

Evan J. Vickers proposes the following substitute bill:

Professional Licensure Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: A. Cory Maloy

2

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions related to professional licensure.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ defines terms;

9 ▶ standardizes the requirements for a criminal background check for licensure in certain
10 professions;

11 ▶ clarifies the circumstances under which the Division of Professional Licensing (division)
12 revokes a license, as that revocation applies to a criminal background check;

13 ▶ renames the Physicians Education Fund to the Physicians Education and Enforcement
14 Fund (fund);

15 ▶ authorizes the director of the division to make distributions from the fund under certain
16 circumstances;

17 ▶ requires that the division deposit administrative penalties imposed for unprofessional or
18 unlawful conduct into the fund; and

19 ▶ makes technical and conforming changes.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **58-1-301.5**, as last amended by Laws of Utah 2024, Chapter 420

27 **58-5a-302**, as last amended by Laws of Utah 2020, Chapter 339

28 **58-16a-302**, as last amended by Laws of Utah 2022, Chapter 415

- 29 **58-17b-303**, as last amended by Laws of Utah 2020, Chapter 339
30 **58-17b-304**, as last amended by Laws of Utah 2020, Chapter 339
31 **58-17b-305**, as last amended by Laws of Utah 2020, Chapter 339
32 **58-17b-306**, as last amended by Laws of Utah 2024, Chapter 210
33 **58-24b-302**, as last amended by Laws of Utah 2020, Chapter 339
34 **58-31b-302**, as last amended by Laws of Utah 2023, Chapters 223, 284
35 **58-42a-302**, as last amended by Laws of Utah 2022, Chapter 221
36 **58-44a-302**, as last amended by Laws of Utah 2022, Chapters 415, 438
37 **58-47b-302**, as last amended by Laws of Utah 2024, Chapter 137
38 **58-55-302**, as last amended by Laws of Utah 2024, Chapter 507
39 **58-60-205**, as last amended by Laws of Utah 2024, Chapters 103, 420
40 **58-60-305**, as last amended by Laws of Utah 2024, Chapter 420
41 **58-60-405**, as last amended by Laws of Utah 2024, Chapter 420
42 **58-60-506**, as last amended by Laws of Utah 2024, Chapter 420
43 **58-61-304**, as last amended by Laws of Utah 2024, Chapter 420
44 **58-63-302**, as last amended by Laws of Utah 2023, Chapter 223
45 **58-64-302**, as last amended by Laws of Utah 2023, Chapter 223
46 **58-67-302**, as last amended by Laws of Utah 2023, Chapter 329
47 **58-67-503**, as last amended by Laws of Utah 2022, Chapter 415
48 **58-67a-1**, as last amended by Laws of Utah 2013, Chapter 400
49 **58-68-302**, as last amended by Laws of Utah 2023, Chapter 329
50 **58-68-503**, as last amended by Laws of Utah 2022, Chapter 415
51 **58-69-302**, as last amended by Laws of Utah 2020, Chapter 339
52 **58-70a-302**, as last amended by Laws of Utah 2023, Chapter 222
53 **58-70b-302**, as last amended by Laws of Utah 2023, Chapter 139
54 **58-71-302**, as last amended by Laws of Utah 2023, Chapter 249
55 **58-71-402**, as last amended by Laws of Utah 2022, Chapter 415
56 **58-73-302**, as last amended by Laws of Utah 2022, Chapter 415
57 REPEALS:
58 **58-17b-307**, as last amended by Laws of Utah 2023, Chapter 223
59 **58-24b-302.1**, as enacted by Laws of Utah 2018, Chapter 318
60 **58-42a-302.1**, as enacted by Laws of Utah 2022, Chapter 221
61 **58-44a-302.1**, as enacted by Laws of Utah 2022, Chapter 438
62 **58-47b-302.1**, as enacted by Laws of Utah 2023, Chapter 225

- 63 **58-55-302.1**, as enacted by Laws of Utah 2023, Chapter 223
 64 **58-60-103.1**, as last amended by Laws of Utah 2024, Chapters 103, 420
 65 **58-61-304.1**, as last amended by Laws of Utah 2024, Chapter 420
 66 **58-63-302.1**, as enacted by Laws of Utah 2023, Chapter 223
 67 **58-64-302.1**, as enacted by Laws of Utah 2023, Chapter 223
 68 **58-67-302.1**, as enacted by Laws of Utah 2018, Chapter 318
 69 **58-68-302.1**, as enacted by Laws of Utah 2018, Chapter 318
 70 **58-70a-301.1**, as enacted by Laws of Utah 2023, Chapter 222

71

72 *Be it enacted by the Legislature of the state of Utah:*

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

74 **58-1-301.5 . Division access to Bureau of Criminal Identification records --**
 75 **Criminal background check requirement.**

76 (1) As used in this section, "applicant" means an individual applying for licensure or
 77 certification, or with respect to a license or certification, applying for renewal,
 78 reinstatement, or relicensure or recertification, as required in:

- 79 (a) Section 58-5a-302;
 80 (b) Section 58-16a-302;
 81 (c) Section 58-17b-303;
 82 (d) Section 58-17b-304;
 83 (e) Section 58-17b-305;
 84 (f) Section 58-17b-306;
 85 (g) Section 58-24b-302;
 86 (h) Section 58-31b-302;
 87 (i) Section 58-42a-302;
 88 (j) Section 58-44a-302;
 89 (k) Section 58-47b-302;
 90 (l) Section 58-55-302;
 91 (m) Section 58-60-205;
 92 (n) Section 58-60-305;
 93 (o) Section 58-60-405;
 94 (p) Section 58-60-506;
 95 (q) Section 58-61-304;
 96 (r) Section 58-63-302;

97 ~~(s) Section 58-64-302;~~

98 ~~(t) Section 58-67-302;~~

99 ~~(u) Section 58-68-302;~~

100 ~~(v) Section 58-69-302;~~

101 ~~(w) Section 58-70a-302;~~

102 ~~(x) Section 58-70b-302;~~

103 ~~(y) Section 58-71-302; or~~

104 ~~(z) Section 58-73-302.~~

105 [(1)] (2) The division shall have direct access to local files maintained by the Bureau of
 106 Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal
 107 Identification, for background screening of [individuals who are applying for licensure
 108 or certification, or with respect to a license or certification, renewal, reinstatement, or
 109 relicensure or recertification, as required in:] an applicant.

110 [~~(a) Sections 58-17b-306 and 58-17b-307;~~]

111 [~~(b) Sections 58-24b-302 and 58-24b-302.1;~~]

112 [~~(c) Section 58-31b-302;~~]

113 [~~(d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy
 114 Practice Act;~~]

115 [~~(e) Section 58-44a-302.1;~~]

116 [~~(f) Sections 58-47b-302 and 58-47b-302.1;~~]

117 [~~(g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm
 118 company agents, and Section 58-55-302.1;~~]

119 [~~(h) Sections 58-60-103.1, 58-60-205, 58-60-305, 58-60-405, and 58-60-506 of Chapter
 120 60, Mental Health Professional Practice Act;~~]

121 [~~(i) Sections 58-61-304 and 58-61-304.1;~~]

122 [~~(j) Sections 58-63-302 and 58-63-302.1;~~]

123 [~~(k) Sections 58-64-302 and 58-64-302.1;~~]

124 [~~(l) Sections 58-67-302 and 58-67-302.1;~~]

125 [~~(m) Sections 58-68-302 and 58-68-302.1; and]~~

126 [~~(n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant
 127 Act.]~~

128 [(2)] (3) The division's access to criminal background information under this section:

129 (a) shall meet the requirements of Section 53-10-108; and

130 (b) includes[-] :

131 (i) convictions, pleas of nolo contendere, pleas of guilty or nolo contendere held in
132 abeyance, dismissed charges, and charges without a known disposition; and
133 (ii) criminal background information maintained under Title 53, Chapter 10, Part 2,
134 Bureau of Criminal Identification.

135 [~~(3)~~] (4) The division may not disseminate outside of the division any criminal history
136 record information that the division obtains from the Bureau of Criminal Identification
137 or the Federal Bureau of Investigation under the criminal background check
138 requirements of this section.

139 (5) To fulfill an applicable criminal background check requirement, an applicant shall:

140 (a) submit fingerprints in a form acceptable to the division at the time the applicant files
141 a license application; and

142 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
143 Identification and the Federal Bureau of Investigation regarding the application.

144 (6)(a) Upon receiving fingerprints from an applicant in accordance with Subsection (5),
145 the division shall:

146 (i) collect from each applicant submitting fingerprints in accordance with this section:

147 (A) the fee that the Bureau of Criminal Identification is authorized to collect for
148 the services provided under Section 53-10-108; and

149 (B) the fee charged by the Federal Bureau of Investigation for fingerprint
150 processing for the purpose of obtaining federal criminal history record
151 information;

152 (ii) submit from each applicant the fingerprints and the fees described in Subsection
153 (6)(a)(i) to the Bureau of Criminal Identification; and

154 (iii) obtain and retain in division records a signed waiver approved by the Bureau of
155 Criminal Identification in accordance with Section 53-10-108 for each applicant.

156 (b) The fees described in Subsection (6)(a)(i) are in addition to other fees authorized by
157 this chapter.

158 (7) In accordance with the requirements of Section 53-10-108, the Bureau of Criminal
159 Identification shall:

160 (a) check the fingerprints submitted under Subsection (5)(a) against the applicable state
161 and regional criminal records databases;

162 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal
163 history background check; and

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

165 background checks to the division.

166 (8)(a) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
167 criminal background check required under this section demonstrates, after the
168 applicant is licensed, that the applicant failed to accurately disclose a criminal
169 history, the division may provide notice to the applicant that the license is
170 immediately and automatically revoked.

171 (b) An individual whose license has been revoked in accordance with Subsection (8)(a)
172 is entitled to a hearing to challenge the revocation.

173 (c) The division shall conduct the hearing described in this Subsection (8) in accordance
174 with Title 63G, Chapter 4, Administrative Procedures Act.

175 Section 2. Section **58-5a-302** is amended to read:

176 **58-5a-302 . Qualifications to practice podiatry.**

177 An applicant for licensure to practice podiatry shall:

178 (1) submit an application in a form ~~[as prescribed by]~~ the division approves;

179 (2) pay a fee as determined by the department under Section 63J-1-504;

180 (3) provide satisfactory documentation of having successfully completed a program of
181 professional education preparing an individual as a podiatric physician, as evidenced by
182 having received an earned degree of doctor of podiatric medicine from a podiatry school
183 or college accredited by the Council on Podiatric Medical Education;

184 (4) if licensed on or after July 1, 2015, satisfy the division and board that the applicant:

185 (a) has successfully completed 24 months of resident training in a program approved by
186 the Council on Podiatric Medical Education; or

187 (b)(i) has successfully completed 12 months of resident training in a program
188 approved by the Council on Podiatric Medical Education after receiving a degree
189 of doctor of podiatric medicine as required under Subsection (3);

190 (ii) has been accepted in, and is successfully participating in, progressive resident
191 training in a Council on Podiatric Medical Education approved program within
192 Utah, in the applicant's second or third year of postgraduate training; and

193 (iii) has agreed to surrender to the division the applicant's license as a podiatric
194 physician without any proceedings under Title 63G, Chapter 4, Administrative
195 Procedures Act, and has agreed the applicant's license as a podiatric physician will
196 be automatically revoked by the division if the applicant fails to continue in good
197 standing in a Council on Podiatric Medical Education approved progressive
198 resident training program within the state;~~[-and]~~

199 (5) pass examinations required by rule[-] ; and
 200 (6)(a) consent to, and complete, a criminal background check, described in Section
 201 58-1-301.5;
 202 (b) meet any other standard related to the criminal background check described in
 203 Subsection (6)(a), that the division establishes by rule in accordance with Title 63G,
 204 Chapter 3, Utah Administrative Rulemaking Act; and
 205 (c) disclose any criminal history the division requests on a form the division approves.
 206 Section 3. Section **58-16a-302** is amended to read:
 207 **58-16a-302 . Qualifications for licensure.**
 208 An applicant for licensure as an optometrist shall:
 209 (1) submit an application in a form [~~prescribed by~~]the division approves;
 210 (2) pay a fee as determined by the division under Section 63J-1-504;
 211 (3)(a)[~~(a)~~] (i) be a doctoral graduate of a recognized school of optometry accredited
 212 by the American Optometric Association's Accreditation Council on Optometric
 213 Education; or
 214 [~~(b)~~] (ii) be a graduate of a school of optometry located outside the United States that
 215 meets the criteria that would qualify the school for accreditation under Subsection
 216 (3)(a), as demonstrated by the applicant for licensure; or
 217 [~~(4)~~] (b) if the applicant graduated from a recognized school of optometry [~~prior to~~] before
 218 July 1, 1996, have successfully completed a course of study satisfactory to the
 219 division, in consultation with the board, in general and ocular pharmacology and
 220 emergency medical care;
 221 [~~(5)~~] (4) have passed examinations [~~approved by~~]the division, in consultation with the board,
 222 approves and that include:
 223 (a) a standardized national optometry examination;
 224 (b) a standardized clinical examination; and
 225 (c) a standardized national therapeutics examination;[~~and~~]
 226 [~~(6)~~] (5) meet with the board and representatives of the division, if requested by either party,
 227 for the purpose of evaluating the applicant's qualifications for licensure[-] ; and
 228 (6)(a) consent to, and complete, a criminal background check, described in Section
 229 58-1-301.5;
 230 (b) meet any other standard related to the criminal background check described in
 231 Subsection (6)(a), that the division establishes by rule in accordance with Title 63G,
 232 Chapter 3, Utah Administrative Rulemaking Act; and

- 233 (c) disclose any criminal history the division requests on a form the division approves.
 234 Section 4. Section **58-17b-303** is amended to read:
 235 **58-17b-303 . Qualifications for licensure as a pharmacist.**
- 236 (1) An applicant for licensure as a pharmacist shall:
- 237 (a) submit an application in a form [~~prescribed by~~]the division approves;
- 238 (b) pay a fee as determined by the department under Section 63J-1-504;
- 239 [~~(c) complete a criminal background check and be free from criminal convictions as~~
 240 ~~described in Section 58-1-501;~~]
- 241 (c)(i) consent to, and complete, a criminal background check, described in Section
 242 58-1-301.5;
- 243 (ii) meet any other standard related to the criminal background check described in
 244 Subsection (1)(c)(i), that the division establishes by rule in accordance with Title
 245 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 246 (iii) disclose any criminal history the division requests on a form the division
 247 approves;
- 248 (d) have no physical or mental condition of a nature [~~which~~] that prevents the applicant
 249 from engaging in the practice of pharmacy with reasonable skill, competency, and
 250 safety to the public;
- 251 (e) have graduated and received a professional entry degree from a school or college of
 252 pharmacy which is accredited by the Accreditation Council on Pharmacy Education;
- 253 (f) have completed an internship meeting standards established by division rule made in
 254 collaboration with the board; and
- 255 (g) have successfully passed examinations required by division rule made in
 256 collaboration with the board.
- 257 (2) An applicant for licensure as a pharmacist whose pharmacy education was completed at
 258 a foreign pharmacy school shall, in addition to the requirements under Subsections (1)(a)
 259 through (d), (f), and (g), obtain a certification of equivalency from a credentialing
 260 agency required by division rule made in collaboration with the board.
- 261 (3) An applicant for a license by endorsement as a pharmacist under this section shall:
- 262 (a) submit a written application in the form prescribed by the division;
- 263 (b) pay the fee determined by the department under Section 63J-1-504;
- 264 (c) [~~complete a criminal background check and be free from criminal convictions as~~
 265 ~~described in Section 58-1-501;~~]
- 266 (i) consent to, and complete, a criminal background check, described in Section

- 267 58-1-301.5;
- 268 (ii) meet any other standard related to the criminal background check described in
- 269 Subsection (3)(c)(i), that the division establishes by rule in accordance with Title
- 270 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 271 (iii) disclose any criminal history the division requests on a form the division
- 272 approves;
- 273 (d) have no physical or mental condition of a nature which prevents the applicant from
- 274 engaging in the practice of pharmacy with reasonable skill, competency, and safety to
- 275 the public;
- 276 (e) have lawfully practiced as a licensed pharmacist a minimum of 2,000 hours in the
- 277 four years immediately preceding the date of application;
- 278 (f) produce satisfactory evidence of completing the professional education required
- 279 under Subsection (1);
- 280 (g) be currently licensed in good standing as a pharmacist in another state, territory, or
- 281 possession of the United States;
- 282 (h) produce satisfactory evidence that the examination requirements are or were at the
- 283 time the license was issued, equal to those of this state; and
- 284 (i) pass the jurisprudence examination prescribed by division rule made in collaboration
- 285 with the board.

286 Section 5. Section **58-17b-304** is amended to read:

287 **58-17b-304 . Qualifications for licensure of pharmacy intern.**

288 An applicant for licensure as a pharmacy intern shall:

- 289 (1) submit an application in a form [~~prescribed by~~] the division approves;
- 290 (2) pay a fee determined by the department under Section 63J-1-504;
- 291 [~~(3) complete a criminal background check and be free from criminal convictions as~~
- 292 ~~described in Section 58-1-501;~~]
- 293 (3)(a) consent to, and complete, a criminal background check, described in Section
- 294 58-1-301.5;
- 295 (b) meet any other standard related to the criminal background check described in
- 296 Subsection (3)(a), that the division establishes by rule in accordance with Title 63G,
- 297 Chapter 3, Utah Administrative Rulemaking Act; and
- 298 (c) disclose any criminal history the division requests on a form the division approves;
- 299 (4) have no physical or mental condition of a nature [~~which~~] that prevents the applicant from
- 300 engaging in the practice of pharmacy with reasonable skill, competency, and safety to

301 the public;

302 (5) meet the preliminary educational qualifications required by division rule made in
303 collaboration with the board; and

304 (6) meet one of the following educational criteria:

305 (a) be a current pharmacy student, a resident, or fellow in a program approved by
306 division rule made in collaboration with the board; or

307 (b) have graduated from a foreign pharmacy school and received certification of
308 equivalency from a credentialing agency approved by division rule made in
309 collaboration with the board.

310 Section 6. Section **58-17b-305** is amended to read:

311 **58-17b-305 . Qualifications for licensure of pharmacy technician.**

312 (1) An applicant for licensure as a pharmacy technician shall:

313 (a) submit an application in a form [~~prescribed by~~]the division approves;

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

315 [~~(e) complete a criminal background check and be free from criminal convictions as~~
316 ~~described in Section 58-1-501;~~]

317 (c)(i) consent to, and complete, a criminal background check, described in Section
318 58-1-301.5;

319 (ii) meet any other standard related to the criminal background check described in
320 Subsection (1)(c)(i), that the division establishes by rule in accordance with Title
321 63G, Chapter 3, Utah Administrative Rulemaking Act; and

322 (iii) disclose any criminal history the division requests on a form the division
323 approves;

324 (d) have no physical or mental condition of a nature [~~which~~] that prevents the applicant
325 from engaging in practice as a pharmacy technician with reasonable skill,
326 competency, and safety to the public;

327 (e) have completed a program and curriculum of education and training, meeting
328 standards established by division rule made in collaboration with the board; and

329 (f) successfully complete the examinations requirement within the time periods
330 established by division rule made in collaboration with the board.

331 (2) A pharmacist whose license has been denied, revoked, suspended, or restricted for
332 disciplinary purposes is not eligible to be a licensed pharmacy technician while on
333 probation with the division.

334 Section 7. Section **58-17b-306** is amended to read:

335 **58-17b-306 . Qualifications for licensure as a pharmacy.**

- 336 (1) Each applicant for licensure under this section, except for those applying for a class D
337 license, shall:
- 338 (a) submit a written application in the form~~[prescribed by]~~ the division approves;
 - 339 (b) pay a fee as determined by the department under Section 63J-1-504;
 - 340 (c) satisfy the division that the applicant, and each owner, officer, or manager of the
341 applicant~~[have]~~ , has not engaged in any act, practice, or omission, which when
342 considered with the duties and responsibilities of a licensee under this section
343 indicates there is cause to believe that issuing a license to the applicant is inconsistent
344 with the interest of the public's health, safety, or welfare;
 - 345 (d) demonstrate the licensee's operations will be in accordance with all federal, state, and
346 local laws relating to the type of activity engaged in by the licensee, including
347 regulations of the Federal Drug Enforcement Administration and Food and Drug
348 Administration;
 - 349 (e) maintain operating standards established by division rule made in collaboration with
350 the board and in accordance with Title 63G, Chapter 3, Utah Administrative
351 Rulemaking Act;
 - 352 (f)(i) for each pharmacy license, ensure that the ~~[pharmacist in charge]~~
353 pharmacist-in-charge, as defined by the division~~[, submits fingerprint cards and~~
354 consents to a fingerprint background check in accordance with Section 58-17b-307]
355 consents to, and completes, a criminal background check, described in Section
356 58-1-301.5;
 - 357 (ii) meets any other standard related to the criminal background check described in
358 Subsection (1)(f)(i), that the division establishes by rule in accordance with Title
359 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - 360 (iii) discloses any criminal history the division requests on a form the division
361 approves; and
 - 362 (g) acknowledge the division's authority to inspect the licensee's business premises
363 pursuant to Section 58-17b-103.
- 364 (2) Each applicant applying for a class D license shall:
- 365 (a) submit a written application in the form~~[prescribed by]~~ the division approves;
 - 366 (b) pay a fee as determined by the department under Section 63J-1-504;
 - 367 (c) present to the division verification of licensure in the state where physically located
368 and verification that such license is in good standing;

- 369 (d) satisfy the division that the applicant and each of the applicant's pharmacy managers
370 has not engaged in any act, practice, or omission, which when considered with the
371 duties and responsibilities of a licensee under this section, indicates there is cause to
372 believe that issuing a license to the applicant is inconsistent with the interest of the
373 public's health, safety, or welfare;
- 374 (e) for each pharmacy manager~~[- submit fingerprint cards and consent to a fingerprint~~
375 ~~background check in accordance with Section 58-17b-307;]~~ ;
- 376 (i) consent to, and complete, a criminal background check, described in Section
377 58-1-301.5;
- 378 (ii) meet any other standard related to the criminal background check described in
379 Subsection (2)(e)(i), that the division establishes by rule in accordance with Title
380 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 381 (iii) disclose any criminal history the division requests on a form the division
382 approves;
- 383 (f) provide a statement of the scope of pharmacy services that will be provided and a
384 detailed description of the protocol as described by rule by which pharmacy care will
385 be provided, including any collaborative practice arrangements with other health care
386 practitioners;
- 387 (g) sign an affidavit attesting that any healthcare practitioners employed by the applicant
388 and physically located in Utah have the appropriate license issued by the division and
389 in good standing;
- 390 (h) sign an affidavit attesting that the applicant will abide by the pharmacy laws and
391 regulations of the jurisdiction in which the pharmacy is located; and
- 392 (i) if an applicant engages in compounding, submit the most recent inspection report:
393 (i) conducted within two years before the application for licensure; and
394 (ii)(A) conducted as part of the National Association of Boards of Pharmacy
395 Verified Pharmacy Program; or
396 (B) performed by the state licensing agency of the state in which the applicant is a
397 resident and in accordance with the National Association of Boards of
398 Pharmacy multistate inspection blueprint program.
- 399 (3)(a) Each license issued under this section shall be associated with a single, specific
400 address.
- 401 (b) By rule made in collaboration with the board and in accordance with Title 63G,
402 Chapter 3, Utah Administrative Rulemaking Act, the division shall allow a licensee

403 to update, by request to the division, the address associated with the licensee under
 404 Subsection (3)(a), to a new address if the licensee requests the change of address at
 405 least 90 days before the day on which the licensee begins operating at the new
 406 address.

