

336 (b) "Residence" includes factory built housing.

337 (23) "Subsequent owner" means a person who purchases a residence from an owner  
338 within 180 days after the day on which the construction on the residence is completed.

339 Section 3. Section **58-1-301.3** is amended to read:

340 **58-1-301.3. Waiver of licensing fees.**

341 An individual applying for initial licensure or licensure renewal under this title may  
342 apply for initial licensure or licensure renewal without paying the fees described in Subsection  
343 58-1-301(1) if the applicant provides evidence to the division in a form prescribed by the  
344 division that at the time of the application the applicant is:

345 (1) on full-time active service with a branch of the armed forces of the United States,  
346 including an applicant who is on full-time active duty orders with the National Guard or  
347 reserve component of the armed forces; or

348 (2) receiving public assistance through one of the following programs administered by  
349 the Department of Workforce Services:

350 (a) the Family Employment Program described in Section 35A-3-302; or

351 (b) General Assistance described in Section 35A-3-401.

352 Section 4. Section **58-1-301.5** is amended to read:

353 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

354 (1) The division shall have direct access to ~~H~~→ [criminal background information] local  
354a files ←~~H~~

355 maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau  
356 of Criminal Identification, for background screening of persons who are applying for licensure,  
357 licensure renewal, licensure reinstatement, or relicensure, as required in:

358 (a) Section 58-17b-307 of Title 58, Chapter 17b, Pharmacy Practice Act;

359 (b) Sections 58-24b-302 and 58-24b-302.1 of Title 58, Chapter 24b, Physical Therapy  
360 Practice Act;

361 (c) Section 58-31b-302 of Title 58, Chapter 31b, Nurse Practice Act;

362 (d) Section 58-47b-302 of Title 58, Chapter 47b, Massage Therapy Practice Act;

363 (e) Section 58-55-302 of Title 58, Chapter 55, Utah Construction Trades Licensing  
364 Act, as it applies to alarm companies and alarm company agents;

365 (f) Sections 58-61-304 and 58-61-304.1 of Title 58, Chapter 61, Psychologist  
366 Licensing Act;

398 holder[, if email has been designated by the applicant, licensee, or certificate holder as the  
399 preferred method of receiving notifications from the division].

400 Section 6. Section **58-1-302** is amended to read:

401 **58-1-302. License by endorsement.**

402 (1) Subject to Subsections (2), (3), ~~Ĥ→ [and (4);]~~ (4), and (5), ~~←Ĥ~~ the division [may] shall  
402a issue a license

403 without examination to a person who has been licensed in a state, district, or territory of the  
404 United States [~~or in a foreign country~~] if:

405 [~~(a) the division determines the education, experience, and examination requirements~~  
406 ~~of the state, district, or territory of the United States or the foreign country, at the time the~~  
407 ~~license was issued, were substantially equal to the current requirements of this state; or]~~

408 [~~(b) after being licensed outside of this state, the person has at least one year of~~  
409 ~~experience in the state, district, or territory of the United States where the license was issued,~~  
410 ~~and the division determines the person has the education, experience, and skills necessary to~~  
411 ~~demonstrate competency in the occupation or profession for which licensure is sought.]~~

412 (a) after being licensed outside of this state, the person has at least one year of  
413 experience in the state, district, or territory of the United States where the license was issued;

414 ~~Ĥ→ [and] ←Ĥ~~

415 (b) the person's license is in good standing in the state, district, or territory of the  
416 United States where the license was issued ~~Ĥ→ [:] ; and~~

416a (c) the division determines that the license issued by the state, district, or territory of  
416b the United States encompasses a similar scope of practice as the license sought in this state. ~~←Ĥ~~

417 (2) ~~Ĥ→ [(a)] ←Ĥ~~ The division, in consultation with the applicable licensing board, may  
417a make

418 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
419 prescribing the ~~Ĥ→ [requirements of Subsection (1)]~~ administration and requirements of this  
419a section ~~←Ĥ~~ .

420 ~~Ĥ→ [(b)] (3) ←Ĥ~~ Notwithstanding the provisions of Subsection (1), the division may refuse  
420a to issue a

421 license to a person ~~Ĥ→ [as described in Subsection (1);]~~ under the provisions of this section ~~←Ĥ~~ if:

422 ~~Ĥ→ [(i)] (a) ←Ĥ~~ the division determines that there is reasonable cause to believe that the  
422a person is

423 not qualified to receive a license in this state; or

424 ~~Ĥ→ [(ii)] (b) ←Ĥ~~ the person has a previous or pending disciplinary action related to ~~⊛~~

424a ~~the~~ the person's

425 license.

