



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 14, 2019

Mr. Speaker,

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. S.B. 38, MENTAL HEALTH AMENDMENTS**, by Senator L. Fillmore, with the following amendments:

1. *Page 2, Line 50 through Page 3, Line 60:*

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

52 (d) ~~{failure}~~ a pattern of failing to offer a patient the opportunity to
waive the 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. =

(3) Notwithstanding Section 58-1-401, the division may not act upon the
license of a licensee for unprofessional conduct under Subsection (1)(d).

57 Section 2. Section **62A-15-618** is amended to read:

58 62A-15-618. Designated examiners.

59 (1) A designated examiner shall consider a proposed patient's mental health history
60 when evaluating a proposed patient.

Respectfully,

Brad M. Daw
Chair

Voting: 10-0-2

5 SB0038.HC3.wpd 2/14/19 4:48 pm krueff/KR EAE/KR

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