407 Section 8. Section **58-24b-302** is amended to read:

408 **58-24b-302 . Licensure.**

- 409 (1) An applicant for a license as a physical therapist shall:
- 410 (a) complete the application process, including payment of fees;
- 411 (b) submit proof of graduation from a professional physical therapist education program
 412 that is accredited by a recognized accreditation agency;
- 413 (c) pass a licensing examination:
- 414 (i) after complying with Subsection (1)(b); or
- 415 (ii) if the applicant is in the final term of a professional physical therapist education
 416 program that is accredited by a recognized accreditation agency;
- 417 (d) be able to read, write, speak, understand, and be understood in the English language
 418 and demonstrate proficiency to the satisfaction of the board if requested by the board;
- 419 (e)(i) ~~[consent to a criminal background check in accordance with Section~~
 420 ~~58-24b-302.1 and any requirements established by rule made in accordance with~~
 421 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ consent to, and
 422 complete, a criminal background check, described in Section 58-1-301.5;
- 423 (ii) meet any other standard related to the criminal background check described in
 424 Subsection (1)(e)(i), that the division establishes by rule in accordance with Title
 425 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 426 (iii) disclose any criminal history the division requests on a form the division
 427 approves; and
- 428 (f) meet any other requirements established by the division, by rule made in accordance
 429 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 430 (2) An applicant for a license as a physical therapist assistant shall:
- 431 (a) complete the application process, including payment of fees set by the division, in
 432 accordance with Section 63J-1-504, to recover the costs of administering the
 433 licensing requirements relating to physical therapist assistants;
- 434 (b) submit proof of graduation from a physical therapist assistant education program that
 435 is accredited by a recognized accreditation agency;
- 436 (c) pass a licensing examination approved by division rule made in collaboration with

- 437 the board and in accordance with Title 63G, Chapter 3, Utah Administrative
438 Rulemaking Act:
- 439 (i) after the applicant complies with Subsection (2)(b); or
440 (ii) if the applicant is in the final term of a physical therapist assistant education
441 program that is accredited by a recognized accreditation agency;
- 442 (d) be able to read, write, speak, understand, and be understood in the English language
443 and demonstrate proficiency to the satisfaction of the board if requested by the board;
- 444 (e)(i) ~~[submit to, and pass, a criminal background check, in accordance with Section~~
445 ~~58-24b-302.1 and standards established by rule made in accordance with Title~~
446 ~~63G, Chapter 3, Utah Administrative Rulemaking Act]~~ consent to, and complete, a
447 criminal background check, described in Section 58-1-301.5;
- 448 (ii) meet any other standard related to the criminal background check described in
449 Subsection (2)(e)(i), that the division establishes by rule in accordance with Title
450 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 451 (iii) disclose any criminal history the division requests on a form the division
452 approves; and
- 453 (f) meet any other requirements established by the division, by rule made in accordance
454 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 455 (3) An applicant for a license as a physical therapist who is educated outside of the United
456 States shall:
- 457 (a) complete the application process, including payment of fees;
- 458 (b)(i) provide satisfactory evidence that the applicant graduated from a professional
459 physical therapist education program that is accredited by a recognized
460 accreditation agency; or
- 461 (ii)(A) provide satisfactory evidence that the applicant graduated from a physical
462 therapist education program that prepares the applicant to engage in the
463 practice of physical therapy, without restriction;
- 464 (B) provide satisfactory evidence that the education program described in
465 Subsection (3)(b)(ii)(A) is recognized by the government entity responsible for
466 recognizing a physical therapist education program in the country where the
467 program is located; and
- 468 (C) pass a credential evaluation to ensure that the applicant has satisfied uniform
469 educational requirements;
- 470 (c) after complying with Subsection (3)(b), pass a licensing examination;

- 471 (d) be able to read, write, speak, understand, and be understood in the English language
 472 and demonstrate proficiency to the satisfaction of the board if requested by the board;
- 473 (e)(i) ~~[consent to a criminal background check in accordance with Section~~
 474 ~~58-24b-302.1 and any requirements established by rule made in accordance with~~
 475 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ consent to, and
 476 complete, a criminal background check, described in Section 58-1-301.5;
- 477 (ii) meet any other standard related to the criminal background check described in
 478 Subsection (3)(e)(i), that the division establishes by rule in accordance with Title
 479 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 480 (iii) disclose any criminal history the division requests on a form the division
 481 approves; and
- 482 (f) meet any other requirements established by the division, by rule made in accordance
 483 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 484 (4) The division shall issue a license to ~~[a person]~~ an individual who holds a current
 485 unrestricted license to practice physical therapy in a state, district, or territory of the
 486 United States of America, other than Utah, if the ~~[person]~~ individual:
- 487 (a) completes the application process, including payment of fees;
- 488 (b) is able to read, write, speak, understand, and be understood in the English language
 489 and demonstrate proficiency to the satisfaction of the board if requested by the board;
- 490 ~~[(e) consents to a criminal background check in accordance with Section 58-24b-302.1~~
 491 ~~and any requirements established by rule made in accordance with Title 63G, Chapter~~
 492 ~~3, Utah Administrative Rulemaking Act; and]~~
- 493 (c)(i) consents to, and completes, a criminal background check, described in Section
 494 58-1-301.5;
- 495 (ii) meets any other standard related to the criminal background check described in
 496 Subsection (4)(c)(i), that the division establishes by rule in accordance with Title
 497 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 498 (iii) discloses any criminal history the division requests on a form the division
 499 approves; and
- 500 (d) meets any other requirements established by the division, by rule made in accordance
 501 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 502 (5)(a) Notwithstanding Subsection 58-1-307(1)(c), an individual may not engage in an
 503 internship in physical therapy, unless the ~~[person]~~ individual is:
- 504 (i) certified by the division; or

505 (ii) exempt from licensure under Section 58-24b-304.

506 (b) The provisions of Subsection (5)(a) apply, regardless of whether the individual is
507 participating in the supervised clinical training program for the purpose of becoming
508 a physical therapist or a physical therapist assistant.

509 Section 9. Section **58-31b-302** is amended to read:

510 **58-31b-302 . Qualifications for licensure or certification -- Criminal background**
511 **checks.**

512 (1) An applicant for certification as a medication aide shall:

513 (a) submit an application to the division on a form [~~prescribed by~~]the division approves;

514 (b) pay a fee to the division as determined under Section 63J-1-504;

515 (c) have a high school diploma or its equivalent;

516 (d) have a current certification as a nurse aide, in good standing, from the Department of
517 Health and Human Services;

518 (e) have a minimum of 2,000 hours of experience within the two years [~~prior to~~] before
519 application, working as a certified nurse aide in a long-term care facility or another
520 health care facility that is designated by the division in collaboration with the board;

521 (f) obtain letters of recommendation from a health care facility administrator and one
522 licensed nurse familiar with the applicant's work practices as a certified nurse aide;

523 (g) be in a condition of physical and mental health that will permit the applicant to
524 practice safely as a medication aide certified;

525 (h) have completed an approved education program or an equivalent as determined by
526 the division in collaboration with the board;

527 (i) have passed the examinations as required by division rule made in collaboration with
528 the board; and

529 (j) meet with the board, if requested, to determine the applicant's qualifications for
530 certification.

531 (2) An applicant for licensure as a licensed practical nurse shall:

532 (a) submit to the division an application in a form [~~prescribed by~~]the division approves;

533 (b) pay to the division a fee determined under Section 63J-1-504;

534 (c) have a high school diploma or its equivalent;

535 (d) be in a condition of physical and mental health that will permit the applicant to
536 practice safely as a licensed practical nurse;

537 (e) have completed an approved practical nursing education program or an equivalent as
538 determined by the board;

- 539 (f) have passed the examinations as required by division rule made in collaboration with
540 the board; and
- 541 (g) meet with the board, if requested, to determine the applicant's qualifications for
542 licensure.
- 543 (3) An applicant for a registered nurse apprentice license shall:
- 544 (a) submit to the division an application form [~~prescribed by~~]the division approves;
- 545 (b) pay to the division a fee determined under Section 63J-1-504;
- 546 (c) have a high school diploma or its equivalent;
- 547 (d) be in a condition of physical and mental health that will allow the applicant to
548 practice safely as a registered nurse apprentice;
- 549 (e) as determined by an approved registered nursing education program, be:
- 550 (i) in good standing with the program; and
- 551 (ii) in the last semester, quarter, or competency experience;
- 552 (f) have written permission from the program in which the applicant is enrolled; and
- 553 (g) meet with the board, if requested, to determine the applicant's qualifications for
554 licensure.
- 555 (4) An applicant for licensure as a registered nurse shall:
- 556 (a) submit to the division an application form [~~prescribed by~~]the division approves;
- 557 (b) pay to the division a fee determined under Section 63J-1-504;
- 558 (c) have a high school diploma or its equivalent;
- 559 (d) be in a condition of physical and mental health that will allow the applicant to
560 practice safely as a registered nurse;
- 561 (e) have completed an approved registered nursing education program;
- 562 (f) have passed the examinations as required by division rule made in collaboration with
563 the board; and
- 564 (g) meet with the board, if requested, to determine the applicant's qualifications for
565 licensure.
- 566 (5) [~~Applicants~~] An applicant for licensure as an advanced practice registered nurse shall:
- 567 (a) submit to the division an application on a form [~~prescribed by~~]the division approves;
- 568 (b) pay to the division a fee determined under Section 63J-1-504;
- 569 (c) be in a condition of physical and mental health [~~which will allow~~] that allows the
570 applicant to practice safely as an advanced practice registered nurse;
- 571 (d) hold a current registered nurse license in good standing issued by the state or be
572 qualified at the time for licensure as a registered nurse;

- 573 (e)(i) have earned a graduate degree in:
- 574 (A) an advanced practice registered nurse nursing education program; or
- 575 (B) a related area of specialized knowledge as determined appropriate by the
- 576 division in collaboration with the board; or
- 577 (ii) have completed a nurse anesthesia program in accordance with Subsection
- 578 (5)(f)(ii);
- 579 (f) have completed:
- 580 (i) course work in patient assessment, diagnosis and treatment, and
- 581 pharmacotherapeutics from an education program approved by the division in
- 582 collaboration with the board; or
- 583 (ii) a nurse anesthesia program which is approved by the Council on Accreditation of
- 584 Nurse Anesthesia Educational Programs;
- 585 (g) to practice within the psychiatric mental health nursing specialty, demonstrate, as
- 586 described in division rule, that the applicant, after completion of a doctorate or
- 587 master's degree required for licensure, is in the process of completing the applicant's
- 588 clinical practice requirements in psychiatric mental health nursing, including in
- 589 psychotherapy;
- 590 (h) have passed the examinations as required by division rule made in collaboration with
- 591 the board;
- 592 (i) be currently certified by a program approved by the division in collaboration with the
- 593 board and submit evidence satisfactory to the division of the certification; and
- 594 (j) meet with the board, if requested, to determine the applicant's qualifications for
- 595 licensure.
- 596 (6) ~~[For each]~~ Each applicant for licensure or certification under this chapter, except an
- 597 applicant under Subsection 58-31b-301(2)(b), shall:
- 598 ~~[(a) the applicant shall:]~~
- 599 ~~[(i) submit fingerprint cards in a form acceptable to the division at the time the~~
- 600 ~~application is filed; and]~~
- 601 ~~[(ii) consent to a fingerprint background check conducted by the Bureau of Criminal~~
- 602 ~~Identification and the Federal Bureau of Investigation regarding the application;]~~
- 603 ~~[(b) the division shall:]~~
- 604 ~~[(i) in addition to other fees authorized by this chapter, collect from each applicant~~
- 605 ~~submitting fingerprints in accordance with this section the fee that the Bureau of~~
- 606 ~~Criminal Identification is authorized to collect for the services provided under~~

607 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for
608 fingerprint processing for the purpose of obtaining federal criminal history record
609 information;]

610 [(ii) submit from each applicant the fingerprint card and the fees described in this
611 Subsection (6)(b) to the Bureau of Criminal Identification; and]

612 [(iii) obtain and retain in division records a signed waiver approved by the Bureau of
613 Criminal Identification in accordance with Section 53-10-108 for each applicant;
614 and]

615 [(e) the Bureau of Criminal Identification shall, in accordance with the requirements of
616 Section 53-10-108:]

617 [(i) check the fingerprints submitted under Subsection (6)(b) against the applicable
618 state and regional criminal records databases;]

619 [(ii) forward the fingerprints to the Federal Bureau of Investigation for a national
620 criminal history background check; and]

621 [(iii) provide the results from the state, regional, and nationwide criminal history
622 background checks to the division.]

623 (a) consent to, and complete, a criminal background check, described in Section
624 58-1-301.5;

625 (b) meet any other standard related to the criminal background check described in
626 Subsection (6)(a), that the division establishes by rule in accordance with Title 63G,
627 Chapter 3, Utah Administrative Rulemaking Act; and

628 (c) disclose any criminal history the division requests on a form the division approves.

629 [(7) For purposes of conducting the criminal background checks required in Subsection (6),
630 the division shall have direct access to criminal background information maintained
631 pursuant to Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.]

632 [(8)(a)(i) Any new nurse license or certification issued under this section shall be
633 conditional, pending completion of the criminal background check.]

634 [(ii) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
635 criminal background check discloses the applicant has failed to accurately disclose
636 a criminal history, the license or certification shall be immediately and
637 automatically revoked upon notice to the licensee by the division.]

638 [(b)(i) An individual whose conditional license or certification has been revoked
639 under Subsection (8)(a) is entitled to a postrevocation hearing to challenge the
640 revocation.]

641 ~~[(ii) A postrevocation hearing shall be conducted in accordance with Title 63G,~~
642 ~~Chapter 4, Administrative Procedures Act.]~~

643 ~~[(9)]~~ (7) If an individual has been charged with a violent felony, as defined in Subsection
644 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of
645 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance
646 pending the successful completion of probation, the division shall act upon the license as
647 required under Section 58-1-401.

648 ~~[(10)]~~ (8) If an individual has been charged with a felony other than a violent felony, as
649 defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been
650 convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo
651 contendere held in abeyance pending the successful completion of probation, the
652 division shall determine whether the felony disqualifies the individual for licensure
653 under this chapter and act upon the license, as required, in accordance with Section
654 58-1-401.

655 ~~[(11) The division may not disseminate outside of the division any criminal history record~~
656 ~~information that the division obtains from the Bureau of Criminal Identification or the~~
657 ~~Federal Bureau of Investigation under the criminal background check requirements of~~
658 ~~this section.]~~

659 Section 10. Section **58-42a-302** is amended to read:

660 **58-42a-302 . Qualifications for licensure.**

- 661 (1) An applicant for licensure as an occupational therapist shall:
- 662 (a) submit an application in a form ~~[as prescribed by]~~the division approves;
 - 663 (b) pay a fee as determined by the department under Section 63J-1-504;
 - 664 (c) graduate with a bachelor's or graduate degree for the practice of occupational therapy
665 from an education program accredited by the American Occupational Therapy
666 Association's Accreditation Council for Occupational Therapy Education, a
667 predecessor organization, or an equivalent organization as determined by division
668 rule;
 - 669 (d) if applying for licensure on or after July 1, 2015, complete a minimum of 24 weeks
670 of supervised fieldwork experience;
 - 671 (e) pass an examination approved by the division in consultation with the board and
672 administered by the National Board for Certification in Occupational Therapy, or by
673 another nationally recognized credentialing body as approved by division rule, to
674 demonstrate knowledge of the practice, skills, theory, and professional ethics related

- 675 to occupational therapy; and
- 676 ~~[(f) if the applicant is applying to participate in the Occupational Therapy Licensure~~
- 677 ~~Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a~~
- 678 ~~criminal background check in accordance with Section 58-42a-302.1 and any~~
- 679 ~~requirements established by rule made in accordance with Title 63G, Chapter 3, Utah~~
- 680 ~~Administrative Rulemaking Act.]~~
- 681 (f)(i) consent to, and complete, a criminal background check, described in Section
- 682 58-1-301.5;
- 683 (ii) meet any other standard related to the criminal background check described in
- 684 Subsection (1)(f)(i), that the division establishes by rule in accordance with Title
- 685 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 686 (iii) disclose any criminal history the division requests on a form the division
- 687 approves.
- 688 (2) ~~[All applicants]~~ An applicant for licensure as an occupational therapy assistant shall:
- 689 (a) submit an application in a form ~~[as prescribed by]~~ the division approves;
- 690 (b) pay a fee as determined by the department under Section 63J-1-504;
- 691 (c) graduate from an educational program for the practice of occupational therapy as an
- 692 occupational therapy assistant that is accredited by the American Occupational
- 693 Therapy Association's Accreditation Council for Occupational Therapy Education, a
- 694 predecessor organization, or an equivalent organization as determined by division
- 695 rule;
- 696 (d) if applying for licensure on or after July 1, 2015, complete a minimum of 16 weeks
- 697 of supervised fieldwork experience;
- 698 (e) pass an examination approved by the division in consultation with the board and
- 699 administered by the National Board for Certification in Occupational Therapy, or by
- 700 another nationally recognized credentialing body as approved by division rule, to
- 701 demonstrate knowledge of the practice, skills, theory, and professional ethics related
- 702 to occupational therapy; and
- 703 ~~[(f) if the applicant is applying to participate in the Occupational Therapy Licensure~~
- 704 ~~Compact under Chapter 42b, Occupational Therapy Licensure Compact, consent to a~~
- 705 ~~criminal background check in accordance with Section 58-42a-302.1 and any~~
- 706 ~~requirements established by rule made in accordance with Title 63G, Chapter 3, Utah~~
- 707 ~~Administrative Rulemaking Act.]~~
- 708 (f)(i) consent to, and complete, a criminal background check, described in Section

- 709 58-1-301.5;
 710 (ii) meet any other standard related to the criminal background check described in
 711 Subsection (2)(f)(i), that the division establishes by rule in accordance with Title
 712 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 713 (iii) disclose any criminal history the division requests on a form the division
 714 approves.
- 715 (3) Notwithstanding the other requirements of this section, the division may issue a license
 716 as an occupational therapist or as an occupational therapy assistant to an applicant who:
 717 (a) consents to a criminal background check in accordance with Section 58-42a-302 and
 718 any requirements established by rule made in accordance with Title 63G, Chapter 3,
 719 Utah Administrative Rulemaking Act; and
 720 (b)(i) meets the requirements of receiving a license by endorsement under Section
 721 58-1-302; or
 722 (ii) has been licensed in a state, district, or territory of the United States, or in a
 723 foreign country, where the education, experience, or examination requirements are
 724 not substantially equal to the requirements of this state, if the applicant passes the
 725 applicable examination described in Subsection (1)(e) or (2)(e).
- 726 Section 11. Section **58-44a-302** is amended to read:
 727 **58-44a-302 . Qualifications for licensure.**
- 728 (1) An applicant for licensure as a nurse midwife shall:
 729 (a) submit an application in a form [~~as prescribed by~~]the division approves;
 730 (b) pay a fee as determined by the department under Section 63J-1-504;
 731 (c) at the time of application for licensure hold a license in good standing as a registered
 732 nurse in Utah, or be at that time qualified for a license as a registered nurse under
 733 Title 58, Chapter 31b, Nurse Practice Act;
 734 (d) have completed:
 735 (i) a certified nurse midwifery education program accredited by the Accreditation
 736 Commission for Midwifery Education and approved by the division; or
 737 (ii) a nurse midwifery education program located outside of the United States which
 738 is approved by the division and is equivalent to a program accredited by the
 739 Accreditation Commission for Midwifery Education, as demonstrated by a
 740 graduate's being accepted to sit for the national certifying examination
 741 administered by the Accreditation Commission for Midwifery Education or its
 742 designee;

743 (e) have passed examinations established by the division rule in collaboration with the
 744 board within two years after completion of the approved education program required
 745 under Subsection (1)(d); and

746 ~~[(f) complete and pass a criminal background check in accordance with Section~~
 747 ~~58-44a-302.1.]~~

748 (f)(i) consent to, and complete, a criminal background check, described in Section
 749 58-1-301.5;

750 (ii) meet any other standard related to the criminal background check described in
 751 Subsection (1)(f)(i), that the division establishes by rule in accordance with Title
 752 63G, Chapter 3, Utah Administrative Rulemaking Act; and

753 (iii) disclose any criminal history the division requests on a form the division
 754 approves.

