

1st Sub. S.B. 38
MENTAL HEALTH AMENDMENTS

Senator **Lincoln Fillmore** proposes 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.