

## 2nd Sub. S.B. 23

# DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING AMENDMENTS

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 28, 2020 4:40 PM

Representative **James A. Dunnigan** proposes the following amendments:

1. *Page 12, Lines 353 through 355:*

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

354 (1) The division shall have direct access to ~~{criminal background information}~~ local files  
355 maintained by the Bureau of Criminal Identification under Title 53, Chapter 10, Part 2, Bureau

2. *Page 14, Line 401 through Page 15, Line 434:*

401 58-1-302. License by endorsement.

402 (1) Subject to Subsections (2), (3), ~~{and (4),}~~ (4), and (5), the division [may] shall 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 {and}

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 ~~{.}~~ ; and

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

417 (2) ~~{(a)}~~ The division, in consultation with the applicable licensing board, may make  
418 rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
419 prescribing the ~~{requirements of Subsection (1)}~~ administration and requirements of this  
section .

420 ~~{(b)}~~ (3) Notwithstanding the provisions of Subsection (1), the division may refuse to issue a  
421 license to a person ~~{as described in Subsection (1)}~~ under the provisions of this section ~~{.}~~ if:

422            ~~{(i)}~~    (a)    the division determines that there is reasonable cause to believe that the person is  
423 not qualified to receive a license in this state; or

424            ~~{(ii)}~~    (b)    the person has a previous or pending disciplinary action related to the person's  
425 license.

426            ~~{(3)}~~    (4)    Before a [resident] person may be issued a license under this section, the [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            ~~{(4)}~~    (5)    In accordance with Section 58-1-107, licensure endorsement provisions in 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.

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

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

3. *Page 170, Lines 5246 through 5251:*

5246    background checks to the division.

5247            ~~{(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)    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