755 (2) For purposes of Subsection (1)(d), as of January 1, 2010, an applicant shall have
 756 completed a graduate degree, including post-master's certificate, in nurse midwifery
 757 from the accredited education program or the accredited education program's equivalent.[:]

758 Section 12. Section **58-47b-302** is amended to read:

759 **58-47b-302 . License classifications -- Qualifications for licensure.**

760 (1) The division shall issue licenses under this chapter in the classifications of:

- 761 (a) massage therapist;
- 762 (b) massage apprentice;
- 763 (c) massage assistant; and
- 764 (d) massage assistant in-training.

765 (2) An applicant for licensure as a massage therapist shall:

- 766 (a) submit an application in a form [~~prescribed by~~]the division approves;
- 767 (b) pay a fee determined by the department under Section 63J-1-504;
- 768 (c) be 18 years old or older;
- 769 (d) have either:

770 (i)(A) graduated from a school of massage having a curriculum that meets
 771 standards established by division rule made in collaboration with the board and
 772 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
 773 Act; or

774 (B) completed equivalent education and training in compliance with division rule
 775 made in accordance with Title 63G, Chapter 3, Utah Administrative
 776 Rulemaking Act; or

- 777 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000
778 hours of supervised training and in accordance with standards established by
779 division rule made in collaboration with the board and in accordance with Title
780 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 781 (e) pass:
- 782 (i) the Federation of State Massage Therapy Boards Massage and Bodywork
783 Licensing Examination; or
- 784 (ii) any other examination established by division rule made in collaboration with the
785 board and in accordance with Title 63G, Chapter 3, Utah Administrative
786 Rulemaking Act.
- 787 (3) An applicant for licensure as a massage apprentice shall:
- 788 (a) submit an application in a form [~~prescribed by~~]the division approves;
- 789 (b) pay a fee determined by the department under Section 63J-1-504;
- 790 (c) be 18 years old or older;
- 791 (d) provide satisfactory evidence to the division that the applicant will practice as a
792 massage apprentice only under the direct supervision of a licensed massage therapist
793 in good standing who, for at least 6,000 hours, has engaged in the lawful practice of
794 massage therapy as a licensed massage therapist; and
- 795 (e) pass an examination as required by division rule made in accordance with Title 63G,
796 Chapter 3, Utah Administrative Rulemaking Act.
- 797 (4)(a) An applicant for licensure as a massage assistant shall:
- 798 (i) submit an application in a form [~~prescribed by~~]the division approves;
- 799 (ii) pay a fee determined by the department in accordance with Section 63J-1-504;
- 800 (iii) be 18 years old or older;
- 801 (iv) subject to Subsection (4)(b), complete at least 300 hours of education and
802 training approved by division rule made accordance with Title 63G, Chapter 3,
803 Utah Administrative Rulemaking Act;
- 804 (v) provide satisfactory evidence to the division that the applicant will practice as a
805 massage assistant only under the indirect supervision of a massage therapy
806 supervisor; and
- 807 (vi) pass an examination as required by division rule made in accordance with Title
808 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 809 (b) The 300-hour education and training requirement described in Subsection (4)(a) shall
810 include:

- 811 (i) at least 150 hours of education and training while the applicant is:
- 812 (A) enrolled in massage school; or
- 813 (B) licensed as a massage assistant in-training and under the direct supervision of
- 814 a massage therapist in good standing who, for at least 6,000 hours, has engaged
- 815 in the lawful practice of massage therapy; and
- 816 (ii) at least 150 hours of education and training while the applicant is:
- 817 (A) enrolled in massage school; or
- 818 (B) licensed as a massage assistant in-training and under the indirect supervision
- 819 of a massage therapist in good standing who, for at least 6,000 hours, has
- 820 engaged in the lawful practice of massage therapy.
- 821 (5) An applicant for licensure as a massage assistant in-training shall:
- 822 (a) submit an application in a form [~~prescribed by~~]the division approves;
- 823 (b) pay a fee determined by the department in accordance with Section 63J-1-504;
- 824 (c) be 18 years old or older; and
- 825 (d) provide satisfactory evidence to the division that the applicant will practice as a
- 826 massage assistant in-training under the supervision of a massage therapist for a
- 827 period of no more than six months for the purpose of satisfying the requirements
- 828 described in Subsections (4)(a)(iv) and (4)(b) for licensure as a massage assistant.
- 829 (6)(a) A massage therapist may supervise at one time up to six individuals licensed as a
- 830 massage apprentice or massage assistant in-training.
- 831 (b) A massage therapy supervisor may supervise at one time up to six individuals
- 832 licensed as a massage assistant.
- 833 (7) A new massage therapist, massage apprentice, massage assistant, or massage assistant
- 834 in-training applicant shall~~submit to and pass a criminal background check in~~
- 835 ~~accordance with Section 58-47b-302.1 and any requirements established by division rule~~
- 836 ~~made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.] :~~
- 837 (a) consent to, and complete, a criminal background check, described in Section
- 838 58-1-301.5;
- 839 (b) meet any other standard related to the criminal background check described in
- 840 Subsection (7)(a), that the division establishes by rule in accordance with Title 63G,
- 841 Chapter 3, Utah Administrative Rulemaking Act; and
- 842 (c) disclose any criminal history the division requests on a form the division approves.
- 843 Section 13. Section **58-55-302** is amended to read:
- 844 **58-55-302 . Qualifications for licensure.**

- 845 (1) Each applicant for a license under this chapter shall:
- 846 (a) submit an application [~~prescribed by~~]the division approves;
- 847 (b) pay a fee as determined by the department under Section 63J-1-504;
- 848 (c) meet the examination requirements established by this section and by rule by the
- 849 commission with the concurrence of the director, which requirements include:
- 850 (i) for licensure as an apprentice electrician, apprentice plumber, or specialty
- 851 contractor, no division-administered examination is required;
- 852 (ii) for licensure as a general building contractor, general engineering contractor,
- 853 residential and small commercial contractor, general plumbing contractor,
- 854 residential plumbing contractor, general electrical contractor, or residential
- 855 electrical contractor, the only required division-administered examination is a
- 856 division-administered examination that covers information from the 25-hour
- 857 course described in Subsection (1)(e)(iii), which course may have been previously
- 858 completed as part of applying for any other license under this chapter, and, if the
- 859 25-hour course was completed on or after July 1, 2019, the five-hour business law
- 860 course described in Subsection (1)(e)(iv); and
- 861 (iii) if required [~~in~~] by Section 58-55-304 and the applicant is a business entity, that an
- 862 individual qualifier[~~must~~] pass the required division-administered examination[~~if~~
- 863 ~~the applicant is a business entity~~];
- 864 (d) [~~if an~~] for licensure as an apprentice, identify the proposed supervisor of the
- 865 apprenticeship;
- 866 (e) [~~if an applicant for a contractor's license~~] for licensure as a contractor:
- 867 (i) produce satisfactory evidence of financial responsibility, except for a construction
- 868 trades instructor for whom evidence of financial responsibility is not required;
- 869 (ii) produce satisfactory evidence of:
- 870 (A) except as provided in Subsection (2)(a), and except that no employment
- 871 experience is required for licensure as a specialty contractor, two years
- 872 full-time paid employment experience in the construction industry, which
- 873 employment experience, unless more specifically described in this section, may
- 874 be related to any contracting classification and does not have to include
- 875 supervisory experience; and
- 876 (B) knowledge of the principles of the conduct of business as a contractor,
- 877 reasonably necessary for the protection of the public health, safety, and welfare;
- 878 (iii) except as otherwise provided by rule by the commission with the concurrence of

- 879 the director, complete a 25-hour course [~~established by rule by~~] that the
 880 commission with the concurrence of the director[~~, which~~] establishes by rule, that
 881 is taught by an approved prelicensure course provider, and which [~~course-~~]may
 882 include:
- 883 (A) construction business practices;
 - 884 (B) bookkeeping fundamentals;
 - 885 (C) mechanics lien fundamentals;
 - 886 (D) other aspects of business and construction principles considered important by
 887 the commission with the concurrence of the director; and
 - 888 (E) for no additional fee, a provider-administered examination at the end of the
 889 25-hour course;
- 890 (iv) if the applicant is applying for licensure as a general building contractor, general
 891 engineering contractor, residential and small commercial contractor, general
 892 plumbing contractor, residential plumbing contractor, general electrical contractor,
 893 or residential electrical contractor, other than an applicant who completed the
 894 25-hour course described in Subsection (1)(e)(iii) before July 1, 2019, complete a
 895 five-hour business and law course[-] :
- 896 (A) [~~established by rule by-~~] that the commission, with the concurrence of the
 897 director, establishes by rule; and
 - 898 (B) [~~which~~] that is taught by an approved prelicensure course provider[~~, if an~~
 899 applicant for licensure as a general building contractor, general engineering
 900 contractor, residential and small commercial contractor, general plumbing
 901 contractor, residential plumbing contractor, general electrical contractor, or
 902 residential electrical contractor, except that if the 25-hour course described in
 903 Subsection (1)(e)(iii) was completed before July 1, 2019, the applicant does not
 904 need to take the business and law course];
- 905 (v)(A) for licensure as a residential electrical contractor, be a licensed master
 906 electrician [~~if an applicant for an electrical contractor's license-~~]or a licensed
 907 master residential electrician[~~if an applicant for a residential electrical~~
 908 contractor's license];
- 909 (B) for licensure as an electrical contractor, be a licensed master electrician;
 910 [~~(B)~~] (C) for licensure as a residential plumbing contractor, be a licensed master
 911 plumber [~~if an applicant for a plumbing contractor's license-~~]or a licensed
 912 master residential plumber[~~if an applicant for a residential plumbing~~

- 913 contractor's license; or] ;
- 914 (D) for licensure as a plumbing contractor, be a licensed master plumber; or
- 915 ~~[(C)]~~ (E) for licensure as an elevator contractor, be a licensed elevator mechanic
- 916 and produce satisfactory evidence of three years experience as an elevator
- 917 mechanic[~~if an applicant for an elevator contractor's license; and~~] ;
- 918 (vi) when the applicant is an unincorporated entity, provide a list of the one or more
- 919 individuals who hold an ownership interest in the applicant as of the day on which
- 920 the application is filed that includes for each individual:
- 921 (A) the individual's name, address, birth date, and social security number or other
- 922 satisfactory evidence of the applicant's identity permitted under rules made by
- 923 the division in accordance with Title 63G, Chapter 3, Utah Administrative
- 924 Rulemaking Act; and
- 925 (B) whether the individual will engage in a construction trade; and
- 926 (vii) the applicant or, if the applicant is a business entity as described in Section
- 927 58-55-304, an individual qualifier and each individual with at least a 10% voting
- 928 interest in the business entity shall:
- 929 (A) consent to, and complete, a criminal background check, described in Section
- 930 58-1-301.5;
- 931 (B) meet any other standard related to the criminal background check described in
- 932 Subsection (1)(e)(vii)(A), that the division establishes by rule in accordance
- 933 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 934 (C) disclose any criminal history the division requests on a form the division
- 935 approves; and
- 936 (f) ~~[if an applicant]~~for licensure as a construction trades instructor~~[license]~~, satisfy any
- 937 additional requirements ~~[established by rule]~~ the division establishes by rule.
- 938 (2)(a) If the applicant for a contractor's license described in Subsection (1) is a building
- 939 inspector, the applicant may satisfy Subsection (1)(e)(ii)(A) by producing satisfactory
- 940 evidence of two years of full-time paid employment experience as a building
- 941 inspector, which shall include at least one year of full-time experience as a licensed
- 942 combination inspector.
- 943 (b) The applicant shall file the following with the division before the division issues the
- 944 license:
- 945 (i) proof of workers' compensation insurance ~~[which]~~ that covers employees of the
- 946 applicant in accordance with applicable Utah law;

- 947 (ii) proof of public liability insurance in coverage amounts and form established by
 948 rule except for a construction trades instructor for whom public liability insurance
 949 is not required; and
- 950 (iii) proof of registration as required by applicable law with the:
- 951 (A) Department of Commerce;
- 952 (B) Division of Corporations and Commercial Code;
- 953 (C) Unemployment Insurance Division in the Department of Workforce Services,
 954 for purposes of Title 35A, Chapter 4, Employment Security Act;
- 955 (D) State Tax Commission; and
- 956 (E) Internal Revenue Service.
- 957 (3) In addition to the general requirements for each applicant in Subsection (1), [~~applicants~~]
 958 an applicant shall comply with the following requirements to be licensed in the
 959 following classifications:
- 960 (a)(i) [~~A~~] a master plumber shall produce satisfactory evidence that the applicant:
- 961 (A) has been a licensed journeyman plumber for at least two years and had two
 962 years of supervisory experience as a licensed journeyman plumber in
 963 accordance with division rule;
- 964 (B) has received at least an associate of applied science degree or similar degree
 965 following the completion of a course of study approved by the division and had
 966 one year of supervisory experience as a licensed journeyman plumber in
 967 accordance with division rule; or
- 968 (C) meets the qualifications for expedited licensure as established by rules made
 969 by the commission, with the concurrence of the director, in accordance with
 970 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly
 971 demonstrate the applicant has the knowledge and skills to be a licensed master
 972 plumber[-] ;
- 973 (ii) [~~An~~] an individual holding a valid Utah license as a journeyman plumber, based
 974 on at least four years of practical experience as a licensed apprentice under the
 975 supervision of a licensed journeyman plumber and four years as a licensed
 976 journeyman plumber, in effect immediately [~~prior to~~] before May 5, 2008, is on
 977 and after May 5, 2008, considered to hold a current master plumber license under
 978 this chapter, and satisfies the requirements of this Subsection (3)(a) for the
 979 purpose of renewal or reinstatement of that license under Section 58-55-303[-] ; and
- 980 (iii) [~~An~~] an individual holding a valid plumbing contractor's license or residential

981 plumbing contractor's license, in effect immediately [~~prior to~~] before May 5, 2008,
982 is on or after May 5, 2008:

983 (A) considered to hold a current master plumber license under this chapter if
984 licensed as a plumbing contractor and a journeyman plumber, and satisfies the
985 requirements of this Subsection (3)(a) for purposes of renewal or reinstatement
986 of that license under Section 58-55-303; and

987 (B) considered to hold a current residential master plumber license under this
988 chapter if licensed as a residential plumbing contractor and a residential
989 journeyman plumber, and satisfies the requirements of this Subsection (3)(a)
990 for purposes of renewal or reinstatement of that license under Section
991 58-55-303[-] ;

992 (b) [A] a master residential plumber applicant shall produce satisfactory evidence that the
993 applicant:

994 (i) has been a licensed residential journeyman plumber for at least two years and had
995 two years of supervisory experience as a licensed residential journeyman plumber
996 in accordance with division rule; or

997 (ii) meets the qualifications for expedited licensure as established by rules made by
998 the commission, with the concurrence of the director, in accordance with Title
999 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate
1000 the applicant has the knowledge and skills to be a licensed master residential
1001 plumber[-] ;

1002 (c) [A] a journeyman plumber applicant shall produce satisfactory evidence of:

1003 (i) successful completion of the equivalent of at least four years of full-time training
1004 and instruction as a licensed apprentice plumber under supervision of a licensed
1005 master plumber or journeyman plumber and in accordance with a planned
1006 program of training approved by the division;

1007 (ii) at least eight years of full-time experience approved by the division in
1008 collaboration with the Electricians and Plumbers Licensing Board; or

1009 (iii) meeting the qualifications for expedited licensure as established by rules made
1010 by the commission, with the concurrence of the director, in accordance with Title
1011 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate
1012 the applicant has the knowledge and skills to be a licensed journeyman plumber[-] ;

1013 (d) [A] a residential journeyman plumber shall produce satisfactory evidence of:

1014 (i) completion of the equivalent of at least three years of full-time training and

- 1015 instruction as a licensed apprentice plumber under the supervision of a licensed
 1016 residential master plumber, licensed residential journeyman plumber, or licensed
 1017 journeyman plumber in accordance with a planned program of training approved
 1018 by the division;
- 1019 (ii) completion of at least six years of full-time experience in a maintenance or repair
 1020 trade involving substantial plumbing work; or
- 1021 (iii) meeting the qualifications for expedited licensure as established by rules made
 1022 by the commission, with the concurrence of the director, in accordance with Title
 1023 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate
 1024 the applicant has the knowledge and skills to be a licensed residential journeyman
 1025 plumber[-] ;
- 1026 (e) ~~[The]~~ the conduct of a licensed apprentice ~~[plumbers]~~ plumber and ~~[their]~~ the licensed
 1027 apprentice plumber's licensed ~~[supervisors]~~ supervisor shall be in accordance with the
 1028 following:
- 1029 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
 1030 under the immediate supervision of a licensed master plumber, licensed residential
 1031 master plumber, licensed journeyman plumber, or licensed residential journeyman
 1032 plumber;
- 1033 (ii) beginning in a licensed apprentice plumber's fourth year of training, a licensed
 1034 apprentice plumber may work without supervision for a period not to exceed eight
 1035 hours in any 24-hour period; and
- 1036 (iii) rules made by the commission, with the concurrence of the director, in
 1037 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 1038 regarding the ratio of apprentices allowed under the immediate supervision of a
 1039 licensed supervisor, including the ratio of apprentices in their fourth year of
 1040 training or later that are allowed to be under the immediate supervision of a
 1041 licensed supervisor[-] ;
- 1042 (f) ~~[A]~~ a master electrician applicant shall produce satisfactory evidence that the
 1043 applicant:
- 1044 (i) is a graduate electrical engineer of an accredited college or university approved by
 1045 the division and has one year of practical electrical experience as a licensed
 1046 apprentice electrician;
- 1047 (ii) is a graduate of an electrical trade school, having received an associate of applied
 1048 sciences degree following successful completion of a course of study approved by

- 1049 the division, and has two years of practical experience as a licensed journeyman
1050 electrician;
- 1051 (iii) has four years of practical experience as a journeyman electrician; or
- 1052 (iv) meets the qualifications for expedited licensure as established by rules made by
1053 the commission, with the concurrence of the director, in accordance with Title
1054 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate
1055 the applicant has the knowledge and skills to be a licensed master electrician[-] ;
- 1056 (g) [A] a master residential electrician applicant shall produce satisfactory evidence that
1057 the applicant:
- 1058 (i) has at least two years of practical experience as a residential journeyman
1059 electrician; or
- 1060 (ii) meets the qualifications for expedited licensure as established by rules made by
1061 the commission, with the concurrence of the director, in accordance with Title
1062 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate
1063 the applicant has the knowledge and skills to be a master residential electrician[-] ;
- 1064 (h) [A] a journeyman electrician applicant shall produce satisfactory evidence that the
1065 applicant:
- 1066 (i) has successfully completed at least four years of full-time training and instruction
1067 as a licensed apprentice electrician under the supervision of a master electrician or
1068 journeyman electrician and in accordance with a planned training program
1069 approved by the division;
- 1070 (ii) has at least eight years of full-time experience approved by the division in
1071 collaboration with the Electricians and Plumbers Licensing Board; or
- 1072 (iii) meets the qualifications for expedited licensure as established by rules made by
1073 the commission, with the concurrence of the director, in accordance with Title
1074 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate
1075 the applicant has the knowledge and skills to be a licensed journeyman electrician[-] ;
- 1076 (i) [A] a residential journeyman electrician applicant shall produce satisfactory evidence
1077 that the applicant:
- 1078 (i) has successfully completed two years of training in an electrical training program
1079 approved by the division;
- 1080 (ii) has four years of practical experience in wiring, installing, and repairing electrical
1081 apparatus and equipment for light, heat, and power under the supervision of a
1082 licensed master, journeyman, residential master, or residential journeyman

- 1083 electrician; or
- 1084 (iii) meets the qualifications for expedited licensure as established by rules made by
- 1085 the commission, with the concurrence of the director, in accordance with Title
- 1086 63G, Chapter 3, Utah Administrative Rulemaking Act, that clearly demonstrate
- 1087 the applicant has the knowledge and skills to be a licensed residential journeyman
- 1088 electrician[-] ;
- 1089 (j) ~~[The]~~ the conduct of a licensed apprentice ~~[electricians]~~ electrician and ~~[their]~~ the
- 1090 licensed apprentice electrician's licensed ~~[supervisors]~~ supervisor shall be in
- 1091 accordance with the following:
- 1092 (i) a licensed apprentice electrician shall be under the immediate supervision of a
- 1093 licensed master, journeyman, residential master, or residential journeyman
- 1094 electrician;
- 1095 (ii) beginning in a licensed apprentice electrician's fourth year of training, a licensed
- 1096 apprentice electrician may work without supervision for a period not to exceed
- 1097 eight hours in any 24-hour period;
- 1098 (iii) rules made by the commission, with the concurrence of the director, in
- 1099 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 1100 regarding the ratio of apprentices allowed under the immediate supervision of a
- 1101 licensed supervisor, including the ratio of apprentices in their fourth year of
- 1102 training or later that are allowed to be under the immediate supervision of a
- 1103 licensed supervisor; and
- 1104 (iv) a licensed supervisor may have up to three licensed apprentice electricians on a
- 1105 residential project, or more if established by rules made by the commission, in
- 1106 concurrence with the director, in accordance with Title 63G, Chapter 3, Utah
- 1107 Administrative Rulemaking Act[-] ;
- 1108 (k) ~~[An]~~ an alarm company applicant shall:
- 1109 (i) have a qualifying agent who:
- 1110 (A) is an alarm company officer, alarm company owner, alarm company
- 1111 proprietor, an alarm company trustee, or other responsible management
- 1112 personnel;
- 1113 (B) demonstrates 6,000 hours of experience in the alarm company business;
- 1114 (C) demonstrates 2,000 hours of experience as a manager or administrator in the
- 1115 alarm company business or in a construction business; and
- 1116 (D) passes an examination component~~[-established by rule-]~~ by the commission,

