[A written notice of additional proceedings shall be provided]~~ The division shall
42 provide a written notice of additional proceedings to an applicant who submits a complete
43 application, but who has been, is, or will be placed under investigation by the division for
44 conduct directly bearing upon the applicant's qualifications for licensure, if the outcome of
45 additional proceedings is required to determine the division's response to the application.

46 (c) ~~[A written notice of denial of licensure shall be provided]~~ The division shall
47 provide a written notice of denial of licensure to an applicant who submits a complete
48 application if the division determines that the applicant does not meet the qualifications of
49 licensure.

50 (d) ~~[A written notice of incomplete application and conditional denial of licensure shall~~
51 ~~be provided]~~ The division shall provide a written notice of incomplete application and
52 conditional denial of licensure to an applicant who submits an incomplete application[. ~~This~~],
53 which notice shall advise the applicant that the application is incomplete and that the
54 application is denied, unless the applicant corrects the deficiencies within the time period
55 specified in the notice and otherwise meets all qualifications for licensure.

56 (3) ~~[Before any person is issued a license under this title, all requirements for that~~
57 ~~license as established under this title and by rule shall be met]~~ The division may only issue a

58 license to an applicant under this title if the applicant meets the requirements for that license as
59 established under this title and by division rule made in accordance with Title 63G, Chapter 3,
60 Utah Administrative Rulemaking Act.

61 (4) If an applicant meets all requirements [~~are met for the~~] for a specific license, the
62 division shall issue the license to the applicant.

63 (5) (a) As used in this Subsection (5):

64 (i) (A) "Competency-based licensing requirement" means a practical assessment of
65 knowledge and skills that clearly demonstrate a person is prepared to engage in an occupation
66 or profession regulated by this title, and which the director determines is at least as effective as
67 a time-based licensing requirement at demonstrating proficiency and protecting the health and
68 safety of the public.

69 (B) "Competency-based licensing requirement" may include any combination of
70 training, experience, testing, or observation.

71 (ii) (A) "Time-based licensing requirement" means a specific number of hours, weeks,
72 months, or years of education, training, supervised training, or other experience that an
73 applicant for licensure under this title is required to complete before receiving a license under
74 this title.

75 (B) "Time-based licensing requirement" does not include an associate degree, a
76 bachelor's degree, or a graduate degree from an accredited institution of higher education.

77 (b) Subject to Subsection (5)(c), for an occupation or profession regulated by this title
78 that has a time-based licensing requirement, the director, after consultation with the appropriate
79 board, may by division rule made in accordance with Title 63G, Chapter 3, Utah
80 Administrative Rulemaking Act, allow an applicant to complete a competency-based licensing
81 requirement as an alternative to completing the time-based licensing requirement.

82 (c) If a time-based licensing requirement involves a program that must be approved or
83 accredited by a specific entity or board, the director may only allow an applicant to complete a
84 competency-based licensing requirement as an alternative to completing the time-based
85 licensing requirement under Subsection (5)(b) if the competency-based requirement is

86 approved or accredited by the specific entity or board as a replacement or alternative to the
87 time-based licensing requirement.

88 (d) By October 1 of each year, the director shall provide a written report to the
89 Occupational and Professional Licensure Review Committee describing any competency-based
90 licensing requirements implemented under this Subsection (5).