

152 the licensee for misconduct committed before, during, or after the licensee's participation in the  
153 program.

154 Section 7. Section **58-4a-107** is enacted to read:

155 **58-4a-107. Violation of a program contract -- Adjudicative proceedings --**

156 **Penalties.**

157 (1) The division shall serve an order to show cause on the licensee if the licensee:

158 (a) violates any term or condition of the program contract

158a ↔ or diversion agreement ↔ ;

159 (b) makes an intentional, material misrepresentation of fact in the program contract

159a ↔ or diversion agreement ↔ ; or

160 (c) violates any rule or law governing the licensee's profession.

161 (2) The order to show cause described in Subsection (1) shall:

162 (a) describe the alleged misconduct;

163 (b) set a time and place for a hearing before an administrative law judge to determine

164 whether the licensee's program contract should be terminated; and

165 (c) contain all of the information required by a notice of agency action in Subsection  
166 63G-4-201(2).

167 (3) Proceedings to terminate a program contract shall comply with the rules for a  
168 formal proceeding described in Title 63G, Chapter 4, Administrative Procedures Act, except  
169 the notice of agency action shall be in the form of the order to show cause in Subsection (2).

170 (4) In accordance with Subsection 63G-4-205(1), the division shall make rules for  
171 discovery adequate to permit all parties to obtain all relevant information necessary to support  
172 their claims or defenses.

173 (5) During a proceeding to terminate a program contract, the licensee, the licensee's  
174 legal representative, and the division shall have access to information contained in the  
175 division's program file as permitted by law.

176 (6) The director shall terminate the program contract and place the licensee on  
177 probation for a period of five years, with probationary terms matching the terms of the program  
178 contract, if, during the administrative proceedings described in Subsection (3), the  
179 administrative law judge finds that the licensee has:

180 (a) violated the program contract;

181 (b) made an intentional material misrepresentation of fact in the program contract; or

182 (c) violated a law or rule governing the licensee's profession.