- 1117 with the concurrence of the director, establishes by rule;
- 1118 (ii) ~~[provide the name, address, date of birth, social security number, fingerprint card,~~
- 1119 ~~and consent to a background check in accordance with Section 58-55-302.1 and~~
- 1120 ~~requirements established by division rule made in accordance with Title 63G,~~
- 1121 ~~Chapter 3, Utah Administrative Rulemaking Act, for] require that each alarm~~
- 1122 company officer, alarm company owner, alarm company proprietor, alarm
- 1123 company trustee, and responsible management personnel with direct responsibility
- 1124 for managing operations of the applicant within the state[;] :
- 1125 (A) provide the applicant's name, address, date of birth, social security number,
- 1126 and fingerprints to the division;
- 1127 (B) consent to, and complete, a criminal background check, described in Section
- 1128 58-1-301.5;
- 1129 (C) meet any other standard related to the criminal background check described in
- 1130 Subsection (2)(k)(ii)(B), that the division establishes by rule in accordance
- 1131 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1132 (D) disclose any criminal history the division requests on a form the division
- 1133 approves;
- 1134 (iii) document that none of the ~~[persons]~~ individuals described in Subsection (3)(k)(ii):
- 1135 (A) have been declared by any court of competent jurisdiction incompetent by
- 1136 reason of mental defect or disease and not been restored; or
- 1137 (B) are currently suffering from habitual drunkenness or from drug addiction or
- 1138 dependence;
- 1139 (iv) file and maintain with the division evidence of:
- 1140 (A) comprehensive general liability insurance in form and in amounts ~~[to be]~~
- 1141 established by rule by the commission with the concurrence of the director;
- 1142 (B) workers' compensation insurance that covers employees of the applicant in
- 1143 accordance with applicable Utah law; and
- 1144 (C) registration as is required by applicable law with the:
- 1145 (I) Division of Corporations and Commercial Code;
- 1146 (II) Unemployment Insurance Division in the Department of Workforce
- 1147 Services, for purposes of Title 35A, Chapter 4, Employment Security Act;
- 1148 (III) State Tax Commission; and
- 1149 (IV) Internal Revenue Service; and
- 1150 (v) meet with the division and board[;] :

- 1151 (l) ~~[Each]~~ an applicant for licensure as an alarm company agent shall:
- 1152 (i) submit an application in a form ~~[prescribed by]~~ the division approves
- 1153 accompanied by fingerprint cards;
- 1154 (ii) pay a fee determined by the department under Section 63J-1-504;
- 1155 ~~[(iii) submit to and pass a criminal background check in accordance with Section~~
- 1156 ~~58-55-302.1 and requirements established by division rule made in accordance~~
- 1157 ~~with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]~~
- 1158 (iii) consent to, and complete, a criminal background check, described in Section
- 1159 58-1-301.5;
- 1160 (A) meet any other standard related to the criminal background check described in
- 1161 this Subsection (3)(l)(iii), that the division establishes by rule in accordance
- 1162 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1163 (B) disclose any criminal history the division requests on a form the division
- 1164 approves;
- 1165 (iv) not have been declared by any court of competent jurisdiction incompetent by
- 1166 reason of mental defect or disease and not been restored;
- 1167 (v) not be currently suffering from habitual drunkenness or from drug addiction or
- 1168 dependence; and
- 1169 (vi) meet with the division and board if requested by the division or the board~~[-]~~ ; and
- 1170 ~~(m)[(i) Each applicant for licensure as an elevator mechanic shall:]~~
- 1171 (i) an applicant for licensure as an elevator mechanic shall:
- 1172 (A) provide documentation of experience and education credits of not less than
- 1173 three years work experience in the elevator industry, in construction,
- 1174 maintenance, or service and repair;~~[-and]~~
- 1175 (B) satisfactorily complete a written examination administered by the division
- 1176 established by rule under Section 58-1-203; or
- 1177 (C) provide certificates of completion of an apprenticeship program for elevator
- 1178 mechanics, having standards substantially equal to those of this chapter and
- 1179 registered with the United States Department of Labor Bureau Apprenticeship
- 1180 and Training or a state apprenticeship council~~[-]~~ ; and
- 1181 ~~(ii)[(A) If an elevator contractor licensed under this chapter cannot find a licensed~~
- 1182 ~~elevator mechanic to perform the work of erecting, constructing, installing,~~
- 1183 ~~altering, servicing, repairing, or maintaining an elevator, the contractor may:]~~
- 1184 (A) if an elevator contractor licensed under this chapter cannot find a licensed

- 1185 elevator mechanic to perform the work of erecting, constructing, installing,
 1186 altering, servicing, repairing, or maintaining an elevator, the contractor may
 1187 ~~[(F)]~~ notify the division of the unavailability of licensed personnel[;] and
 1188 ~~[(H)]~~ request the division issue a temporary elevator mechanic license to an
 1189 individual certified by the contractor as having an acceptable combination
 1190 of documented experience and education to perform the work described in
 1191 this Subsection (3)(m)(ii)(A)[;] ; and
- 1192 (B)~~[(F) The]~~ if an elevator contractor requests that the division issue a
 1193 temporary elevator license as described in Subsection (3)(m)(ii)(A), the
 1194 division may issue a temporary elevator mechanic license to an individual
 1195 certified under Subsection ~~[(3)(m)(ii)(A)(H)] (3)(m)(ii)(A)~~ upon application
 1196 by the individual, accompanied by the appropriate fee as determined by the
 1197 department under Section 63J-1-504[-] and
 1198 ~~[(H) The division-]~~ shall specify the time period for which the license is valid
 1199 and may renew the license for an additional time period upon [its] the
 1200 division's determination that a shortage of licensed elevator mechanics
 1201 continues to exist.
- 1202 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 1203 division may make rules establishing when Federal Bureau of Investigation records shall
 1204 be checked for applicants as an alarm company or alarm company agent under this
 1205 section and Section ~~[58-55-302.1] 58-1-301.5.~~
- 1206 (5)(a) ~~[An-]~~ The division shall deny an application for licensure under this chapter[-shall
 1207 be denied] if:
- 1208 (i) the applicant has had a previous license, which was issued under this chapter,
 1209 suspended or revoked within two years before the date of the applicant's
 1210 application;
- 1211 (ii)(A) the applicant is a partnership, corporation, or limited liability company; and
- 1212 (B) any corporate officer, director, shareholder holding 25% or more of the stock
 1213 in the applicant, partner, member, agent acting as a qualifier, or any person
 1214 occupying a similar status, performing similar functions, or directly or
 1215 indirectly controlling the applicant has served in any similar capacity with any
 1216 person or entity ~~[which] that~~ has had a previous license, which was issued under
 1217 this chapter, suspended or revoked within two years before the date of the
 1218 applicant's application;

- 1219 (iii)(A) the applicant is an individual or sole proprietorship; and
1220 (B) any owner or agent acting as a qualifier has served in any capacity listed in
1221 Subsection (5)(a)(ii)(B) in any entity which has had a previous license, which
1222 was issued under this chapter, suspended or revoked within two years before
1223 the date of the applicant's application; or
- 1224 (iv)(A) the applicant includes an individual who was an owner, director, or officer
1225 of an unincorporated entity at the time the entity's license under this chapter
1226 was revoked; and
1227 (B) the application for licensure is filed within 60 months after the revocation of
1228 the unincorporated entity's license.
- 1229 (b) ~~[An]~~ The appropriate licensing board shall review an application for licensure under
1230 this chapter ~~[shall be reviewed by the appropriate licensing board prior to]~~ before
1231 approval if:
- 1232 (i) the applicant has had a previous license, which was issued under this chapter,
1233 suspended or revoked more than two years before the date of the applicant's
1234 application;
- 1235 (ii)(A) the applicant is a partnership, corporation, or limited liability company; and
1236 (B) any corporate officer, director, shareholder holding 25% or more of the stock
1237 in the applicant, partner, member, agent acting as a qualifier, or any person
1238 occupying a similar status, performing similar functions, or directly or
1239 indirectly controlling the applicant has served in any similar capacity with any
1240 person or entity ~~[which]~~ that has had a previous license, which was issued under
1241 this chapter, suspended or revoked more than two years before the date of the
1242 applicant's application; or
- 1243 (iii)(A) the applicant is an individual or sole proprietorship; and
1244 (B) any owner or agent acting as a qualifier has served in any capacity listed in
1245 Subsection (5)(a)(ii)(B) in any entity ~~[which]~~ that has had a previous license,
1246 which was issued under this chapter, suspended or revoked more than two
1247 years before the date of the applicant's application.
- 1248 (6)(a)(i) A licensee that is an unincorporated entity shall file an ownership status
1249 report with the division every 30 days after the day on which the license is issued
1250 if the licensee has more than five owners who are individuals who:
- 1251 (A) own an interest in the contractor that is an unincorporated entity;
1252 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made

- 1253 by the division in accordance with Title 63G, Chapter 3, Utah Administrative
1254 Rulemaking Act, in the unincorporated entity; and
- 1255 (C) engage, or will engage, in a construction trade in the state as owners of the
1256 contractor described in Subsection (6)(a)(i)(A).
- 1257 (ii) If the licensee has five or fewer owners described in Subsection (6)(a)(i), the
1258 licensee shall provide the ownership status report with an application for renewal
1259 of licensure.
- 1260 (b) An ownership status report required under this Subsection (6) shall:
- 1261 (i) specify each addition or deletion of an owner:
- 1262 (A) for the first ownership status report, after the day on which the unincorporated
1263 entity is licensed under this chapter; and
- 1264 (B) for a subsequent ownership status report, after the day on which the previous
1265 ownership status report is filed;
- 1266 (ii) be in a format [~~prescribed by~~]the division approves and that includes for each
1267 owner, regardless of the owner's percentage ownership in the unincorporated
1268 entity, the information described in Subsection (1)(e)(vi);
- 1269 (iii) list the name of:
- 1270 (A) each officer or manager of the unincorporated entity; and
- 1271 (B) each other individual involved in the operation, supervision, or management
1272 of the unincorporated entity; and
- 1273 (iv) be accompanied by a fee set by the division in accordance with Section 63J-1-504
1274 if the ownership status report indicates there is a change described in Subsection
1275 (6)(b)(i).
- 1276 (c) The division may audit, at any time, [~~audit~~] an ownership status report under this
1277 Subsection (6):
- 1278 (i) to determine if financial responsibility has been demonstrated or maintained as
1279 required under Section 58-55-306; and
- 1280 (ii) to determine compliance with Subsection 58-55-501(23), (24), or (26) or
1281 Subsection 58-55-502(8) or (9).
- 1282 (7)(a) An unincorporated entity that provides labor to an entity licensed under this
1283 chapter by providing an individual who owns an interest in the unincorporated entity
1284 to engage in a construction trade in Utah shall file with the division:
- 1285 (i) before the individual who owns an interest in the unincorporated entity engages in
1286 a construction trade in Utah, a current list of the one or more individuals who hold

- 1287 an ownership interest in the unincorporated entity that includes for each individual:
- 1288 (A) the individual's name, address, birth date, and social security number; and
- 1289 (B) whether the individual will engage in a construction trade; and
- 1290 (ii) every 30 days after the day on which the unincorporated entity provides the list
- 1291 described in Subsection (7)(a)(i), an ownership status report containing the
- 1292 information that would be required under Subsection (6) if the unincorporated
- 1293 entity were a licensed contractor.
- 1294 (b) When filing an ownership list described in Subsection (7)(a)(i) or an ownership
- 1295 status report described in Subsection [~~(7)(a)(i)~~] (7)(a)(ii) an unincorporated entity
- 1296 shall pay a fee set by the division in accordance with Section 63J-1-504.
- 1297 (8) This chapter may not be interpreted to create or support an express or implied
- 1298 independent contractor relationship between an unincorporated entity described in
- 1299 Subsection (6) or (7) and the owners of the unincorporated entity for any purpose,
- 1300 including income tax withholding.
- 1301 (9)(a) A social security number provided under Subsection (1)(e)(vi) or (3)(k)(ii) is a
- 1302 private record under Subsection 63G-2-302(1)(i).
- 1303 (b) The division may designate an applicant's evidence of identity under Subsection
- 1304 (1)(e)(vi) as a private record in accordance with Section 63G-2-302.
- 1305 Section 14. Section **58-60-205** is amended to read:
- 1306 **58-60-205 . Qualifications for licensure or certification as a clinical social worker,**
- 1307 **certified social worker, and social service worker.**
- 1308 (1) An applicant for licensure as a clinical social worker shall:
- 1309 (a) submit an application on a form [~~provided by~~]the division approves;
- 1310 (b) pay a fee determined by the department under Section 63J-1-504;
- 1311 (c) produce certified transcripts from an accredited institution of higher education
- 1312 recognized by the division in collaboration with the board verifying satisfactory
- 1313 completion of an education and an earned degree as follows:
- 1314 (i) a master's degree in a social work program accredited by the Council on Social
- 1315 Work Education or by the Canadian Association of Schools of Social Work; or
- 1316 (ii) a doctoral degree that contains a clinical social work concentration and practicum
- 1317 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
- 1318 Administrative Rulemaking Act, that is consistent with Section 58-1-203;
- 1319 (d) if required under federal law for any licensee as a clinical social worker to qualify as
- 1320 an eligible professional under CMS rules for Medicare payment, document

- 1321 completion of:
- 1322 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
- 1323 under Subsection (1)(e); or
- 1324 (ii) not less than two years of clinical supervision;
- 1325 (e) document successful completion of not less than 1,200 direct client care hours:
- 1326 (i) obtained after completion of the education requirements under Subsection (1)(c);
- 1327 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical
- 1328 supervision hours under the supervision of a clinical supervisor;
- 1329 (iii) not less than 25 of which are direct observation hours; and
- 1330 (iv) not more than 25 of which are group supervision hours accrued concurrently with
- 1331 more than one other applicant for licensure;
- 1332 (f) document successful completion of not less than two hours of training in suicide
- 1333 prevention, obtained after completion of the education requirements under
- 1334 Subsection (1)(c) via a course that the division designates as approved;
- 1335 (g) have completed a case work, group work, or family treatment course sequence with a
- 1336 clinical practicum in content as defined by rule under Section 58-1-203;
- 1337 (h)(i) pass the examination requirement established by rule under Section 58-1-203;
- 1338 or
- 1339 (ii) satisfy the following requirements:
- 1340 (A) document at least one examination attempt that did not result in a passing
- 1341 score;
- 1342 (B) document successful completion of not less than 500 additional direct client
- 1343 care hours, at least 25 of which are direct clinical supervision hours, and at
- 1344 least five of which are direct observation hours;
- 1345 (C) submit to the division a recommendation letter from the applicant's direct
- 1346 clinical supervisor; and
- 1347 (D) submit to the division a recommendation letter from another licensed mental
- 1348 health therapist who has directly observed the applicant's direct client care
- 1349 hours and who is not the applicant's direct clinical supervisor; and
- 1350 (i)(i) ~~[consent to a criminal background check in accordance with Section 58-60-103.1~~
- 1351 ~~and any requirements established by division rule made in accordance with Title~~
- 1352 ~~63G, Chapter 3, Utah Administrative Rulemaking Act]~~ consent to, and complete, a
- 1353 criminal background check, described in Section 58-1-301.5;
- 1354 (ii) meet any other standard related to the criminal background check described in

1355 Subsection (1)(i)(i), that the division establishes by rule in accordance with Title
 1356 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1357 (iii) disclose any criminal history the division requests on a form the division
 1358 approves.

1359 (2) An applicant for licensure as a certified social worker shall:

1360 (a) submit an application on a form [~~provided by~~]the division approves;

1361 (b) pay a fee determined by the department under Section 63J-1-504;

1362 (c) produce certified transcripts from an accredited institution of higher education
 1363 recognized by the division in collaboration with the board verifying satisfactory
 1364 completion of an education and an earned degree as follows:

1365 (i) a master's degree in a social work program accredited by the Council on Social
 1366 Work Education or by the Canadian Association of Schools of Social Work; or

1367 (ii) a doctoral degree that contains a clinical social work concentration and practicum
 1368 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
 1369 Administrative Rulemaking Act, that is consistent with Section 58-1-203; and

1370 [~~(d) consent to a criminal background check in accordance with Section 58-60-103.1 and~~
 1371 ~~any requirements established by division rule made in accordance with Title 63G,~~
 1372 ~~Chapter 3, Utah Administrative Rulemaking Act.]~~

1373 (d)(i) consent to, and complete, a criminal background check, described in Section
 1374 58-1-301.5;

1375 (ii) meet any other standard related to the criminal background check described in
 1376 Subsection (2)(d)(i), that the division establishes by rule in accordance with Title
 1377 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1378 (iii) disclose any criminal history the division requests on a form the division
 1379 approves.

1380 (3) An applicant for licensure as a social service worker shall:

1381 (a) submit an application on a form[~~provided by~~] the division approves;

1382 (b) pay a fee determined by the department under Section 63J-1-504; and

1383 (c) produce certified transcripts from an accredited institution of higher education
 1384 recognized by the division in collaboration with the board verifying satisfactory
 1385 completion of an education and an earned degree as follows:

1386 (i) a bachelor's degree in a social work program accredited by the Council on Social
 1387 Work Education or by the Canadian Association of Schools of Social Work;

1388 (ii) a master's degree in a field approved by the division in collaboration with the

- 1389 board;
- 1390 (iii) a bachelor's degree in any field if the applicant:
- 1391 (A) has completed at least three semester hours, or the equivalent, in each of the
- 1392 following areas:
- 1393 (I) social welfare policy;
- 1394 (II) human growth and development; and
- 1395 (III) social work practice methods, as defined by rule; and
- 1396 (B) provides documentation that the applicant has completed at least 2,000 hours
- 1397 of qualifying experience under the supervision of a mental health therapist,
- 1398 which experience is approved by the division in collaboration with the board,
- 1399 and which is performed after completion of the requirements to obtain the
- 1400 bachelor's degree required under this Subsection (3); or
- 1401 (iv) successful completion of the first academic year of a Council on Social Work
- 1402 Education approved master's of social work curriculum and practicum.
- 1403 (4) The division shall ensure that the rules for an examination described under Subsection
- 1404 (1)(h)(i) allow additional time to complete the examination if requested by an applicant
- 1405 who is:
- 1406 (a) a foreign born legal resident of the United States for whom English is a second
- 1407 language; or
- 1408 (b) an enrolled member of a federally recognized Native American tribe.
- 1409 Section 15. Section **58-60-305** is amended to read:
- 1410 **58-60-305 . Qualifications for licensure.**
- 1411 (1) [~~All applicants~~] An applicant for licensure as a marriage and family [~~therapists~~] therapist
- 1412 shall:
- 1413 (a) submit an application on a form [~~provided by~~] the division approves;
- 1414 (b) pay a fee determined by the department under Section 63J-1-504;
- 1415 (c) produce certified transcripts evidencing completion of a [~~masters~~] master's or
- 1416 doctorate degree in marriage and family therapy from:
- 1417 (i) a program accredited by the Commission on Accreditation for Marriage and
- 1418 Family Therapy Education; or
- 1419 (ii) an accredited institution meeting criteria for approval established by rule under
- 1420 Section 58-1-203;
- 1421 (d) if required under federal law for any licensee as a marriage and family therapist to
- 1422 qualify as an eligible professional under CMS rules for Medicare payment, document

- 1423 completion of:
- 1424 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
- 1425 under Subsection [~~(2)(e)~~] (1)(e); or
- 1426 (ii) not less than two years of clinical supervision;
- 1427 (e) document successful completion of not less than 1,200 direct client care hours:
- 1428 (i) obtained after completion of the education requirements under Subsection (1)(c);
- 1429 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical
- 1430 supervision hours under the supervision of a clinical supervisor obtained after
- 1431 completion of the education requirements under Subsection (1)(c);
- 1432 (iii) not less than 25 of which are direct observation hours; and
- 1433 (iv) not more than 25 of which are group supervision hours concurrently with more
- 1434 than one other applicant for licensure;
- 1435 (f) document successful completion of not less than two hours of training in suicide
- 1436 prevention obtained after completion of the education requirements under Subsection
- 1437 (1)(c) via a course that the division designates as approved;
- 1438 (g)(i) pass the examination requirement [~~established by~~] the division establishes by
- 1439 rule under Section 58-1-203; or
- 1440 (ii) satisfy the following requirements:
- 1441 (A) document at least one examination attempt that did not result in a passing
- 1442 score;
- 1443 (B) document successful completion of not less than 500 additional direct client
- 1444 care hours, not less than 25 of which are direct clinical supervision hours, and
- 1445 not less than five of which are direct observation hours by a mental health
- 1446 therapist or supervisor;
- 1447 (C) submit to the division a recommendation letter from the applicant's direct
- 1448 clinical supervisor; and
- 1449 (D) submit to the division a recommendation letter from another licensed mental
- 1450 health therapist who has directly observed the applicant's direct client care
- 1451 hours and who is not the applicant's direct clinical supervisor; and
- 1452 [~~(h) consent to a criminal background check in accordance with Section 58-60-103.1 and~~
- 1453 ~~any requirements established by division rule made in accordance with Title 63G,~~
- 1454 ~~Chapter 3, Utah Administrative Rulemaking Act.]~~
- 1455 (h)(i) consent to, and complete, a criminal background check, described in Section
- 1456 58-1-301.5;

1457 (ii) meet any other standard related to the criminal background check described in
1458 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title
1459 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1460 (iii) disclose any criminal history the division requests on a form the division
1461 approves.

1462 (2) [~~All applicants~~] An applicant for licensure as an associate marriage and family therapist
1463 shall comply with the provisions of Subsections (1)(a) through (c) and (h).

1464 Section 16. Section **58-60-405** is amended to read:

1465 **58-60-405 . Qualifications for licensure.**

1466 (1) An applicant for licensure as a clinical mental health counselor shall:

1467 (a) submit an application on a form [~~provided by~~]the division approves;

1468 (b) pay a fee determined by the department under Section 63J-1-504;

1469 (c) produce certified transcripts evidencing completion of:

1470 (i) a master's or doctorate degree conferred to the applicant in:

1471 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor
1472 education and supervision from a program accredited by the Council for
1473 Accreditation of Counseling and Related Educational Programs; or

1474 (B) clinical mental health counseling or an equivalent field from a program
1475 affiliated with an institution that has accreditation that is recognized by the
1476 Council for Higher Education Accreditation; and

1477 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related
1478 to an educational program described in Subsection (1)(c)(i);

1479 (d) if required under federal law for any licensee as a clinical mental health counselor to
1480 qualify as an eligible professional under CMS rules for Medicare payment, document
1481 completion of:

1482 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
1483 under Subsection (1)(e); or

1484 (ii) not less than two years of clinical supervision;

1485 (e) document successful completion of not less than 1,200 direct client care hours:

1486 (i) obtained after completion of the education requirements under Subsection (1)(c);

1487 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical
1488 supervision hours under the supervision of a clinical supervisor;

1489 (iii) not less than 25 of which are direct observation hours; and

1490 (iv) not more than 25 of which are group supervision hours concurrently with more

- 1491 than one other applicant for licensure;
- 1492 (f) document successful completion of not less than two hours of training in suicide
1493 prevention obtained after completion of the education requirements under Subsection
1494 (1)(c) via a course that the division designates as approved;
- 1495 (g)(i) pass the examination requirement [~~established by~~] the division establishes by
1496 rule under Section 58-1-203; or
- 1497 (ii) satisfy the following requirements:
- 1498 (A) document at least one examination attempt that did not result in a passing
1499 score;
- 1500 (B) document successful completion of not less than 500 additional direct client
1501 care hours, not less than 25 of which are direct clinical supervision hours, and
1502 not less than five of which are direct observation hours by a clinical supervisor;
- 1503 (C) submit to the division a recommendation letter from the applicant's direct
1504 clinical supervisor; and
- 1505 (D) submit to the division a recommendation letter from another licensed mental
1506 health therapist who has directly observed the applicant's direct client care
1507 hours and who is not the applicant's direct clinical supervisor; and
- 1508 [~~(h) consent to a criminal background check in accordance with Section 58-60-103.1 and~~
1509 ~~any requirements established by division rule made in accordance with Title 63G,~~
1510 ~~Chapter 3, Utah Administrative Rulemaking Act.]~~
- 1511 (h)(i) consent to, and complete, a criminal background check, described in Section
1512 58-1-301.5;
- 1513 (ii) meet any other standard related to the criminal background check described in
1514 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title
1515 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1516 (iii) disclose any criminal history the division requests on a form the division
1517 approves.
- 1518 (2) An applicant for licensure as an associate clinical mental health counselor shall comply
1519 with the provisions of Subsections (1)(a) through (c) and (h).
- 1520 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement
1521 described in Subsection (1)(c) if the applicant submits documentation verifying:
- 1522 (a) satisfactory completion of a doctoral or master's degree from an educational program
1523 in rehabilitation counseling accredited by the Council for Accreditation of
1524 Counseling and Related Educational Programs;

1525 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours
1526 of coursework related to an educational program described in Subsection (1)(c)(i);
1527 and

1528 (c) that the applicant received a passing score that is valid and in good standing on:

1529 (i) the National Counselor Examination; and

1530 (ii) the National Clinical Mental Health Counseling Examination.

1531 Section 17. Section **58-60-506** is amended to read:

1532 **58-60-506 . Qualifications for licensure.**

1533 (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based
1534 on education, training, and experience shall:

1535 (a) submit an application on a form [~~provided by~~]the division approves;

1536 (b) pay a fee determined by the department under Section 63J-1-504;

1537 (c) document successful completion of not less than two hours of training in suicide
1538 prevention obtained after completion of the education requirements under Subsection
1539 (1)(d) via a course that the division designates as approved;

1540 (d) produce a certified transcript from an accredited institution of higher education that
1541 meets standards established by division rule under Section 58-1-203, verifying the
1542 satisfactory completion of:

1543 (i) a doctoral or master's degree in:

1544 (A) substance use disorders or addiction counseling and treatment; or

1545 (B) a counseling subject approved by the division in collaboration with the board,
1546 which may include social work, mental health counseling, marriage and family
1547 therapy, psychology, or medicine;

1548 (ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or
1549 addiction counseling and treatment from a regionally accredited institution of
1550 higher education;

1551 (e) if required under federal law for any licensee as a master addiction counselor to
1552 qualify as an eligible professional under CMS rules for Medicare payment, document
1553 completion of:

1554 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
1555 under Subsection (1)(g); or

1556 (ii) not less than two years of clinical supervision;

1557 (f) document successful completion of not less than 1,200 direct client care hours:

1558 (i) obtained after completion of the education requirements under Subsection

- 1559 (1)(d)(ii);
- 1560 (ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical
- 1561 supervision hours under the supervision of a clinical supervisor;
- 1562 (iii) not less than 25 of which are direct observation hours; and
- 1563 (iv) not more than 25 of which are group supervision hours concurrently with more
- 1564 than one other applicant for licensure;
- 1565 (g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii),
- 1566 evidence completion of an additional 200 hours of direct client care hours in
- 1567 substance use disorder or addiction treatment;
- 1568 (h)(i) pass the examination requirement [~~established by~~] the division establishes by
- 1569 rule under Section 58-1-203; or
- 1570 (ii) satisfy the following requirements:
- 1571 (A) document at least one examination attempt that did not result in a passing
- 1572 score;
- 1573 (B) document successful completion of not less than 500 additional direct client
- 1574 care hours, not less than 25 of which are direct clinical supervision hours, and
- 1575 not less than five of which are direct observation hours by a clinical supervisor;
- 1576 (C) submit to the division a recommendation letter from the applicant's direct
- 1577 clinical supervisor; and
- 1578 (D) submit to the division a recommendation letter from another licensed mental
- 1579 health therapist who has directly observed the applicant's direct client care
- 1580 hours and who is not the applicant's direct clinical supervisor; and
- 1581 [~~(i) consent to a criminal background check in accordance with Section 58-60-103.1 and~~
- 1582 ~~any requirements established by division rule made in accordance with Title 63G,~~
- 1583 ~~Chapter 3, Utah Administrative Rulemaking Act.]~~
- 1584 (i)(i) consent to, and complete, a criminal background check, described in Section
- 1585 58-1-301.5;
- 1586 (ii) meet any other standard related to the criminal background check described in
- 1587 Subsection (1)(i)(i), that the division establishes by rule in accordance with Title
- 1588 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1589 (iii) disclose any criminal history the division requests on a form the division
- 1590 approves.
- 1591 (2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for
- 1592 licensure as master addiction counselor may document current certification in good

- 1593 standing as:
- 1594 (a) a master addiction counselor by the National Certification Commission for Addiction
1595 Professionals;
- 1596 (b) a master addiction counselor by the National Board for Certified Counselors; or
1597 (c) an equivalent certification as under Subsections (2)(a) and (b), as determined in rule
1598 made by the division in collaboration with the board.
- 1599 (3) An applicant for licensure as an associate master addiction counselor shall satisfy the
1600 requirements under Subsections (1)(a) through (c) and (i).
- 1601 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use
1602 disorder counselor shall:
- 1603 (a) submit an application on a form [~~provided by~~]the division approves;
- 1604 (b) pay a fee determined by the department under Section 63J-1-504; and
1605 (c)(i) produce certified transcripts verifying satisfactory completion of:
- 1606 (A) a bachelor's degree or higher, from a regionally accredited institution of
1607 higher learning, in substance use disorders, addiction, or related counseling
1608 subjects, including social work, mental health counseling, marriage and family
1609 counseling, or psychology; or
1610 (B) two academic years of study in a master's of addiction counseling curriculum
1611 and practicum approved by the National Addictions Studies Accreditation
1612 Commission;
- 1613 (ii) document completion of at least 500 hours of supervised experience while
1614 licensed as a substance use disorder counselor under this section, which the
1615 applicant may complete while completing the education requirements under
1616 Subsection (1)(c)(i); and
1617 (iii) satisfy examination requirements established by the division in rule.
- 1618 (5) [~~The~~] An applicant for licensure as an advanced substance use disorder counselor may
1619 satisfy the requirements of Subsection (4)(c) [~~may be satisfied~~]by providing official
1620 verification of current certification in good standing:
- 1621 (a)(i) as a National Certified Addiction Counselor Level II (NCAC II) from the
1622 National Certification Commission for Addiction Professionals (NCC AP); or
1623 (ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International
1624 Certification and Reciprocity Consortium; or
1625 (b) of substantive equivalence to the certifications under Subsection (5)(a), as
1626 determined by division rule made in consultation with the board.

- 1627 (6) In accordance with division rules, an applicant for licensure as a substance use disorder
 1628 counselor shall produce:
- 1629 (a) certified transcripts from an accredited institution that:
- 1630 (i) meet division standards;
- 1631 (ii) verify satisfactory completion of an associate's degree or equivalent as defined by
 1632 the division in rule; and
- 1633 (iii) verify the completion of prerequisite courses established by division rules;
- 1634 (b) documentation of the applicant's completion of a substance use disorder education
 1635 program that includes:
- 1636 (i) completion of at least 200 hours of substance use disorder related education;
- 1637 (ii) included in the 200 hours described in Subsection (6)(b)(i), a minimum of two
 1638 hours of training in suicide prevention via a course that the division designates as
 1639 approved; and
- 1640 (iii) completion of a supervised practicum of at least 200 hours; and
- 1641 (c) documentation of the applicant's completion of at least 2,000 hours of supervised
 1642 experience in substance use disorder treatment that:
- 1643 (i) meets division standards; and
- 1644 (ii) is performed within a two-year period after the applicant's completion of the
 1645 substance use disorder education program described in Subsection (6)(b), unless,
 1646 as determined by the division after consultation with the board, the time for
 1647 performance is extended due to an extenuating circumstance.

1648 Section 18. Section **58-61-304** is amended to read:

1649 **58-61-304 . Qualifications for licensure by examination or endorsement.**

- 1650 (1) An applicant for licensure as a psychologist based upon education, clinical training, and
 1651 examination shall:
- 1652 (a) submit an application on a form [~~provided by~~]the division approves;
- 1653 (b) pay a fee determined by the department under Section 63J-1-504;
- 1654 (c) produce certified transcripts of credit verifying satisfactory completion of a doctoral
 1655 degree in psychology that includes specific core course work established by division
 1656 rule under Section 58-1-203, from an institution of higher education whose doctoral
 1657 program, at the time the applicant received the doctoral degree, met approval criteria
 1658 established by division rule made in consultation with the board;
- 1659 (d) have completed a minimum of 4,000 hours of psychology training as defined by
 1660 division rule under Section 58-1-203 under the supervision of a psychologist

- 1661 supervisor approved by the division in collaboration with the board;
- 1662 (e) to be qualified to engage in mental health therapy, document successful completion
1663 of not less than 1,000 hours of supervised training in mental health therapy obtained
1664 after completion of a master's level of education in psychology, which training may
1665 be included as part of the 4,000 hours of training required in Subsection (1)(d), and
1666 for which documented evidence demonstrates not less than one hour of supervision
1667 for each 40 hours of supervised training was obtained under the direct supervision of
1668 a psychologist, as defined by rule;
- 1669 (f) pass the examination requirement established by division rule under Section 58-1-203;
1670 ~~[(g) consent to a criminal background check in accordance with Section 58-61-304.1 and~~
1671 ~~any requirements established by rule made in accordance with Title 63G, Chapter 3,~~
1672 ~~Utah Administrative Rulemaking Act; and]~~
- 1673 (g)(i) consent to, and complete, a criminal background check, described in Section
1674 58-1-301.5;
- 1675 (ii) disclose any criminal history the division requests on a form the division
1676 approves; and
- 1677 (iii) meet any other standard related to the criminal background check described in
1678 Subsection (1)(g)(i), that the division establishes by rule in accordance with Title
1679 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1680 (h) meet with the board, upon request for good cause, for the purpose of evaluating the
1681 applicant's qualifications for licensure.
- 1682 (2) An applicant for licensure as a psychologist by endorsement based upon licensure in
1683 another jurisdiction shall:
- 1684 (a) submit an application on a form ~~[provided by]~~the division approves;
- 1685 (b) pay a fee determined by the department under Section 63J-1-504;
- 1686 (c) not have any disciplinary action pending or in effect against the applicant's
1687 psychologist license in any jurisdiction;
- 1688 (d) have passed the Utah Psychologist Law and Ethics Examination established by
1689 division rule;
- 1690 (e) provide satisfactory evidence the applicant is currently licensed in another state,
1691 district, or territory of the United States, or in any other jurisdiction approved by the
1692 division in collaboration with the board;
- 1693 (f) provide satisfactory evidence the applicant has actively practiced psychology in that
1694 jurisdiction for not less than 2,000 hours or one year, whichever is greater;

- 1695 (g) provide satisfactory evidence that:
- 1696 (i) the education, supervised experience, examination, and all other requirements for
- 1697 licensure in that jurisdiction at the time the applicant obtained licensure were
- 1698 substantially equivalent to the licensure requirements for a psychologist in Utah at
- 1699 the time the applicant obtained licensure in the other jurisdiction; or
- 1700 (ii) the applicant is:
- 1701 (A) a current holder of Board Certified Specialist status in good standing from the
- 1702 American Board of Professional Psychology;
- 1703 (B) currently credentialed as a health service provider in psychology by the
- 1704 National Register of Health Service Providers in Psychology; or
- 1705 (C) currently holds a Certificate of Professional Qualification (CPQ) granted by
- 1706 the Association of State and Provincial Psychology Boards;
- 1707 ~~[(h) consent to a criminal background check in accordance with Section 58-61-304.1 and~~
- 1708 ~~any requirements established by rule made in accordance with Title 63G, Chapter 3,~~
- 1709 ~~Utah Administrative Rulemaking Act; and]~~
- 1710 (h)(i) consent to, and complete, a criminal background check, described in Section
- 1711 58-1-301.5;
- 1712 (ii) meet any other standard related to the criminal background check described in
- 1713 Subsection (2)(h)(i), that the division establishes by rule in accordance with Title
- 1714 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1715 (iii) disclose any criminal history the division requests on a form the division
- 1716 approves; and
- 1717 (i) meet with the board, upon request for good cause, for the purpose of evaluating the
- 1718 applicant's qualifications for licensure.
- 1719 (3)(a) An applicant for certification as a psychology resident shall comply with the
- 1720 provisions of Subsections (1)(a), (b), (c), (g), and (h).
- 1721 (b)(i) An individual's certification as a psychology resident is limited to the period of
- 1722 time necessary to complete clinical training as described in Subsections (1)(d) and
- 1723 (e) and extends not more than one year from the date the minimum requirement
- 1724 for training is completed, unless the individual presents satisfactory evidence to
- 1725 the division and the board that the individual is making reasonable progress
- 1726 toward passing the qualifying examination or is otherwise on a course reasonably
- 1727 expected to lead to licensure as a psychologist.
- 1728 (ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the

- 1729 date the minimum supervised clinical training requirement has been completed.
- 1730 (4) An applicant for certification as a certified prescribing psychologist based upon
- 1731 education, clinical training, and examination shall:
- 1732 (a) have authority to engage in the practice of psychology under Subsection 58-61-301;
- 1733 (b) pay a fee determined by the department under Section 63J-1-504;
- 1734 (c) demonstrate by official transcript, or other official evidence satisfactory to the
- 1735 division, that the applicant:
- 1736 (i) has completed a doctoral degree in psychology that includes specific core course
- 1737 work established by division rule under Section 58-1-203, from an institution of
- 1738 higher education whose doctoral program, at the time the applicant received the
- 1739 doctoral degree, met approval criteria established by division rule made in
- 1740 consultation with the board;
- 1741 (ii) has completed a master's degree in clinical psychopharmacology from an
- 1742 institution of higher learning whose master's program, at the time the applicant
- 1743 received the master's degree, included at least 30 credit hours of didactics
- 1744 coursework over no less than four semesters, met approval criteria established by
- 1745 division rule made in consultation with the board and includes the following core
- 1746 areas of instruction:
- 1747 (A) neuroscience, pharmacology, psychopharmacology, physiology, and
- 1748 pathophysiology;
- 1749 (B) appropriate and relevant physical and laboratory assessment;
- 1750 (C) basic sciences, including general biology, microbiology, cell and molecular
- 1751 biology, human anatomy, human physiology, biochemistry, and genetics, as
- 1752 part of or [~~prior to~~] before enrollment in a master's degree in clinical
- 1753 psychopharmacology; and
- 1754 (D) any other areas of instruction determined necessary by the division, in
- 1755 collaboration with the board, as established by division rule; and
- 1756 (iii) has completed postdoctoral supervised training, as defined by division rule made
- 1757 in consultation with the board, in prescribing psychology under the direction of a
- 1758 licensed physician, including:
- 1759 (A) not less than 4,000 hours of supervised clinical training throughout a period of
- 1760 at least two years; and
- 1761 (B) for an applicant for a prescription certificate who specializes in the
- 1762 psychological care of children 17 years old or younger, persons 65 years old or

- 1763 older, or persons with comorbid medical conditions, at least one year
 1764 prescribing psychotropic medications to those populations, as certified by the
 1765 applicant's supervising licensed physician;
- 1766 (d) have passed:
- 1767 (i) the Psychopharmacology Examination for Psychologists developed by the
 1768 Association of State and Provincial Psychology Boards, or [its] the association's
 1769 successor organization; or
- 1770 (ii) an equivalent examination as defined by the division in rule;
- 1771 (e) not have any disciplinary action pending or in effect against the applicant's
 1772 psychologist license or other professional license authorizing the applicant to
 1773 prescribe in any jurisdiction;
- 1774 [~~(f) consent to a criminal background check in accordance with Section 58-61-304.1 and~~
 1775 ~~any requirements established by rule made in accordance with Title 63G, Chapter 3,~~
 1776 ~~Utah Administrative Rulemaking Act;]~~
- 1777 (f)(i) consent to, and complete, a criminal background check, described in Section
 1778 58-1-301.5;
- 1779 (ii) meet any other standard related to the criminal background check described in
 1780 Subsection (4)(f)(i), that the division establishes by rule in accordance with Title
 1781 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1782 (iii) disclose any criminal history the division requests on a form the division
 1783 approves;
- 1784 (g) commit to maintaining professional liability insurance while acting as a certified
 1785 prescribing psychologist; and
- 1786 (h) meet with the board, upon request for good cause, for the purpose of evaluating the
 1787 applicant's qualifications for licensure.
- 1788 (5) An applicant for certification as a certified prescribing psychologist by endorsement
 1789 based upon licensure in another jurisdiction shall:
- 1790 (a) submit an application on a form [~~provided by~~]the division approves;
- 1791 (b) pay a fee determined by the department under Section 63J-1-504;
- 1792 (c) not have any disciplinary action pending or in effect against the applicant's
 1793 psychologist license or other professional license authorizing the applicant to
 1794 prescribe in any jurisdiction;
- 1795 (d) have passed the Utah Psychologist Law and Ethics Examination established by
 1796 division rule;

- 1797 (e) provide satisfactory evidence that the applicant is currently licensed as a prescribing
 1798 psychologist in another state, district, or territory of the United States, or in any other
 1799 jurisdiction approved by the division in collaboration with the board;
- 1800 (f) provide satisfactory evidence that the applicant has actively practiced as a prescribing
 1801 psychologist in that jurisdiction for not less than 4,000 hours or two years, whichever
 1802 is greater;
- 1803 (g) provide satisfactory evidence that the applicant has satisfied the education,
 1804 supervised experience, examination, and all other requirements for licensure as a
 1805 prescribing psychologist in that jurisdiction at the time the applicant obtained
 1806 licensure were substantially equivalent to the licensure requirements for a certified
 1807 prescribing psychologist in Utah at the time the applicant obtained licensure in the
 1808 other jurisdiction;
- 1809 ~~[(h) consent to a criminal background check in accordance with Section 58-61-304.1 and~~
 1810 ~~any requirements established by rule made in accordance with Title 63G, Chapter 3,~~
 1811 ~~Utah Administrative Rulemaking Act;]~~
- 1812 (h)(i) consent to, and complete, a criminal background check, described in Section
 1813 58-1-301.5;
- 1814 (ii) meet any other standard related to the criminal background check described in
 1815 Subsection (5)(h)(i), that the division establishes by rule in accordance with Title
 1816 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1817 (iii) disclose any criminal history the division requests on a form the division
 1818 approves;
- 1819 (i) commit to maintaining professional liability insurance while acting as a certified
 1820 prescribing psychologist; and
- 1821 (j) meet with the board, upon request for good cause, for the purpose of evaluating the
 1822 applicant's qualifications for licensure.
- 1823 (6) An applicant for certification as a provisional prescribing psychologist shall:
- 1824 (a) have authority to engage in the practice of psychology under Section 58-61-301;
- 1825 (b) pay a fee determined by the department under Section 63J-1-504;
- 1826 (c) demonstrate by official transcript, or other official evidence satisfactory to the
 1827 division, that the applicant:
- 1828 (i) has completed a doctoral degree in psychology that includes specific core course
 1829 work established by division rule under Section 58-1-203, from an institution of
 1830 higher education whose doctoral program, at the time the applicant received the

- 1831 doctoral degree, met approval criteria established by division rule made in
1832 consultation with the board; and
- 1833 (ii) has completed a master's degree in clinical psychopharmacology from an
1834 institution of higher learning whose master's program, at the time the applicant
1835 received the master's degree, met approval criteria established by division rule
1836 made in consultation with the board and includes the following core areas of
1837 instruction:
- 1838 (A) neuroscience, pharmacology, psychopharmacology, physiology, and
1839 pathophysiology;
- 1840 (B) appropriate and relevant physical and laboratory assessment;
- 1841 (C) basic sciences, including general biology, microbiology, cell and molecular
1842 biology, human anatomy, human physiology, biochemistry, and genetics, as
1843 part of or [~~prior to~~] before enrollment in a master's degree in clinical
1844 psychopharmacology; and
- 1845 (D) any other areas of instruction determined necessary by the division, in
1846 collaboration with the board, as established by division rule;
- 1847 (d) have no disciplinary action pending or in effect against the applicant's psychologist
1848 license or other professional license authorizing the applicant to prescribe in any
1849 jurisdiction;
- 1850 ~~[(e) consent to a criminal background check in accordance with Section 58-61-304.1 and~~
1851 ~~any requirements established by rule made in accordance with Title 63G, Chapter 3,~~
1852 ~~Utah Administrative Rulemaking Act;]~~
- 1853 (e)(i) consent to, and complete, a criminal background check, described in Section
1854 58-1-301.5;
- 1855 (ii) meet any other standard related to the criminal background check described in
1856 Subsection (6)(e)(i), that the division establishes by rule in accordance with Title
1857 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1858 (iii) disclose any criminal history the division requests on a form the division
1859 approves;
- 1860 (f) commit to maintaining professional liability insurance while acting as a provisional
1861 prescribing psychologist;
- 1862 (g) meet with the board, upon request for good cause, for the purpose of evaluating the
1863 applicant's qualifications for licensure; and
- 1864 (h) satisfy any further requirements, as established by the division in rule.