426 ~~H~~ → [(3)] (4) ← ~~H~~ Before a [~~resident~~] person may be issued a license under this section, the

426a [~~resident~~]

427 person shall:

428 (a) pay a fee determined by the department under Section 63J-1-504; and

429 (b) produce satisfactory evidence of the ~~[resident's]~~ person's identity, qualifications,  
430 and good standing in the occupation or profession for which licensure is sought.

431 ~~H~~→ ~~(4)~~ (5) ←~~H~~ In accordance with Section 58-1-107, licensure endorsement provisions in  
431a this  
432 section are subject to and may be supplemented or altered by licensure endorsement provisions  
433 or multistate licensure compacts in specific chapters of this title.

433a ~~H~~→ **(6) On or before October 1, 2022, the division shall provide a written report to the**  
433b **Business and Labor Interim Committee regarding the effectiveness and sufficiency of the**  
433c **provisions of this section at ensuring that persons receiving a license without examination**  
433d **under the provisions of this section are qualified to receive a license in this state.** ←~~H~~

434 Section 7. Section **58-1-307** is amended to read:

435 **58-1-307. Exemptions from licensure.**

436 (1) Except as otherwise provided by statute or rule, the following individuals may  
437 engage in the practice of their occupation or profession, subject to the stated circumstances and  
438 limitations, without being licensed under this title:

439 (a) an individual serving in the armed forces of the United States, the United States  
440 Public Health Service, the United States Department of Veterans Affairs, or other federal  
441 agencies while engaged in activities regulated under this chapter as a part of employment with  
442 that federal agency if the individual holds a valid license to practice a regulated occupation or  
443 profession issued by any other state or jurisdiction recognized by the division;

444 (b) a student engaged in activities constituting the practice of a regulated occupation or  
445 profession while in training in a recognized school approved by the division to the extent the  
446 activities are supervised by qualified faculty, staff, or designee and the activities are a defined  
447 part of the training program;

448 (c) an individual engaged in an internship, residency, preceptorship, postceptorship,  
449 fellowship, apprenticeship, or on-the-job training program approved by the division while  
450 under the supervision of qualified individuals;

451 (d) an individual residing in another state and licensed to practice a regulated  
452 occupation or profession in that state, who is called in for a consultation by an individual  
453 licensed in this state, and the services provided are limited to that consultation;

454 (e) an individual who is invited by a recognized school, association, society, or other  
455 body approved by the division to conduct a lecture, clinic, or demonstration of the practice of a  
456 regulated occupation or profession if the individual does not establish a place of business or  
457 regularly engage in the practice of the regulated occupation or profession in this state;

458 (f) an individual licensed under the laws of this state, other than under this title, to  
459 practice or engage in an occupation or profession, while engaged in the lawful, professional,

5234 obtaining federal criminal history record information;

5235 (b) submit from each applicant the fingerprint card and the fees described in

5236 Subsection (2)(a) to the Bureau of Criminal Identification; and

5237 (c) obtain and retain in division records a signed waiver approved by the Bureau of

5238 Criminal Identification in accordance with Section 53-10-108 for each applicant.

5239 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of

5240 Section 53-10-108:

5241 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state

5242 and regional criminal records databases;

5243 (b) forward the fingerprints to the Federal Bureau of Investigation for a national

5244 criminal history background check; and

5245 (c) provide the results from the state, regional, and nationwide criminal history

5246 background checks to the division.

5247 ~~Ĥ~~→ ~~[(4) For purposes of conducting a criminal background check required under this~~

5248 ~~section, the division shall have direct access to criminal background information maintained~~

5249 ~~under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.~~

5250 ~~—(5)] (4) ←Ĥ~~ The division may not disseminate outside of the division any criminal history

5251 record information that the division obtains from the Bureau of Criminal Identification or the

5252 Federal Bureau of Investigation under the criminal background check requirements of this

5253 section.

5254 Section 88. Section **58-61-501** is amended to read:

5255 **58-61-501. Unlawful conduct.**

5256 As used in this chapter, "unlawful conduct" includes:

5257 (1) practice of psychology unless licensed as a psychologist or certified psychology

5258 resident under this chapter or exempted from licensure under this title;

5259 (2) practice of mental health therapy by a licensed psychologist who has not acceptably

5260 documented to the division his completion of the supervised training in psychotherapy required

5261 under Subsection 58-61-304(1)[~~(f)~~](e); or

5262 (3) representing oneself as or using the title of psychologist, or certified psychology

5263 resident unless currently licensed under this chapter.

5264 Section 89. Section **58-61-704** is amended to read: