

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **58-60-110**, as last amended by Laws of Utah 2001, Chapter 281

32 **62A-15-618**, as renumbered and amended by Laws of Utah 2002, Fifth Special Session,
33 Chapter 8

34 **62A-15-626**, as last amended by Laws of Utah 2008, Chapter 3

35 **62A-15-631**, as last amended by Laws of Utah 2018, Chapter 322

36 **62A-15-632**, as last amended by Laws of Utah 2018, Chapter 322

37 **62A-15-637**, as last amended by Laws of Utah 2018, Chapter 322



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

40 Section 1. Section **58-60-110** is amended to read:

41 **58-60-110. Unprofessional conduct.**

42 (1) As used in this chapter, "unprofessional conduct" includes:

43 (a) using or employing the services of any individual to assist a licensee in any manner
44 not in accordance with the generally recognized practices, standards, or ethics of the profession
45 for which the individual is licensed, or the laws of the state;

46 (b) failure to confine practice conduct to those acts or practices:

47 (i) in which the individual is competent by education, training, and experience within
48 limits of education, training, and experience; and

49 (ii) which are within applicable scope of practice laws of this chapter; [~~and~~]

50 (c) disclosing or refusing to disclose any confidential communication under Section
51 58-60-114 or 58-60-509[~~;~~]; and

52 (d) ~~H~~→ **[failure] a pattern of failing** ←~~H~~ to offer a patient the opportunity to waive the
52a patient's privacy rights under
53 the Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160
54 and 164.

55 (2) "Unprofessional conduct" under this chapter may be further defined by division
56 rule.

56a ~~H~~→ **(3) Notwithstanding Section 58-1-401, the division may not act upon the license of a**
56b **licensee for unprofessional conduct under Subsection (1)(d).** ←~~H~~