- 1865 (7) An applicant for licensure as a licensed school psychological practitioner shall:
- 1866 (a) submit an application on a form [~~provided by~~]the division approves;
- 1867 (b) pay a fee determined by the department under Section 63J-1-504;
- 1868 (c) produce certified transcripts of credit verifying satisfactory completion of a master's
- 1869 degree or equivalent certification program approved by the division that:
- 1870 (i) consists of at least 60 semester hours or 90 quarter hours in school psychology at
- 1871 an accredited institution; and
- 1872 (ii) includes training in at least the following topics:
- 1873 (A) understanding the organization, administration, and operation of schools, the
- 1874 major roles of personnel employed in schools, and curriculum development;
- 1875 (B) directing psychological and psycho-educational assessments and intervention [
- 1876 ~~2-118including~~] including all areas of exceptionality;
- 1877 (C) individual and group intervention and remediation techniques, including
- 1878 consulting, behavioral methods, counseling, and primary prevention;
- 1879 (D) understanding the ethical and professional practice and legal issues related to [
- 1880 ~~2-122the~~] the work of school psychologists;
- 1881 (E) social psychology, including interpersonal relations, communications, and
- 1882 consultation with students, parents, and professional personnel;
- 1883 (F) coordination and work with community-school relations and multicultural
- 1884 education programs and assessments; and
- 1885 (G) the use and evaluation of tests and measurements, developmental psychology,
- 1886 affective and cognitive processes, social and biological bases of behavior,
- 1887 personality, and psychopathology;
- 1888 (d) provide evidence demonstrating that the applicant has:
- 1889 (i) completed a one school year internship, or the equivalent, with a minimum of
- 1890 1,200 clock hours in school psychology, at least 600 hours of which shall be in a
- 1891 school setting or a setting with an educational component; and
- 1892 (ii) completed at least five years of successful experience as a school psychologist in
- 1893 the state; and
- 1894 (e) provide a recommendation from:
- 1895 (i) the institution that the applicant attended under Subsection (4)(c); and
- 1896 (ii) one or more local education agencies, as defined in Section 53E-1-102, that
- 1897 employed the applicant as a school psychologist for the period described in
- 1898 Subsection (4)(d)(ii).

1899 Section 19. Section **58-63-302** is amended to read:

1900 **58-63-302 . Qualifications for licensure.**

1901 (1) Each applicant for licensure as an armored car company or a contract security company
1902 shall:

1903 (a) submit an application in a form [~~prescribed by~~]the division approves;

1904 (b) pay a fee determined by the department under Section 63J-1-504;

1905 (c) have a qualifying agent who:

1906 (i) meets with the division and the board and demonstrates that the applicant and the
1907 qualifying agent meet the requirements of this section;

1908 (ii) is a resident of the state;

1909 (iii) is responsible management personnel or a company owner of the applicant;

1910 (iv) exercises material day-to-day authority in the conduct of the applicant's business
1911 by making substantive technical and administrative decisions and whose primary
1912 employment is with the applicant;

1913 (v) is not concurrently acting as a qualifying agent or employee of another armored
1914 car company or contract security company and is not engaged in any other
1915 employment on a regular basis;

1916 (vi) is not involved in any activity that would conflict with the qualifying agent's
1917 duties and responsibilities under this chapter to ensure that the qualifying agent's
1918 and the applicant's performance under this chapter does not jeopardize the health
1919 or safety of the general public;

1920 (vii) is not an employee of a government agency;

1921 (viii) passes an examination component established by rule by the division in
1922 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
1923 Administrative Rulemaking Act; and

1924 (ix)(A) demonstrates 6,000 hours of compensated experience as a manager,
1925 supervisor, or administrator of an armored car company or a contract security
1926 company; or

1927 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division
1928 in collaboration with the board with a federal, United States military, state,
1929 county, or municipal law enforcement agency;

1930 (d) [~~provide the name, address, date of birth, social security number, fingerprint card,~~
1931 ~~and consent to a criminal background check in accordance with Section 58-63-302.1~~
1932 ~~and requirements established by division rule made in accordance with Title 63G,~~

- 1933 ~~Chapter 3, Utah Administrative Rulemaking Act, for] require that each company~~
 1934 officer, company owner, company proprietor, company trustee, and responsible
 1935 management personnel with direct responsibility for managing operations of the
 1936 applicant within the state;
- 1937 (i) provide name, address, date of birth, social security number, and fingerprints; and
 1938 (ii)(A) consent to, and complete, a criminal background check, described in
 1939 Section 58-1-301.5;
 1940 (B) meet any other standard related to the criminal background check described in
 1941 Subsection (1)(d)(ii)(A), that the division establishes by rule in accordance
 1942 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 1943 (C) disclose any criminal history the division requests on a form the division
 1944 approves;
- 1945 (e) have company officers, company owners, company proprietors, company trustees,
 1946 and responsible management personnel who have not been convicted of:
- 1947 (i) a felony; or
 1948 (ii) a crime that when considered with the duties and responsibilities of a contract
 1949 security company or an armored car company by the division and the board
 1950 indicates that the best interests of the public are not served by granting the
 1951 applicant a license;
- 1952 (f) document that none of the [persons] individuals described in Subsection (1)(e):
- 1953 (i) have been declared by a court of competent jurisdiction incompetent by reason of
 1954 mental defect or disease and not been restored; or
 1955 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;
- 1956 (g) file and maintain with the division evidence of:
- 1957 (i) comprehensive general liability insurance in a form and in amounts established by
 1958 rule by the division in collaboration with the board and in accordance with Title
 1959 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1960 (ii) workers' compensation insurance that covers employees of the applicant in
 1961 accordance with applicable Utah law;
- 1962 (iii) registration with the Division of Corporations and Commercial Code; and
 1963 (iv) registration as required by applicable law with the:
- 1964 (A) Unemployment Insurance Division in the Department of Workforce Services,
 1965 for purposes of Title 35A, Chapter 4, Employment Security Act;
- 1966 (B) State Tax Commission; and

- 1967 (C) Internal Revenue Service; and
- 1968 (h) meet with the division and board if requested by the division or board.
- 1969 (2) Each applicant for licensure as an armed private security officer:
- 1970 (a) shall submit an application in a form~~[-prescribed by]~~ the division approves;
- 1971 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 1972 (c) may not have been convicted of:
- 1973 (i) a felony; or
- 1974 (ii) a crime that when considered with the duties and responsibilities of an armed
- 1975 private security officer by the division and the board indicates that the best
- 1976 interests of the public are not served by granting the applicant a license;
- 1977 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
- 1978 Sec. 922(g);
- 1979 (e) may not have been declared incompetent by a court of competent jurisdiction by
- 1980 reason of mental defect or disease and not been restored;
- 1981 (f) may not be currently suffering from habitual drunkenness or from drug addiction or
- 1982 dependence;
- 1983 (g) shall successfully complete basic education and training requirements established by
- 1984 rule by the division in collaboration with the board and in accordance with Title 63G,
- 1985 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of
- 1986 eight hours of classroom or online curriculum;
- 1987 (h) shall successfully complete firearms training requirements established by rule by the
- 1988 division in collaboration with the board and in accordance with Title 63G, Chapter 3,
- 1989 Utah Administrative Rulemaking Act, which shall include a minimum of 12 hours of
- 1990 training;
- 1991 (i) shall pass the examination requirement established by rule by the division in
- 1992 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
- 1993 Administrative Rulemaking Act;
- 1994 (j) ~~[shall submit to and pass a background check in accordance with Section 58-63-302.1~~
- 1995 ~~and requirements established by division rule made in accordance with Title 63G,~~
- 1996 ~~Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 1997 (i) consent to, and complete, a criminal background check, described in Section
- 1998 58-1-301.5;
- 1999 (ii) meet any other standard related to the criminal background check described in
- 2000 Subsection (1)(j)(i), that the division establishes by rule in accordance with Title

- 2001 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2002 (iii) disclose any criminal history the division requests on a form the division
- 2003 approves; and
- 2004 (k) shall meet with the division and board if requested by the division or the board.
- 2005 (3) Each applicant for licensure as an unarmed private security officer:
- 2006 (a) shall submit an application in a form~~[-prescribed by]~~ the division approves;
- 2007 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2008 (c) may not have been convicted of:
- 2009 (i) a felony; or
- 2010 (ii) a crime that when considered with the duties and responsibilities of an unarmed
- 2011 private security officer by the division and the board indicates that the best
- 2012 interests of the public are not served by granting the applicant a license;
- 2013 (d) may not have been declared incompetent by a court of competent jurisdiction by
- 2014 reason of mental defect or disease and not been restored;
- 2015 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
- 2016 dependence;
- 2017 (f) shall successfully complete basic education and training requirements established by
- 2018 rule by the division in collaboration with the board and in accordance with Title 63G,
- 2019 Chapter 3, Utah Administrative Rulemaking Act, which shall include a minimum of
- 2020 eight hours of classroom or online curriculum;
- 2021 (g) shall pass the examination requirement established by rule by the division in
- 2022 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
- 2023 Administrative Rulemaking Act;
- 2024 (h) ~~[shall submit to and pass a background check in accordance with Section 58-63-302.1~~
- 2025 ~~and requirements established by division rule made in accordance with Title 63G,~~
- 2026 ~~Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 2027 (i) consent to, and complete, a criminal background check, described in Section
- 2028 58-1-301.5;
- 2029 (ii) meet any other standard related to the criminal background check described in
- 2030 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title
- 2031 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2032 (iii) disclose any criminal history the division requests on a form the division
- 2033 approves; and
- 2034 (i) shall meet with the division and board if requested by the division or board.

- 2035 (4) Each applicant for licensure as an armored car security officer:
- 2036 (a) shall submit an application in a form~~[-prescribed by]~~ the division approves;
- 2037 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2038 (c) may not have been convicted of:
- 2039 (i) a felony; or
- 2040 (ii) a crime that when considered with the duties and responsibilities of an armored
- 2041 car security officer by the division and the board indicates that the best interests of
- 2042 the public are not served by granting the applicant a license;
- 2043 (d) may not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
- 2044 Sec. 922(g);
- 2045 (e) may not have been declared incompetent by a court of competent jurisdiction by
- 2046 reason of mental defect or disease and not been restored;
- 2047 (f) may not be currently suffering from habitual drunkenness or from drug addiction or
- 2048 dependence;
- 2049 (g) shall successfully complete basic education and training requirements established by
- 2050 rule by the division in collaboration with the board and in accordance with Title 63G,
- 2051 Chapter 3, Utah Administrative Rulemaking Act;
- 2052 (h) shall successfully complete firearms training requirements established by rule by the
- 2053 division in collaboration with the board and in accordance with Title 63G, Chapter 3,
- 2054 Utah Administrative Rulemaking Act;
- 2055 (i) shall pass the examination requirements established by rule by the division in
- 2056 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
- 2057 Administrative Rulemaking Act;
- 2058 (j) ~~[shall submit to and pass a background check in accordance with Section 58-63-302.1~~
- 2059 ~~and requirements established by division rule made in accordance with Title 63G,~~
- 2060 ~~Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 2061 (i) consent to, and complete, a criminal background check, described in Section
- 2062 58-1-301.5;
- 2063 (ii) meet any other standard related to the criminal background check described in
- 2064 Subsection (4)(j)(i), that the division establishes by rule in accordance with Title
- 2065 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2066 (iii) disclose any criminal history the division requests on a form the division
- 2067 approves; and
- 2068 (k) shall meet with the division and board if requested by the division or the board.

2069 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 2070 division may make a rule establishing when the division shall request a Federal Bureau
 2071 of Investigation records' review for an applicant who is applying for licensure or
 2072 licensure renewal under this chapter.

2073 Section 20. Section **58-64-302** is amended to read:

2074 **58-64-302 . Qualifications for licensure.**

2075 (1) ~~[Each]~~ An applicant for licensure as a deception detection examiner:

- 2076 (a) shall submit an application in a form ~~[prescribed by]~~ the division approves;
- 2077 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2078 (c) may not have been convicted of a felony or any other crime that when considered
 2079 with the duties and responsibilities of a deception detection examiner is considered
 2080 by the division to indicate that the best interests of the public will not be served by
 2081 granting the applicant a license;
- 2082 (d) may not have been declared by any court of competent jurisdiction incompetent by
 2083 reason of mental defect or disease and not been restored;
- 2084 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
 2085 dependence;
- 2086 (f) shall have completed one of the following:
- 2087 (i) have earned a bachelor's degree from a ~~[four-year]~~ four-year university or college
 2088 meeting standards ~~[established by]~~ the division establishes by rule made in
 2089 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2090 (ii) have completed not less than 8,000 hours of investigation experience approved by
 2091 the division; or
- 2092 (iii) have completed a combination of university or college education and
 2093 investigation experience, as defined by rule made by the division in accordance
 2094 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as being
 2095 equivalent to the requirements under Subsection (1)(f)(i) or (1)(f)(ii);
- 2096 (g) shall have successfully completed a training program in detection deception meeting
 2097 criteria ~~[established by rule made by]~~ the division establishes by rule made in
 2098 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2099 (h) ~~[shall submit to and pass a background check in accordance with Section 58-64-302.1~~
 2100 ~~and requirements established by division rule made in accordance with Title 63G,~~
 2101 ~~Chapter 3, Utah Administrative Rulemaking Act; and]~~ shall:
- 2102 (i) consent to, and complete, a criminal background check, described in Section

- 2103 58-1-301.5;
- 2104 (ii) meet any other standard related to the criminal background check described in
- 2105 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title
- 2106 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2107 (iii) disclose any criminal history the division requests on a form the division
- 2108 approves; and
- 2109 (i) shall have performed satisfactorily as a licensed deception detection intern for a
- 2110 period of not less than one year and shall have satisfactorily conducted not less than
- 2111 100 deception detection examinations under the supervision of a licensed deception
- 2112 detection examiner.
- 2113 (2) ~~[Each]~~ An applicant for licensure as a deception detection intern:
- 2114 (a) shall submit an application in a form ~~[prescribed by]~~ the division approves;
- 2115 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2116 (c) may not have been convicted of a felony or any other crime that when considered
- 2117 with the duties and responsibilities of a deception detection intern is considered by
- 2118 the division to indicate that the best interests of the public will not be served by
- 2119 granting the applicant a license;
- 2120 (d) may not have been declared by any court of competent jurisdiction incompetent by
- 2121 reason of mental defect or disease and not been restored;
- 2122 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
- 2123 dependence;
- 2124 (f) shall have completed one of the following:
- 2125 (i) have earned a bachelor's degree from a ~~[four-year]~~ four-year university or college
- 2126 meeting standards ~~[established by]~~ the division establishes by rule made in
- 2127 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2128 (ii) have completed not less than 8,000 hours of investigation experience approved by
- 2129 the division; or
- 2130 (iii) have completed a combination of university or college education and
- 2131 investigation experience, as defined by rule ~~[made by]~~ the division makes in
- 2132 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, as
- 2133 being equivalent to the requirements under Subsection (2)(f)(i) or (2)(f)(ii);
- 2134 (g) shall have successfully completed a training program in detection deception meeting
- 2135 criteria established by rule ~~[made by]~~ the division makes in accordance with Title
- 2136 63G, Chapter 3, Utah Administrative Rulemaking Act;

- 2137 (h) ~~[shall submit to and pass a background check in accordance with Section 58-64-302.1~~
 2138 ~~and requirements established by division rule made in accordance with Title 63G,~~
 2139 ~~Chapter 3, Utah Administrative Rulemaking Act; and] shall:~~
- 2140 (i) consent to, and complete, a criminal background check, described in Section
 2141 58-1-301.5;
- 2142 (ii) meet any other standard related to the criminal background check described in
 2143 Subsection (2)(h)(i), that the division establishes by rule in accordance with Title
 2144 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2145 (iii) disclose any criminal history the division requests on a form the division
 2146 approves; and
- 2147 (i) shall provide the division with an intern supervision agreement in a form [~~prescribed~~
 2148 ~~by~~]the division approves under which:
- 2149 (i) a licensed deception detection examiner agrees to supervise the intern; and
- 2150 (ii) the applicant agrees to be supervised by that licensed deception detection
 2151 examiner.
- 2152 (3) ~~[Each]~~ An applicant for licensure as a deception detection examination administrator:
- 2153 (a) shall submit an application in a form~~[-prescribed by]~~ the division approves;
- 2154 (b) shall pay a fee determined by the department under Section 63J-1-504;
- 2155 (c) may not have been convicted of a felony or any other crime that when considered
 2156 with the duties and responsibilities of a deception detection examination
 2157 administrator is considered by the division to indicate that the best interests of the
 2158 public will not be served by granting the applicant a license;
- 2159 (d) may not have been declared by a court of competent jurisdiction incompetent by
 2160 reason of mental defect or disease and not been restored;
- 2161 (e) may not be currently suffering from habitual drunkenness or from drug addiction or
 2162 dependence;
- 2163 (f) shall have earned an associate degree from a state-accredited university or college or
 2164 have an equivalent number of years' work experience;
- 2165 (g) ~~[shall submit to and pass a background check in accordance with Section 58-64-302.1~~
 2166 ~~and requirements established by division rule made in accordance with Title 63G,~~
 2167 ~~Chapter 3, Utah Administrative Rulemaking Act; and] shall:~~
- 2168 (i) consent to, and complete, a criminal background check, described in Section
 2169 58-1-301.5;
- 2170 (ii) meet any other standard related to the criminal background check described in

2171 Subsection (3)(g)(i), that the division establishes by rule in accordance with Title
 2172 63G, Chapter 3, Utah Administrative Rulemaking Act; and

2173 (iii) disclose any criminal history the division requests on a form the division
 2174 approves; and

2175 (h) shall have successfully completed a training program and have obtained certification
 2176 in deception detection examination administration provided by the manufacturer of a
 2177 scientific or technology-based software application solution that ~~[is approved by]~~the
 2178 director approves.

2179 Section 21. Section **58-67-302** is amended to read:

2180 **58-67-302 . Qualifications for licensure.**

2181 (1) An applicant for licensure as a physician and surgeon, except as set forth in Subsection
 2182 (2), shall:

2183 (a) submit an application in a form ~~[prescribed by]~~the division approves, which may
 2184 include:

2185 (i) submissions by the applicant of information maintained by practitioner data banks,
 2186 as designated by division rule, with respect to the applicant;

2187 (ii) a record of professional liability claims made against the applicant and
 2188 settlements paid by or on behalf of the applicant; and

2189 (iii) authorization to use a record coordination and verification service ~~[approved by]~~
 2190 the division in collaboration with the board approves;

2191 (b) pay a fee determined by the department under Section 63J-1-504;

2192 ~~[(e) if the applicant is applying to participate in the Interstate Medical Licensure~~
 2193 ~~Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a~~
 2194 ~~criminal background check in accordance with Section 58-67-302.1 and any~~
 2195 ~~requirements established by rule made in accordance with Title 63G, Chapter 3, Utah~~
 2196 ~~Administrative Rulemaking Act;]~~

2197 (c)(i) consent to, and complete, a criminal background check, described in Section
 2198 58-1-301.5;

2199 (ii) meet any other standard related to the criminal background check described in
 2200 Subsection (1)(c)(i), that the division establishes by rule in accordance with Title
 2201 63G, Chapter 3, Utah Administrative Rulemaking Act; and

2202 (iii) disclose any criminal history the division requests on a form the division
 2203 approves;

2204 (d) provide satisfactory documentation of having successfully completed a program of

- 2205 professional education preparing an individual as a physician and surgeon, as
2206 evidenced by:
- 2207 (i) having received an earned degree of doctor of medicine from an LCME accredited
2208 medical school or college; or
- 2209 (ii) if the applicant graduated from a medical school or college located outside the
2210 United States or [its] the United States' territories, submitting a current certification
2211 by the Educational Commission for Foreign Medical Graduates or any successor
2212 organization approved by the division in collaboration with the board;
- 2213 (e) satisfy the division and board that the applicant:
- 2214 (i) has successfully completed 24 months of progressive resident training in a
2215 program approved by the ACGME, the Royal College of Physicians and
2216 Surgeons, the College of Family Physicians of Canada, or any similar body in the
2217 United States or Canada approved by the division in collaboration with the board;
2218 or
- 2219 (ii)(A) has successfully completed 12 months of resident training in an ACGME
2220 approved program after receiving a degree of doctor of medicine as required
2221 under Subsection (1)(d);
- 2222 (B) has been accepted in and is successfully participating in progressive resident
2223 training in an ACGME approved program within Utah, in the applicant's
2224 second or third year of postgraduate training; and
- 2225 (C) has agreed to surrender to the division the applicant's license as a physician
2226 and surgeon without any proceedings under Title 63G, Chapter 4,
2227 Administrative Procedures Act, and has agreed the applicant's license as a
2228 physician and surgeon [with] may be automatically revoked by the division if
2229 the applicant fails to continue in good standing in an ACGME approved
2230 progressive resident training program within the state;
- 2231 (f) pass the licensing examination sequence required by division rule made in
2232 collaboration with the board;
- 2233 (g) be able to read, write, speak, understand, and be understood in the English language
2234 and demonstrate proficiency to the satisfaction of the board if requested by the board;
- 2235 (h) meet with the board and representatives of the division, if requested, for the purpose
2236 of evaluating the applicant's qualifications for licensure;
- 2237 (i) designate:
- 2238 (i) a contact person for access to medical records in accordance with the federal

- 2239 Health Insurance Portability and Accountability Act; and
- 2240 (ii) an alternate contact person for access to medical records, in the event the original
- 2241 contact person is unable or unwilling to serve as the contact person for access to
- 2242 medical records; and
- 2243 (j) establish a method for notifying patients of the identity and location of the contact
- 2244 person and alternate contact person, if the applicant will practice in a location with no
- 2245 other persons licensed under this chapter.
- 2246 (2) An applicant for licensure as a physician and surgeon by endorsement who is currently
- 2247 licensed to practice medicine in any state other than Utah, a district or territory of the
- 2248 United States, or Canada shall:
- 2249 (a) be currently licensed with a full unrestricted license in good standing in any state,
- 2250 district, or territory of the United States, or Canada;
- 2251 (b) have been actively engaged in the legal practice of medicine in any state, district, or
- 2252 territory of the United States, or Canada for not less than 6,000 hours during the five
- 2253 years immediately preceding the date of application for licensure in Utah;
- 2254 (c) comply with the requirements for licensure under Subsections (1)(a) through (d),
- 2255 (1)(e)(i), and (1)(g) through (j);
- 2256 (d) have passed the licensing examination sequence required in Subsection (1)(f) or
- 2257 another medical licensing examination sequence in another state, district or territory
- 2258 of the United States, or Canada that the division in collaboration with the board by
- 2259 rulemaking determines is equivalent to ~~[its]~~ the board's own required examination;
- 2260 (e) not have any investigation or action pending against any health care license of the
- 2261 applicant, not have a health care license that was suspended or revoked in any state,
- 2262 district or territory of the United States, or Canada, and not have surrendered a health
- 2263 care license in lieu of a disciplinary action, unless:
- 2264 (i) the license was subsequently reinstated as a full unrestricted license in good
- 2265 standing; or
- 2266 (ii) the division in collaboration with the board determines to ~~[its]~~ the board's
- 2267 satisfaction, after full disclosure by the applicant, that:
- 2268 (A) the conduct has been corrected, monitored, and resolved; or
- 2269 (B) a mitigating circumstance exists that prevents ~~[its]~~ the investigation's or action's
- 2270 resolution, and the division in collaboration with the board is satisfied that, but
- 2271 for the mitigating circumstance, the license would be reinstated;
- 2272 (f) submit to a records review, a practice history review, and comprehensive

- 2273 assessments, if requested by the division in collaboration with the board; and
- 2274 (g) produce satisfactory evidence that the applicant meets the requirements of this
- 2275 Subsection (2) to the satisfaction of the division in collaboration with the board.
- 2276 (3) An applicant for licensure by endorsement may engage in the practice of medicine
- 2277 under a temporary license while the division processes the applicant's application for
- 2278 licensure [~~is being processed by the division, provided~~] if:
- 2279 (a) the applicant submits a complete application required for temporary licensure to the
- 2280 division;
- 2281 (b) the applicant submits a written document to the division from:
- 2282 (i) a health care facility licensed under Title 26B, Chapter 2, Part 2, Health Care
- 2283 Facility Licensing and Inspection, stating that the applicant is practicing under the:
- 2284 (A) invitation of the health care facility; and
- 2285 (B) the general supervision of a physician practicing at the facility; or
- 2286 (ii) two individuals licensed under this chapter, whose license is in good standing and
- 2287 who practice in the same clinical location, both stating that:
- 2288 (A) the applicant is practicing under the invitation and general supervision of the
- 2289 individual; and
- 2290 (B) the applicant will practice at the same clinical location as the individual;
- 2291 (c) the applicant submits a signed certification to the division that the applicant meets
- 2292 the requirements of Subsection (2);
- 2293 (d) the applicant does not engage in the practice of medicine until the division [~~has issued~~]
- 2294 issues a temporary license;
- 2295 (e) the temporary license is [~~only~~] issued for only one year from the date of issuance and
- 2296 may not be extended or renewed [~~beyond the duration of one year from issuance~~]; and
- 2297 (f) the temporary license expires immediately and [~~prior to~~] before the expiration of one
- 2298 year from issuance, upon notification from the division that the division denied the
- 2299 applicant's application for licensure by endorsement [~~is denied~~].
- 2300 (4) The division shall issue a temporary license under Subsection (3) within 15 business
- 2301 days after the day on which the applicant satisfies the requirements of Subsection (3).
- 2302 (5) The division may not require the following requirements for licensure:
- 2303 (a) a post-residency board certification; or
- 2304 (b) a cognitive test when the physician reaches a specified age, unless:
- 2305 (i) the screening is based on evidence of cognitive changes associated with aging that
- 2306 are relevant to physician performance;

- 2307 (ii) the screening is based on principles of medical ethics;
- 2308 (iii) physicians are involved in the development of standards for assessing
- 2309 competency;
- 2310 (iv) guidelines, procedures, and methods of assessment, which may include cognitive
- 2311 screening, are relevant to physician practice and to the physician's ability to
- 2312 perform the tasks specifically required in the physician's practice environment;
- 2313 (v) the primary driver for establishing assessment results is the ethical obligation of
- 2314 the profession to the health of the public and patient safety;
- 2315 (vi) the goal of the assessment is to optimize physician competency and performance
- 2316 through education, remediation, and modifications to a physician's practice
- 2317 environment or scope;
- 2318 (vii) a credentialing committee determines that public health or patient safety is
- 2319 directly threatened, the screening permits a physician to retain the right to modify
- 2320 the physician's practice environment to allow the physician to continue to provide
- 2321 safe and effective care;
- 2322 (viii) guidelines, procedures, and methods of assessment are transparent to physicians
- 2323 and physicians' representatives, if requested by a physician or a physician's
- 2324 representative, and physicians are made aware of the specific methods used,
- 2325 performance expectations and standards against which performance will be
- 2326 judged, and the possible outcomes of the screening or assessment;
- 2327 (ix) education or remediation practices that result from screening or assessment
- 2328 procedures are:
- 2329 (A) supportive of physician wellness;
- 2330 (B) ongoing; and
- 2331 (C) proactive; and
- 2332 (x) procedures and screening mechanisms that are distinctly different from for cause
- 2333 assessments do not result in undue cost or burden to senior physicians providing
- 2334 patient care.

2335 Section 22. Section **58-67-503** is amended to read:

2336 **58-67-503 . Penalties and administrative actions for unlawful and unprofessional**
 2337 **conduct.**

- 2338 (1) Any person [~~who~~] that violates the unlawful conduct provisions of Section 58-67-501 or
- 2339 Section 58-1-501 is guilty of a third degree felony.
- 2340 (2)(a) Subject to Subsection (4), the division may punish unprofessional or unlawful

- 2341 conduct by:
- 2342 (i) assessing administrative penalties; or
- 2343 (ii) taking other appropriate administrative action.
- 2344 (b) ~~[A]~~ The division shall deposit a monetary administrative penalty imposed under this
- 2345 section [shall be deposited] into the Physician Education and Enforcement Fund
- 2346 created in Section 58-67a-1.
- 2347 (3) If a licensee ~~[has been]~~ is convicted of unlawful conduct, described in Section 58-67-501,
- 2348 before an administrative proceeding regarding the same conduct, the division may not
- 2349 assess an additional administrative fine under this chapter for the same conduct.
- 2350 (4)(a) If the division concludes that an individual has violated provisions of Section
- 2351 58-67-501, Section 58-67-502, Chapter 1, Division of Professional Licensing Act,
- 2352 Chapter 37, Utah Controlled Substances Act, or any rule or order issued with respect
- 2353 to these provisions, and disciplinary action is appropriate, the director or director's
- 2354 designee shall:
- 2355 (i) issue a citation to the individual;
- 2356 (ii) attempt to negotiate a stipulated settlement; or
- 2357 (iii)(A) notify the individual that the division will commence an adjudicative
- 2358 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures
- 2359 Act[-will be commenced-] ; and
- 2360 (B) invite the individual ~~[is invited]~~ to appear.
- 2361 (b) The division may take the following action against an individual who is in violation
- 2362 of a provision described in Subsection (4)(a), as evidenced by an uncontested
- 2363 citation, a stipulated settlement, or a finding of violation in an adjudicative
- 2364 proceeding:
- 2365 (i) assess a fine of up to \$10,000 per single violation or up to \$2,000 per day of
- 2366 ongoing violation, whichever is greater, in accordance with a fine schedule
- 2367 established by rule; or
- 2368 (ii) order to cease and desist from the behavior that constitutes a violation of the
- 2369 provisions described in Subsection (4)(a).
- 2370 (c) ~~[An]~~ The division may not suspend or revoke an individual's license [may not be
- 2371 suspended or revoked] through a citation.
- 2372 (d) Each citation issued under this section shall:
- 2373 (i) be in writing;
- 2374 (ii) clearly describe or explain:

- 2375 (A) the nature of the violation, including a reference to the provision of the
 2376 chapter, rule, or order alleged to have been violated;
- 2377 (B) that the recipient must notify the division in writing within 20 calendar days
 2378 from the day on which the citation is served if the recipient wishes to contest
 2379 the citation at a hearing conducted under Title 63G, Chapter 4, Administrative
 2380 Procedures Act; and
- 2381 (C) the consequences of failure to timely contest the citation or pay the fine
 2382 assessed by the citation within the time specified in the citation; and
- 2383 (iii) be served in accordance with the Utah Rules of Civil Procedure.
- 2384 (e)(i) If the individual to whom ~~[the citation is issued]~~ the division issues the citation
 2385 fails to request a hearing to contest the citation within 20 calendar days from the
 2386 day on which the division serves the citation ~~[is served]~~, the citation~~[-]~~ :
- 2387 (A) becomes the final order of the division; and
 2388 (B) ~~[-]~~is not subject to further agency review.~~[-]~~
- 2389 (ii) ~~[The-]~~ The division may extend the period to contest the citation ~~[may be extended~~
 2390 ~~by the division-]~~for cause.
- 2391 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation
 2392 the license of an individual who fails to comply with a citation after the citation
 2393 becomes final.
- 2394 (g) The failure of an applicant for licensure to comply with a citation after ~~[it]~~ the citation
 2395 becomes final is ~~[a ground]~~ grounds for denial of license.
- 2396 (h) ~~[No citation may be issued-]~~ The division may not issue a citation under this section
 2397 after the expiration of one year following the date on which the division receives the
 2398 report of the violation that is the subject of the citation~~[is reported to the division]~~.
- 2399 (5)(a) The director may collect a penalty imposed under this section that is not paid by:
- 2400 (i) referring the matter to a collection agency; or
 2401 (ii) bringing an action in the district court of the county where the person against
 2402 whom the penalty is imposed resides or in the county where the office of the
 2403 director is located.
- 2404 (b) A county attorney or the attorney general of the state shall provide legal assistance
 2405 and advice to the director in an action to collect a penalty.
- 2406 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
 2407 action brought by the division to collect a penalty.
- 2408 Section 23. Section **58-67a-1** is amended to read:

2409 **58-67a-1 . Physicians Education and Enforcement Fund.**

- 2410 (1) There is created an expendable special revenue fund known as the "Physicians
 2411 Education and Enforcement Fund." ~~[-to receive and account for revenue and expenditures
 2412 for making education available to physicians and surgeons, osteopathic physicians and
 2413 surgeons, and naturopathic physicians, concerning the requirements of Title 58,
 2414 Occupations and Professions, division rules, and requirements under Title 58, Chapter
 2415 37, Utah Controlled Substances Act, and division rules made under that chapter.]~~
- 2416 (2) ~~[Administrative-]~~ The division shall deposit penalties ordered and collected [pursuant to]
 2417 under this section [shall be deposited in the account] into the Physicians Education and
 2418 Enforcement Fund.
- 2419 (3) The ~~[fund]~~ Physicians Education and Enforcement Fund shall earn interest, and the
 2420 division shall deposit all interest earned on account money ~~[shall be deposited-]~~ into the
 2421 account.
- 2422 (4) The director, with the concurrence of the board, may make distributions from the fund
 2423 for the following purposes:
- 2424 (a) ~~[to make available-]~~ education and training[-] :
- 2425 (i) that covers:
- 2426 (A) the requirements of this title;
- 2427 (B) division rules related to this title;
- 2428 (C) the requirements of Chapter 37, Utah Controlled Substances Act; and
- 2429 (D) any division rules related to Chapter 37, Utah Controlled Substances Act; and
- 2430 (ii) that the division makes available for[-] :
- 2431 (A) physicians and surgeons[-] ;
- 2432 (B) osteopathic physicians and surgeons[-, and] ;
- 2433 (C) [-]naturopathic physicians[-] ;
- 2434 (D) division staff; and
- 2435 (E) members of the board; and
- 2436 (b) enforcement of Chapter 67, Utah Medical Practice Act, Chapter 68, Utah
 2437 Osteopathic Medical Practice Act, and Chapter 71, Naturopathic Physician Practice
 2438 Act, by:
- 2439 (i) investigating unprofessional or unlawful conduct;
- 2440 (ii) obtaining legal representation for the division to bring an action against a person
 2441 engaging in unprofessional or unlawful conduct; and
- 2442 (iii) monitoring compliance of renewal requirements.

2443 (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the [excess
 2444 shall be transferred-] division shall transfer any amount that exceeds \$100,000 to the
 2445 General Fund.

2446 (6) The division shall report on the fund annually to the appropriate appropriations
 2447 subcommittee of the Legislature.

2448 Section 24. Section **58-68-302** is amended to read:

2449 **58-68-302 . Qualifications for licensure.**

2450 (1) An applicant for licensure as an osteopathic physician and surgeon, except as set forth
 2451 in Subsection (2), shall:

2452 (a) submit an application in a form [~~prescribed by~~]the division approves, which may
 2453 include:

2454 (i) submissions by the applicant of information maintained by practitioner data banks,
 2455 as designated by division rule, with respect to the applicant;

2456 (ii) a record of professional liability claims made against the applicant and
 2457 settlements paid by or on behalf of the applicant; and

2458 (iii) authorization to use a record coordination and verification service approved by
 2459 the division in collaboration with the board;

2460 (b) pay a fee determined by the department under Section 63J-1-504;

2461 [~~(e) if the applicant is applying to participate in the Interstate Medical Licensure~~
 2462 ~~Compact under Chapter 67b, Interstate Medical Licensure Compact, consent to a~~
 2463 ~~criminal background check in accordance with Section 58-68-302.1 and any~~
 2464 ~~requirements established by rule made in accordance with Title 63G, Chapter 3, Utah~~
 2465 ~~Administrative Rulemaking Act;]~~

2466 (c)(i) consent to, and complete, a criminal background check, described in Section
 2467 58-1-301.5;

2468 (ii) meet any other standard related to the criminal background check described in
 2469 Subsection (1)(c)(i), that the division establishes by rule in accordance with Title
 2470 63G, Chapter 3, Utah Administrative Rulemaking Act; and

2471 (iii) disclose any criminal history the division requests on a form the division
 2472 approves;

2473 (d) provide satisfactory documentation of having successfully completed a program of
 2474 professional education preparing an individual as an osteopathic physician and
 2475 surgeon, as evidenced by:

2476 (i) having received an earned degree of doctor of osteopathic medicine from an AOA

- 2477 approved medical school or college; or
- 2478 (ii) submitting a current certification by the Educational Commission for Foreign
2479 Medical Graduates or any successor organization approved by the division in
2480 collaboration with the board, if the applicant is graduated from an osteopathic
2481 medical school or college located outside of the United States or its territories
2482 which at the time of the applicant's graduation, met criteria for accreditation by the
2483 AOA;
- 2484 (e) satisfy the division and board that the applicant:
- 2485 (i) has successfully completed 24 months of progressive resident training in an
2486 ACGME or AOA approved program after receiving a degree of doctor of
2487 osteopathic medicine required under Subsection (1)(d); or
- 2488 (ii)(A) has successfully completed 12 months of resident training in an ACGME
2489 or AOA approved program after receiving a degree of doctor of osteopathic
2490 medicine as required under Subsection (1)(d);
- 2491 (B) has been accepted in and is successfully participating in progressive resident
2492 training in an ACGME or AOA approved program within Utah, in the
2493 applicant's second or third year of postgraduate training; and
- 2494 (C) has agreed to surrender to the division the applicant's license as an osteopathic
2495 physician and surgeon without any proceedings under Title 63G, Chapter 4,
2496 Administrative Procedures Act, and has agreed the applicant's license as an
2497 osteopathic physician and surgeon will be automatically revoked by the
2498 division if the applicant fails to continue in good standing in an ACGME or
2499 AOA approved progressive resident training program within the state;
- 2500 (f) pass the licensing examination sequence required by division rule, as made in
2501 collaboration with the board;
- 2502 (g) be able to read, write, speak, understand, and be understood in the English language
2503 and demonstrate proficiency to the satisfaction of the board, if requested by the board;
- 2504 (h) meet with the board and representatives of the division, if requested for the purpose
2505 of evaluating the applicant's qualifications for licensure;
- 2506 (i) designate:
- 2507 (i) a contact person for access to medical records in accordance with the federal
2508 Health Insurance Portability and Accountability Act; and
- 2509 (ii) an alternate contact person for access to medical records, in the event the original
2510 contact person is unable or unwilling to serve as the contact person for access to

- 2511 medical records; and
- 2512 (j) establish a method for notifying patients of the identity and location of the contact
2513 person and alternate contact person, if the applicant will practice in a location with no
2514 other persons licensed under this chapter.
- 2515 (2) An applicant for licensure as an osteopathic physician and surgeon by endorsement who
2516 is currently licensed to practice osteopathic medicine in any state other than Utah, a
2517 district or territory of the United States, or Canada shall:
- 2518 (a) be currently licensed with a full unrestricted license in good standing in any state,
2519 district or territory of the United States, or Canada;
- 2520 (b) have been actively engaged in the legal practice of osteopathic medicine in any state,
2521 district or territory of the United States, or Canada for not less than 6,000 hours
2522 during the five years immediately preceding the day on which the applicant applied
2523 for licensure in Utah;
- 2524 (c) comply with the requirements for licensure under Subsections (1)(a) through (d),
2525 (1)(e)(i), and (1)(g) through (j);
- 2526 (d) have passed the licensing examination sequence required in Subsection (1)(f) or
2527 another medical licensing examination sequence in another state, district or territory
2528 of the United States, or Canada that the division in collaboration with the board by
2529 rulemaking determines is equivalent to [its] the board's own required examination;
- 2530 (e) not have any investigation or action pending against any health care license of the
2531 applicant, not have a health care license that was suspended or revoked in any state,
2532 district or territory of the United States, or Canada, and not have surrendered a health
2533 care license in lieu of a disciplinary action, unless:
- 2534 (i) the license was subsequently reinstated as a full unrestricted license in good
2535 standing; or
- 2536 (ii) the division in collaboration with the board determines, after full disclosure by
2537 the applicant, that:
- 2538 (A) the conduct has been corrected, monitored, and resolved; or
- 2539 (B) a mitigating circumstance exists that prevents its resolution, and the division
2540 in collaboration with the board is satisfied that, but for the mitigating
2541 circumstance, the license would be reinstated;
- 2542 (f) submit to a records review, a practice review history, and physical and psychological
2543 assessments, if requested by the division in collaboration with the board; and
- 2544 (g) produce evidence that the applicant meets the requirements of this Subsection (2) to

- 2545 the satisfaction of the division in collaboration with the board.
- 2546 (3) An applicant for licensure by endorsement may engage in the practice of medicine
 2547 under a temporary license while the division processes the applicant's application for
 2548 licensure [~~is being processed by the division, provided~~] if:
- 2549 (a) the applicant submits a complete application required for temporary licensure to the
 2550 division;
- 2551 (b) the applicant submits a written document to the division from:
- 2552 (i) a health care facility licensed under Title 26B, Chapter 2, Part 2, Health Care
 2553 Facility Licensing and Inspection, stating that the applicant is practicing under the:
 2554 (A) invitation of the health care facility; and
 2555 (B) the general supervision of a physician practicing at the health care facility; or
 2556 (ii) two individuals licensed under this chapter, whose license is in good standing and
 2557 who practice in the same clinical location, both stating that:
- 2558 (A) the applicant is practicing under the invitation and general supervision of the
 2559 individual; and
- 2560 (B) the applicant will practice at the same clinical location as the individual;
- 2561 (c) the applicant submits a signed certification to the division that the applicant meets
 2562 the requirements of Subsection (2);
- 2563 (d) the applicant does not engage in the practice of medicine until the division [~~has issued~~]
 2564 issues a temporary license;
- 2565 (e) the temporary license is [~~only~~] issued for only one year from the date of issuance and
 2566 may not be extended or renewed [~~beyond the duration of one year from issuance~~]; and
- 2567 (f) the temporary license expires immediately and [~~prior to~~] before the expiration of one
 2568 year from issuance, upon notification from the division that the division denied the
 2569 applicant's application for licensure by endorsement [~~is denied~~].
- 2570 (4) The division shall issue a temporary license under Subsection (3) within 15 business
 2571 days after the applicant satisfies the requirements of Subsection (3).
- 2572 (5) The division may not require a:
- 2573 (a) post-residency board certification; or
- 2574 (b) a cognitive test when the physician reaches a specified age, unless the test reflects
 2575 the standards described in Subsections 58-67-302(5)(b)(i) through (x).
- 2576 Section 25. Section **58-68-503** is amended to read:
- 2577 **58-68-503 . Penalties and administrative actions for unlawful and unprofessional**
 2578 **conduct.**

- 2579 (1) Any person [~~who~~] that violates the unlawful conduct provisions of Section 58-68-501 or
2580 Section 58-1-501 is guilty of a third degree felony.
- 2581 (2)(a) Subject to Subsection (4), the division may punish unprofessional or unlawful
2582 conduct by:
- 2583 (i) assessing administrative penalties; or
2584 (ii) taking any other appropriate administrative action.
- 2585 (b) [A] The division shall deposit a monetary administrative penalty imposed under this
2586 section [shall be deposited] into the Physician Education and Enforcement Fund [
2587 described] created in Section 58-67a-1.
- 2588 (3) If a licensee is convicted of unlawful conduct, described in Section 58-68-501, before
2589 an administrative proceeding regarding the same conduct, [~~the licensee may not be~~
2590 ~~assessed~~] the division may not assess an additional administrative fine under this chapter
2591 for the same conduct.
- 2592 (4)(a) If the division concludes that an individual has violated the provisions of Section
2593 58-68-501, Section 58-68-502, Chapter 1, Division of Professional Licensing Act,
2594 Chapter 37, Utah Controlled Substances Act, or any rule or order issued with respect
2595 to these provisions, and disciplinary action is appropriate, the director or director's
2596 designee shall:
- 2597 (i) issue a citation to the individual;
2598 (ii) attempt to negotiate a stipulated settlement; or
2599 (iii)(A) notify the individual that the division will commence an adjudicative
2600 proceeding conducted under Title 63G, Chapter 4, Administrative Procedures
2601 Act[~~, will be commenced~~] ; and
2602 (B) [~~-~~] invite the individual [~~is invited~~] to appear.
- 2603 (b) The division may take the following action against an individual who [~~is in violation~~
2604 ~~of~~] violates a provision described in Subsection (4)(a), as evidenced by an
2605 uncontested citation, a stipulated settlement, or a finding of violation in an
2606 adjudicative proceeding:
- 2607 (i) assess a fine of up to \$10,000 per single violation or \$2,000 per day of ongoing
2608 violation, whichever is greater, in accordance with a fine schedule established by
2609 rule; or
2610 (ii) order to cease and desist from the behavior that constitutes a violation of
2611 provisions described in Subsection (4)(a).
- 2612 (c) Except for an administrative fine and a cease and desist order, the division may not

- 2613 assess the licensure sanctions cited in Section 58-1-401 [~~may not be assessed~~]
2614 through a citation.
- 2615 (d) Each citation issued under this section shall:
- 2616 (i) be in writing;
- 2617 (ii) clearly describe or explain:
- 2618 (A) the nature of the violation, including a reference to the provision of the
2619 chapter, rule, or order alleged to have been violated;
- 2620 (B) that the recipient must notify the division in writing within 20 calendar days
2621 from the day on which the citation is served if the recipient wishes to contest
2622 the citation at a hearing conducted under Title 63G, Chapter 4, Administrative
2623 Procedures Act; and
- 2624 (C) the consequences of failure to timely contest the citation or pay the fine
2625 assessed by the citation within the time specified in the citation; and
- 2626 (iii) be served in accordance with the requirements of the Utah Rules of Civil
2627 Procedure.
- 2628 (e)(i) If the individual to whom [~~the citation is issued~~] the division issues the citation
2629 fails to request a hearing to contest the citation within 20 calendar days from the
2630 day on which the citation is served, the citation becomes the final order of the
2631 division and is not subject to further agency review.[~~-~~]
- 2632 (ii) [~~The~~] The division may extend the period to contest the citation[~~may be extended~~
2633 ~~by the division~~]for cause.
- 2634 (f) The division may refuse to issue or renew or suspend, revoke, or place on probation
2635 the license of an individual who fails to comply with a citation after the citation
2636 becomes final.
- 2637 (g) The failure of an applicant for licensure to comply with a citation after [~~it~~] the citation
2638 becomes final is [~~a ground~~] grounds for denial of a license.
- 2639 (h) [~~No citation may be issued~~] The division may not issue a citation under this section
2640 after the expiration of one year following the date on which the division receives the
2641 report of the violation that is the subject of the citation[~~is reported to the division~~].
- 2642 (5)(a) The director may collect a penalty imposed under this section that is not paid by:
- 2643 (i) referring the matter to a collection agency; or
- 2644 (ii) bringing an action in the district court of the county where the person against
2645 whom the penalty is imposed resides or in the county where the office of the
2646 director is located.

2647 (b) A county attorney or the attorney general of the state shall provide legal assistance
2648 and advice to the director in an action to collect a penalty.

2649 (c) A court shall award reasonable attorney fees and costs to the prevailing party in an
2650 action brought by the division to collect a penalty.

2651 Section 26. Section **58-69-302** is amended to read:

2652 **58-69-302 . Qualifications -- Licensure as a dentist -- Licensure as a dental**
2653 **hygienist.**

2654 (1) An applicant for licensure as a dentist, except as provided in Subsection (2), shall:

2655 (a) submit an application in a form [~~as prescribed by~~]the division approves;

2656 (b) pay a fee as determined by the department under Section 63J-1-504;

2657 (c) provide satisfactory documentation of having successfully completed a program of
2658 professional education preparing an individual as a dentist as evidenced by having
2659 received an earned doctor's degree in dentistry from a dental school accredited by the
2660 Commission on Dental Accreditation of the American Dental Association;

2661 (d) pass the National Board Dental Examinations as administered by the Joint
2662 Commission on National Dental Examinations of the American Dental Association;

2663 (e) pass any regional dental clinical licensure examination approved by division rule
2664 made in collaboration with the board and in accordance with Title 63G, Chapter 3,
2665 Utah Administrative Rulemaking Act;

2666 (f) pass any other examinations regarding applicable law, rules, or ethics as established
2667 by division rule made in collaboration with the board and in accordance with Title
2668 63G, Chapter 3, Utah Administrative Rulemaking Act;

2669 (g) be able to read, write, speak, understand, and be understood in the English language
2670 and demonstrate proficiency to the satisfaction of the board if requested by the board;[
2671 and]

2672 (h) meet with the board if requested by the board or division for the purpose of
2673 examining the applicant's qualifications for licensure[-] ; and

2674 (i)(i) consent to, and complete, a criminal background check, described in Section
2675 58-1-301.5;

2676 (ii) meet any other standard related to the criminal background check described in
2677 Subsection (1)(i)(i), that the division establishes by rule in accordance with Title
2678 63G, Chapter 3, Utah Administrative Rulemaking Act; and

2679 (iii) disclose any criminal history the division requests on a form the division
2680 provides.

- 2681 (2) An applicant for licensure as a dentist qualifying under the endorsement provision of
2682 Section 58-1-302 shall:
- 2683 (a) be currently licensed in good standing with an unrestricted license in another
2684 jurisdiction described in Section 58-1-302;
- 2685 (b) document having met all requirements for licensure under Subsection (1) except
2686 Subsection (1)(c); and
- 2687 (c) document having been successfully engaged in clinical practice as a dentist for not
2688 less than 6,000 hours in the five years immediately preceding the date of application
2689 for licensure in Utah.
- 2690 (3) ~~At~~ Except as provided in Subsection (4), an applicant for licensure as a dental hygienist[
2691 , except as set forth in Subsection (4),] shall:
- 2692 (a) submit an application in a form ~~[as prescribed by]~~ the division approves;
- 2693 (b) pay a fee as determined by the department pursuant to Section 63J-1-504;
- 2694 (c) be a graduate holding a certificate or degree in dental hygiene from a school
2695 accredited by the Commission on Dental Accreditation of the American Dental
2696 Association;
- 2697 (d) pass the National Board Dental Hygiene Examination as administered by the Joint
2698 Commission on National Dental Examinations of the American Dental Association;
- 2699 (e) pass an examination consisting of practical demonstrations in the practice of dental
2700 hygiene and written or oral examination in the theory and practice of dental hygiene
2701 as established by division rule made in collaboration with the board;
- 2702 (f) pass any other examinations regarding applicable law, rules, and ethics as established
2703 by rule by division rule made in collaboration with the board;
- 2704 (g) be able to read, write, speak, understand, and be understood in the English language
2705 and demonstrate proficiency to the satisfaction of the board if requested by the board;[
2706 and]
- 2707 (h) meet with the board if requested by the board or division for the purpose of
2708 examining the applicant's qualifications for licensure[-] ; and
- 2709 (i)(i) consent to, and complete, a criminal background check, described in Section
2710 58-1-301.5;
- 2711 (ii) meet any other standard related to the criminal background check described in
2712 Subsection (3)(i)(i), that the division establishes by rule in accordance with Title
2713 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 2714 (iii) disclose any criminal history the division requests on a form the division

- 2715 provides.
- 2716 (4) An applicant for licensure as a dental hygienist qualifying under the endorsement
 2717 provision of Section 58-1-302 shall:
- 2718 (a) be currently licensed in another jurisdiction set forth in Section 58-1-302;
- 2719 (b)(i) document having met all requirements for licensure under Subsection (3)
 2720 except, an applicant having received licensure in another state or jurisdiction [
 2721 ~~prior to~~] before 1962, the year when the National Board Dental Hygiene
 2722 Examinations were first administered, shall document having passed a state
 2723 administered examination acceptable to the division in collaboration with the
 2724 board; or
- 2725 (ii) document having obtained licensure in another state or jurisdiction upon which
 2726 licensure by endorsement is based [~~by~~] upon meeting requirements [~~which~~] that
 2727 were equal to licensure requirements in Utah at the time the applicant obtained
 2728 licensure in the other state or jurisdiction; and
- 2729 (c) document having been successfully engaged in practice as a dental hygienist for not
 2730 less than 2,000 hours in the two years immediately preceding the date of application
 2731 for licensure in Utah.

2732 Section 27. Section **58-70a-302** is amended to read:

2733 **58-70a-302 . Qualifications for licensure.**

2734 Each applicant for licensure as a physician assistant shall:

- 2735 (1) submit an application in a form [~~prescribed by~~] the division approves;
- 2736 (2) pay a fee determined by the department under Section 63J-1-504;
- 2737 (3) have successfully completed a physician assistant program accredited by:
- 2738 (a) the Accreditation Review Commission on Education for the Physician Assistant; or
- 2739 (b) if [~~prior to~~] before January 1, 2001, either the:
- 2740 (i) Committee on Accreditation of Allied Health Education Programs; or
- 2741 (ii) Committee on Allied Health Education and Accreditation;
- 2742 (4) have passed the licensing examinations required by division rule made in collaboration
 2743 with the board;
- 2744 (5) meet with the board and representatives of the division, if requested, for the purpose of
 2745 evaluating the applicant's qualifications for licensure; and
- 2746 [~~(6) if the applicant is applying to participate in the PA Licensure Compact under Chapter~~
 2747 ~~70c, PA Licensure Compact, consent to a criminal background check in accordance with~~
 2748 ~~Section 58-70a-301.1 and any requirements established by division rule made in~~

2749 ~~accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.]~~
 2750 (6)(a) consent to, and complete, a criminal background check, described in Section
 2751 58-1-301.5;
 2752 (b) meet any other standard related to the criminal background check described in
 2753 Subsection (6)(a), that the division establishes by rule in accordance with Title 63G,
 2754 Chapter 3, Utah Administrative Rulemaking Act; and
 2755 (c) disclose any criminal history the division requests on a form the division provides.

2756 Section 28. Section **58-70b-302** is amended to read:

2757 **58-70b-302 . Qualifications for licensure.**

2758 Each applicant for licensure as an anesthesiologist assistant under this chapter shall:

- 2759 (1) submit an application on a form [~~established by~~]the division approves;
- 2760 (2) pay a fee determined by the division under Section 63J-1-504;
- 2761 (3) provide satisfactory documentation of having graduated from a program certified by the
 2762 Commission on Accreditation of Allied Health Education Programs or the commission's
 2763 successor organization;
- 2764 (4) within 12 months of completing the training under Subsection (3), pass the certification
 2765 exam offered by the National Commission for Certification of Anesthesiologist
 2766 Assistants;[~~and~~]
- 2767 (5) have the certification described in Subsection (4) at the time of the application and
 2768 maintain the certification throughout the term of the license[~~-~~] ; and

2769 (6)(a) consent to, and complete, a criminal background check, described in Section
 2770 58-1-301.5;
 2771 (b) meet any other standard related to the criminal background check described in
 2772 Subsection (6)(a), that the division establishes by rule in accordance with Title 63G,
 2773 Chapter 3, Utah Administrative Rulemaking Act; and
 2774 (c) disclose any criminal history the division requests on a form the division approves.

2775 Section 29. Section **58-71-302** is amended to read:

2776 **58-71-302 . Qualifications for licensure.**

- 2777 (1) [~~An~~] Except as provided in Subsection (2), an applicant for licensure as a naturopathic
 2778 physician[~~, except as set forth in Subsection (2),]~~] shall:
- 2779 (a) submit an application in a form [~~prescribed by~~]the division approves, which may
 2780 include:
- 2781 (i) submissions by the applicant of information maintained by practitioner data banks,
 2782 as designated by division rule, with respect to the applicant; and

- 2783 (ii) a record of professional liability claims made against the applicant and
2784 settlements paid by or ~~in~~ on behalf of the applicant;
- 2785 (b) pay a fee determined by the department under Section 63J-1-504;
- 2786 (c) provide satisfactory documentation of having successfully completed a program of
2787 professional education preparing an individual as a naturopathic physician, as
2788 evidenced by having received an earned degree of doctor of naturopathic medicine
2789 from:
- 2790 (i) a naturopathic medical school or college accredited by the Council of
2791 Naturopathic Medical Education or ~~its~~ the successor organization approved by
2792 the division;
- 2793 (ii) a naturopathic medical school or college that is a candidate for accreditation by
2794 the Council of Naturopathic Medical Education or ~~its~~ the successor organization,
2795 and is approved by the division, upon a finding there is reasonable expectation the
2796 school or college ~~will~~ shall be accredited; or
- 2797 (iii) a naturopathic medical school or college which, at the time of the applicant's
2798 graduation, met current criteria for accreditation by the Council of Naturopathic
2799 Medical Education or ~~its~~ the successor organization approved by the division;
- 2800 (d) provide satisfactory documentation of having successfully completed, after
2801 successful completion of the education requirements ~~set forth~~ described in
2802 Subsection (1)(c), 12 months of clinical experience in naturopathic medicine in a
2803 residency program recognized by the division and associated with an accredited
2804 school or college of naturopathic medicine, and under the preceptorship of a licensed
2805 naturopathic physician, physician and surgeon, or osteopathic physician;
- 2806 (e) pass the licensing examination sequence required by division rule;
- 2807 (f) be able to read, write, speak, understand, and be understood in the English language
2808 and demonstrate proficiency to the satisfaction of the division if requested by the
2809 division;~~and]~~
- 2810 (g) meet with representatives of the division, if requested, for the purpose of evaluating
2811 the applicant's qualifications for licensure~~[-]~~ ; and
- 2812 (h)(i) consent to, and complete, a criminal background check, described in Section
2813 58-1-301.5;
- 2814 (ii) meet any other standard related to the criminal background check described in
2815 Subsection (1)(h)(i), that the division establishes by rule in accordance with Title
2816 63G, Chapter 3, Utah Administrative Rulemaking Act; and

- 2817 (iii) disclose any criminal history the division requests on a form the division
2818 approves.
- 2819 (2)(a) In accordance with Subsection (2)(b), an applicant for licensure as a naturopathic
2820 physician under the endorsement provision of Section 58-1-302 shall:
- 2821 (i) meet the requirements of Section 58-1-302;
- 2822 (ii) document having met all requirements for licensure under Subsection (1) except
2823 the clinical experience requirement of Subsection (1)(d);
- 2824 (iii) have passed the examination requirements established under Subsection (1)(e)
2825 that:
- 2826 (A) the applicant has not passed in connection with licensure in another state or
2827 jurisdiction; and
- 2828 (B) are available to the applicant to take without requiring additional professional
2829 education;
- 2830 (iv) have been actively engaged in the practice of a naturopathic physician for not
2831 less than 6,000 hours during the five years immediately preceding the date of
2832 application for licensure in Utah; and
- 2833 (v) meet with representatives of the division for the purpose of evaluating the
2834 applicant's qualifications for licensure.
- 2835 (b) The division may rely, either wholly or in part, on one or more credentialing
2836 associations designated by division rule to document and certify in writing to the
2837 satisfaction of the division that an applicant has met each of the requirements of this
2838 Subsection (2), including the requirements of Section 58-1-302, and that:
- 2839 (i) the applicant holds a current license;
- 2840 (ii) the education, experience, and examination requirements of the foreign country or
2841 the state, district, or territory of the United States that issued the applicant's license
2842 are, or were at the time the license was issued, equal to those of this state for
2843 licensure as a naturopathic physician; and
- 2844 (iii) the applicant has produced evidence satisfactory to the division of the applicant's
2845 qualifications, identity, and good standing as a naturopathic physician.
- 2846 Section 30. Section **58-71-402** is amended to read:
- 2847 **58-71-402 . Authority to assess penalty -- Penalty deposited into Physician**
2848 **Education and Enforcement Fund.**
- 2849 (1) After a proceeding [~~pursuant to~~] in accordance with Title 63G, Chapter 4,
2850 Administrative Procedures Act, and Title 58, Chapter 1, Division of Professional

2851 Licensing Act, the division may impose administrative penalties of up to \$10,000 for
 2852 acts of unprofessional conduct or unlawful conduct under this chapter.

2853 (2) The division shall deposit an administrative penalty imposed under this section into the
 2854 Physician Education and Enforcement Fund created in Section 58-67a-1.

2855 [~~(2)~~] (3) Assessment of a penalty under this section does not affect any other action the
 2856 division [is authorized to] may take regarding a license issued under this chapter.

2857 Section 31. Section **58-73-302** is amended to read:

2858 **58-73-302 . Qualifications for licensure.**

2859 (1) Each applicant for licensure as a chiropractic physician, other than ~~[those]~~ an applicant
 2860 applying for a license based on licensure as a chiropractor or chiropractic physician in
 2861 another jurisdiction, shall:

2862 (a) submit an application in a form~~[prescribed by]~~ the division approves;

2863 (b) pay a fee determined by the department under Section 63J-1-504;

2864 (c) demonstrate satisfactory completion of at least two years of general study in a
 2865 college or university;

2866 (d) demonstrate having earned a degree of doctor of chiropractic from a chiropractic
 2867 college or university that at the time the degree was conferred was accredited by the
 2868 Council on Chiropractic Education, Inc., or an equivalent chiropractic accrediting
 2869 body recognized by the United States Department of Education and by the division
 2870 rule made in collaboration with the board;

2871 (e) demonstrate successful completion of:

2872 (i) the National Chiropractic Boards:

2873 (A) Parts I and II;

2874 (B) Written Clinical Competency Examination; and

2875 (C) Physiotherapy;

2876 (ii) the Utah Chiropractic Law and Rules Examination; and

2877 (iii) a practical examination approved by the division in collaboration with the board;[
 2878 and]

2879 (f) meet with the board, if requested, for the purpose of reviewing the applicant's
 2880 qualifications for licensure~~[.]~~ ; and

2881 (g)(i) consent to, and complete, a criminal background check, described in Section
 2882 58-1-301.5;

2883 (ii) meet any other standard related to the criminal background check described in
 2884 Subsection (1)(g)(i), that the division establishes by rule in accordance with Title

2885 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 2886 (iii) disclose any criminal history the division requests on a form the division
 2887 approves.

2888 (2) Each applicant for licensure as a chiropractic physician based on licensure as a
 2889 chiropractor or chiropractic physician in another jurisdiction shall:

2890 (a) submit an application in the form~~[prescribed by]~~ the division approves;

2891 (b) pay a fee determined by the department under Section 63J-1-504;

2892 (c) demonstrate having obtained licensure as a chiropractor or chiropractic physician in
 2893 another state under education requirements which were equivalent to the education
 2894 requirements in this state to obtain a chiropractor or chiropractic physician license at
 2895 the time the applicant obtained the license in the other state;

2896 (d) demonstrate successful completion of:

2897 (i) the Utah Chiropractic Law and Rules Examination; and

2898 (ii) the Special Purposes Examination for Chiropractic (SPEC) of the National Board
 2899 of Chiropractic Examiners;

2900 (e) have been actively engaged in the practice of chiropractic for not less than two years
 2901 immediately preceding application for licensure in ~~[this state; and]~~ Utah;

2902 (f) meet with the board, if requested, for the purpose of reviewing the applicant's
 2903 qualifications for licensure~~[-]~~ ; and

2904 (g)(i) consent to, and complete, a criminal background check, described in Section
 2905 58-1-301.5;

2906 (ii) meet any other standard related to the criminal background check described in
 2907 Subsection (2)(g)(i), that the division establishes by rule in accordance with Title
 2908 63G, Chapter 3, Utah Administrative Rulemaking Act; and

2909 (iii) disclose any criminal history the division requests on a form the division
 2910 provides.

2911 Section 32. **Repealer.**

2912 This bill repeals:

2913 Section **58-44a-302.1, Background checks.**

2914 Section **58-70a-301.1, Criminal background check.**

2915 Section **58-68-302.1, Qualifications for licensure -- Criminal background check.**

2916 Section **58-67-302.1, Qualifications for licensure -- Criminal background check.**

2917 Section **58-64-302.1, Criminal background check.**

2918 Section **58-63-302.1, Criminal background check.**

- 2919 Section **58-61-304.1, Criminal background check.**
- 2920 Section **58-60-103.1, Criminal background check.**
- 2921 Section **58-55-302.1, Criminal background check.**
- 2922 Section **58-47b-302.1, Criminal background check.**
- 2923 Section **58-42a-302.1, Criminal background check.**
- 2924 Section **58-24b-302.1, Criminal background check.**
- 2925 Section **58-17b-307, Qualification for licensure -- Criminal background checks.**
- 2926 Section 33. **Effective Date.**
- 2927 This bill takes effect on May 7, 2025.