

Tyler Clancy proposes the following substitute bill:

Offender Reintegration Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Stephanie Pitcher

LONG TITLE

General Description:

This bill concerns the reentry and reintegration of offenders and former offenders into the general public.

Highlighted Provisions:

This bill:

- provides that a local mental health authority shall, to the extent feasible, coordinate with the Department of Corrections (department) to ensure the continuity of mental health services for county residents on probation or parole;
- provides that a criminal justice coordinating council shall identify strategies for:
 - connecting county residents on probation or parole with certain county-based services; and
 - educating and incentivizing employers to hire county residents who have a criminal record or a juvenile record;
- adds an expunged conviction and an arrest that occurred as a juvenile to the circumstances when a public employer may not exclude an applicant from an initial interview;
- modifies procedural requirements for appealing a denial of a license under the Division of Professional Licensing Act;
- reduces the amount of time following an individual's incarceration for purposes of defining unprofessional conduct in certain circumstances;
- creates the Rehabilitation and Reentry Services Restricted Account, which:
 - allows the department to accept donations and other funds; and
 - restricts funds for specified purposes relating to the successful reintegration of offenders and former offenders into the general public; and
- makes technical and conforming changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 This bill provides a special effective date.

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **17-43-301 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
36 Chapters 240, 299

37 **17-55-201 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024,
38 Chapter 187

39 **34-52-201 (Effective 10/01/23)**, as last amended by Laws of Utah 2023, Chapters 115,
40 344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 344

41 **58-1-402 (Effective 05/12/20)**, as last amended by Laws of Utah 2020, Chapter 289

42 **58-1-501 (Effective 05/01/24)**, as last amended by Laws of Utah 2024, Chapter 420

43 ENACTS:

44 **64-13h-101 (Effective upon governor's approval)**, Utah Code Annotated 1953

45 **64-13h-102 (Effective upon governor's approval)**, Utah Code Annotated 1953

46 **64-13h-103 (Effective upon governor's approval)**, Utah Code Annotated 1953



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

49 Section 1. Section **17-43-301** is amended to read:

50 **17-43-301 (Effective upon governor's approval). Local mental health authorities**

51 **-- Responsibilities.**

52 (1) As used in this section:

53 (a) "Assisted outpatient treatment" means the same as that term is defined in Section
54 26B-5-301.

55 (b) "Crisis worker" means the same as that term is defined in Section 26B-5-610.

56 (c) "Local mental health crisis line" means the same as that term is defined in Section
57 26B-5-610.

58 (d) "Mental health therapist" means the same as that term is defined in Section 58-60-102.

59 (e) "Public funds" means the same as that term is defined in Section 17-43-303.

60 (f) "Statewide mental health crisis line" means the same as that term is defined in
61 Section 26B-5-610.

62 (2)(a)(i) In each county operating under a county executive-council form of

- 63 government under Section 17-52a-203, the county legislative body is the local
64 mental health authority, provided however that any contract for plan services shall
65 be administered by the county executive.
- 66 (ii) In each county operating under a council-manager form of government under
67 Section 17-52a-204, the county manager is the local mental health authority.
- 68 (iii) In each county other than a county described in Subsection (2)(a)(i) or (ii), the
69 county legislative body is the local mental health authority.
- 70 (b) Within legislative appropriations and county matching funds required by this section,
71 under the direction of the division, each local mental health authority shall:
- 72 (i) provide mental health services to individuals within the county; and
73 (ii) cooperate with efforts of the division to promote integrated programs that address
74 an individual's substance use, mental health, and physical healthcare needs, as
75 described in Section 26B-5-102.
- 76 (c) Within legislative appropriations and county matching funds required by this section,
77 each local mental health authority shall cooperate with the efforts of the department
78 to promote a system of care, as defined in Section 26B-5-101, for minors with or at
79 risk for complex emotional and behavioral needs, as described in Section 26B-1-202.
- 80 (3)(a) By executing an interlocal agreement under Title 11, Chapter 13, Interlocal
81 Cooperation Act, two or more counties may join to:
- 82 (i) provide mental health prevention and treatment services; or
83 (ii) create a united local health department that combines substance use treatment
84 services, mental health services, and local health department services in
85 accordance with Subsection (4).
- 86 (b) The legislative bodies of counties joining to provide services may establish
87 acceptable ways of apportioning the cost of mental health services.
- 88 (c) Each agreement for joint mental health services shall:
- 89 (i)(A) designate the treasurer of one of the participating counties or another person
90 as the treasurer for the combined mental health authorities and as the custodian
91 of money available for the joint services; and
92 (B) provide that the designated treasurer, or other disbursing officer authorized by
93 the treasurer, may make payments from the money available for the joint
94 services upon audit of the appropriate auditing officer or officers representing
95 the participating counties;
- 96 (ii) provide for the appointment of an independent auditor or a county auditor of one

97 of the participating counties as the designated auditing officer for the combined
98 mental health authorities;

99 (iii)(A) provide for the appointment of the county or district attorney of one of the
100 participating counties as the designated legal officer for the combined mental
101 health authorities; and

102 (B) authorize the designated legal officer to request and receive the assistance of
103 the county or district attorneys of the other participating counties in defending
104 or prosecuting actions within their counties relating to the combined mental
105 health authorities; and

106 (iv) provide for the adoption of management, clinical, financial, procurement,
107 personnel, and administrative policies as already established by one of the
108 participating counties or as approved by the legislative body of each participating
109 county or interlocal board.

110 (d) An agreement for joint mental health services may provide for:

111 (i) joint operation of services and facilities or for operation of services and facilities
112 under contract by one participating local mental health authority for other
113 participating local mental health authorities; and

114 (ii) allocation of appointments of members of the mental health advisory council
115 between or among participating counties.

116 (4) A county governing body may elect to combine the local mental health authority with
117 the local substance abuse authority created in Part 2, Local Substance Abuse Authorities,
118 and the local health department created in Title 26A, Chapter 1, Part 1, Local Health
119 Department Act, to create a united local health department under Section 26A-1-105.5.
120 A local mental health authority that joins with a united local health department shall
121 comply with this part.

122 (5)(a) Each local mental health authority is accountable to the department and the state
123 with regard to the use of state and federal funds received from those departments for
124 mental health services, regardless of whether the services are provided by a private
125 contract provider.

126 (b) Each local mental health authority shall comply, and require compliance by its
127 contract provider, with all directives issued by the department regarding the use and
128 expenditure of state and federal funds received from those departments for the
129 purpose of providing mental health programs and services. The department shall
130 ensure that those directives are not duplicative or conflicting, and shall consult and

- 131 coordinate with local mental health authorities with regard to programs and services.
- 132 (6)(a) Each local mental health authority shall:
- 133 (i) review and evaluate mental health needs and services, including mental health
- 134 needs and services for:
- 135 (A) an individual incarcerated in a county jail or other county correctional facility;
- 136 and
- 137 (B) an individual who is a resident of the county and who is court ordered to
- 138 receive assisted outpatient treatment under Section 26B-5-351;
- 139 (ii) in accordance with Subsection (6)(b), annually prepare and submit to the division
- 140 a plan approved by the county legislative body for mental health funding and
- 141 service delivery, either directly by the local mental health authority or by contract;
- 142 (iii) establish and maintain, either directly or by contract, programs licensed under
- 143 Title 26B, Chapter 2, Part 1, Human Services Programs and Facilities;
- 144 (iv) appoint, directly or by contract, a full-time or part-time director for mental health
- 145 programs and prescribe the director's duties;
- 146 (v) provide input and comment on new and revised rules established by the division;
- 147 (vi) establish and require contract providers to establish administrative, clinical,
- 148 personnel, financial, procurement, and management policies regarding mental
- 149 health services and facilities, in accordance with the rules of the division, and state
- 150 and federal law;
- 151 (vii) establish mechanisms allowing for direct citizen input;
- 152 (viii) annually contract with the division to provide mental health programs and
- 153 services in accordance with the provisions of Title 26B, Chapter 5, Health Care -
- 154 Substance Use and Mental Health;
- 155 (ix) comply with all applicable state and federal statutes, policies, audit requirements,
- 156 contract requirements, and any directives resulting from those audits and contract
- 157 requirements;
- 158 (x) provide funding equal to at least 20% of the state funds that it receives to fund
- 159 services described in the plan;
- 160 (xi) comply with the requirements and procedures of Title 11, Chapter 13, Interlocal
- 161 Cooperation Act, Title 17B, Chapter 1, Part 6, Fiscal Procedures for Special
- 162 Districts, and Title 51, Chapter 2a, Accounting Reports from Political
- 163 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
- 164 (xii) take and retain physical custody of minors committed to the physical custody of

165 local mental health authorities by a judicial proceeding under Title 26B, Chapter
166 5, Part 4, Commitment of Persons Under Age 18.

167 (b) Each plan under Subsection (6)(a)(ii) shall include services for adults, youth, and
168 children, which shall include:
169 (i) inpatient care and services;
170 (ii) residential care and services;
171 (iii) outpatient care and services;
172 (iv) 24-hour crisis care and services;
173 (v) psychotropic medication management;
174 (vi) psychosocial rehabilitation, including vocational training and skills development;
175 (vii) case management;
176 (viii) community supports, including in-home services, housing, family support
177 services, and respite services;
178 (ix) consultation and education services, including case consultation, collaboration
179 with other county service agencies, public education, and public information; and
180 (x) services to persons incarcerated in a county jail or other county correctional
181 facility.

182 (7)(a) If a local mental health authority provides for a local mental health crisis line
183 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
184 the local mental health authority shall:

185 (i) collaborate with the statewide mental health crisis line described in Section
186 26B-5-610;
187 (ii) ensure that each individual who answers calls to the local mental health crisis line:
188 (A) is a mental health therapist or a crisis worker; and
189 (B) meets the standards of care and practice established by the Division of
190 Integrated Healthcare, in accordance with Section 26B-5-610; and
191 (iii) ensure that when necessary, based on the local mental health crisis line's
192 capacity, calls are immediately routed to the statewide mental health crisis line to
193 ensure that when an individual calls the local mental health crisis line, regardless
194 of the time, date, or number of individuals trying to simultaneously access the
195 local mental health crisis line, a mental health therapist or a crisis worker answers
196 the call without the caller first:
197 (A) waiting on hold; or
198 (B) being screened by an individual other than a mental health therapist or crisis

- 199 worker.
- 200 (b) If a local mental health authority does not provide for a local mental health crisis line
201 under the plan for 24-hour crisis care and services described in Subsection (6)(b)(iv),
202 the local mental health authority shall use the statewide mental health crisis line as a
203 local crisis line resource.
- 204 (8) Before disbursing any public funds, each local mental health authority shall require that
205 each entity that receives any public funds from a local mental health authority agrees in
206 writing that:
- 207 (a) the entity's financial records and other records relevant to the entity's performance of
208 the services provided to the mental health authority shall be subject to examination
209 by:
- 210 (i) the division;
211 (ii) the local mental health authority director;
212 (iii)(A) the county treasurer and county or district attorney; or
213 (B) if two or more counties jointly provide mental health services under an
214 agreement under Subsection (3), the designated treasurer and the designated
215 legal officer;
216 (iv) the county legislative body; and
217 (v) in a county with a county executive that is separate from the county legislative
218 body, the county executive;
- 219 (b) the county auditor may examine and audit the entity's financial and other records
220 relevant to the entity's performance of the services provided to the local mental health
221 authority; and
- 222 (c) the entity will comply with the provisions of Subsection (5)(b).
- 223 (9) A local mental health authority may receive property, grants, gifts, supplies, materials,
224 contributions, and any benefit derived therefrom, for mental health services. If those
225 gifts are conditioned upon their use for a specified service or program, they shall be so
226 used.
- 227 (10) Public funds received for the provision of services pursuant to the local mental health
228 plan may not be used for any other purpose except those authorized in the contract
229 between the local mental health authority and the provider for the provision of plan
230 services.
- 231 (11) A local mental health authority shall:
- 232 (a) provide assisted outpatient treatment services to a resident of the county who has

233 been ordered under Section 26B-5-351 to receive assisted outpatient treatment[.]; and
234 **(b) to the extent feasible, coordinate with the Department of Corrections to ensure the**
235 **continuity of mental health services for county residents who are on probation or**
236 **parole.**

237 Section 2. Section **17-55-201** is amended to read:

238 **17-55-201 (Effective upon governor's approval). Criminal justice coordinating**
239 **councils -- Creation -- Strategic plan -- Reporting requirements.**

240 (1)(a) Beginning January 1, 2023, a county shall:

- 241 (i) create a criminal justice coordinating council; or
- 242 (ii) jointly with another county or counties, create a criminal justice coordinating
- 243 council.

244 (b) The purpose of a council is to coordinate and improve components of the criminal
245 justice system in the county or counties.

246 (2)(a) A council shall include:

- 247 (i) one county commissioner or county council member;
- 248 (ii) the county sheriff or the sheriff's designee;
- 249 (iii) one chief of police of a municipality within the county or the chief's designee;
- 250 (iv) the county attorney or the attorney's designee;
- 251 (v) one public defender or attorney who provides public defense within the county;
- 252 (vi) one district court judge;
- 253 (vii) one justice court judge;
- 254 (viii) one representative from the Division of Adult Probation and Parole within the
- 255 Department of Corrections;
- 256 (ix) one representative from the local mental health authority within the county; and
- 257 (x) one individual who is:
 - 258 (A) a crime victim; or
 - 259 (B) a victim advocate, as defined in Section 77-38-403.

260 (b) A council may include:

- 261 (i) an individual representing:
 - 262 (A) local government;
 - 263 (B) human services programs;
 - 264 (C) higher education;
 - 265 (D) peer support services;
 - 266 (E) workforce services;

- 267 (F) local housing services;
- 268 (G) mental health or substance use disorder providers;
- 269 (H) a health care organization within the county;
- 270 (I) a local homeless council;
- 271 (J) family counseling and support groups; or
- 272 (K) organizations that work with families of incarcerated individuals; or
- 273 (ii) an individual with lived experiences in the criminal justice system.
- 274 (3)(a) A member who is an elected county official shall serve as chair of the council.
- 275 (b) The council shall elect the member to serve as chair under Subsection (3)(a).
- 276 (4)(a) A council shall develop and implement a strategic plan for the county's or
- 277 counties' criminal justice system that includes:
- 278 (i) mapping of all systems, resources, assets, and services within the county's or
- 279 counties' criminal justice system;
- 280 (ii) a plan for data sharing across the county's or counties' criminal justice system;
- 281 (iii) recidivism reduction objectives; and
- 282 (iv) community reintegration goals, including identifying strategies for:
- 283 (A) connecting county residents who are on probation or parole, including those
- 284 under the custody of the Division of Juvenile Justice and Youth Services, with
- 285 county-based housing, employment, mental health services, substance use
- 286 treatment, and related resources; and
- 287 (B) educating and incentivizing employers to hire county residents who have a
- 288 criminal record or a juvenile record.
- 289 (b) The commission may assist a council in the development of a strategic plan.
- 290 (5) As part of the council's duties described in Subsection (4)(a)(i), the council shall prepare
- 291 a list of private probation providers for a court to provide to defendants as described in
- 292 Section 77-18-105.
- 293 (6) Before November 30 of each year, a council shall provide a written report to the
- 294 commission regarding:
- 295 (a) the implementation of a strategic plan described in Subsection (4); and
- 296 (b) any data on the impact of the council on the criminal justice system in the county or
- 297 counties.
- 298 Section 3. Section **34-52-201** is amended to read:
- 299 **34-52-201 (Effective 10/01/23). Public employer requirements.**
- 300 (1) Except as provided in Subsections (3) and (6), a public employer may not:

- 301 (a) exclude an applicant from an initial interview because of:
- 302 (i) a past criminal conviction, an expunged conviction, an arrest for an offense that
- 303 occurred before the applicant was 18 years old, or a juvenile adjudication; or
- 304 (ii) if the applicant is a mental health professional applicant, an arrest for an offense
- 305 that occurred before the applicant was 18 years old;
- 306 (b) make an inquiry related to an applicant's expunged criminal or juvenile delinquency
- 307 history;
- 308 (c) when making a hiring decision regarding a mental health professional applicant,
- 309 consider:
- 310 (i) an arrest for an offense that occurred before the mental health professional
- 311 applicant was 18 years old;
- 312 (ii) an arrest not followed by a criminal conviction or juvenile adjudication;
- 313 (iii) a juvenile adjudication; or
- 314 (iv) a past criminal conviction if:
- 315 (A) the sentence for the criminal conviction is terminated; and
- 316 (B) the mental health professional applicant was not incarcerated for the past
- 317 criminal conviction or the mental health professional applicant's incarceration
- 318 for the past criminal conviction ended at least three years before the day on
- 319 which the mental health professional applicant applied for employment; or
- 320 (d) deny a mental health professional applicant employment based on a past criminal
- 321 conviction that does not bear a direct relationship to the mental health professional
- 322 applicant's ability to safely or competently perform the duties of employment.
- 323 (2) A public employer excludes an applicant from an initial interview under Subsection (1)
- 324 if the public employer:
- 325 (a) requires an applicant to disclose a criminal conviction or juvenile adjudication:
- 326 (i) on an employment application;
- 327 (ii) before an initial interview; or
- 328 (iii) if no interview is conducted, before making a conditional offer of employment; or
- 329 (b) requires an applicant who is a mental health professional applicant to disclose an
- 330 arrest for an offense that occurred before the applicant was 18 years old:
- 331 (i) on an employment application;
- 332 (ii) before an initial interview; or
- 333 (iii) if no interview is conducted, before making a conditional offer of employment.
- 334 (3) A public employer may not deny a mental health professional applicant employment

- 335 that requires the mental health professional applicant to provide substance use treatment
336 based on:
- 337 (a) the mental health professional applicant's participation in substance use treatment; or
338 (b) a past criminal conviction for a nonviolent drug offense if:
- 339 (i) the sentence for the criminal conviction is terminated; and
340 (ii)(A) the mental health professional applicant was not incarcerated for the past
341 criminal conviction; or
342 (B) the mental health professional applicant's incarceration for the past criminal
343 conviction ended at least three years before the day on which the mental health
344 professional applicant applied for employment.
- 345 (4) An applicant seeking employment from a public employer may answer a question
346 related to an expunged criminal or juvenile delinquency record as though the action
347 underlying the expunged criminal or juvenile delinquency record never occurred.
- 348 (5) Except as provided in Subsections (1) through (3), this section does not prevent a public
349 employer from:
- 350 (a) asking an applicant for information about an applicant's criminal conviction or
351 juvenile delinquency history during an initial interview or after an initial interview; or
352 (b) considering an applicant's criminal conviction or juvenile delinquency history when
353 making a hiring decision.
- 354 (6)(a) Subsections (1) through (4) do not apply:
- 355 (i) if federal, state, or local law, including corresponding administrative rules,
356 requires the consideration of an applicant's criminal conviction, an expunged
357 conviction, an arrest for an offense that occurred before the applicant was 18 years
358 old, or juvenile delinquency history;
- 359 (ii) to a public employer that is a law enforcement agency;
360 (iii) to a public employer that is part of the criminal or juvenile justice system;
361 (iv) to a public employer seeking a nonemployee volunteer;
362 (v) to a public employer that works with children or vulnerable adults;
363 (vi) to the Department of Alcoholic Beverage Services created in Section 32B-2-203;
364 (vii) to the State Tax Commission;
365 (viii) to a public employer whose primary purpose is performing financial or
366 fiduciary functions; or
367 (ix) to a public transit district hiring or promoting an individual for a safety sensitive
368 position described in Section 17B-2a-825.

- 369 (b) Subsections (1)(c)(iv) and (1)(d) do not apply to a criminal conviction for:
370 (i) a violent felony as defined in Section 76-3-203.5; or
371 (ii) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual
372 Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act.
- 373 (c) Subsections (1)(a)(ii), (1)(c), (1)(d), and (3) apply to a person under contract with a
374 public employer.
- 375 Section 4. Section **58-1-402** is amended to read:
376 **58-1-402 (Effective 05/12/20). Administrative review -- Special appeals boards.**
- 377 (1)(a) Any applicant who has been denied a license to practice on the basis of
378 credentials, character, a criminal record, or failure to pass a required examination, or
379 who has been refused renewal or reinstatement of a license to practice on the basis
380 that the applicant does not meet qualifications for continued licensure in any
381 occupation or profession under the jurisdiction of the division may submit a request
382 for agency review to the executive director within 30 days following notification of
383 the denial of a license or refusal to renew or reinstate a license.
- 384 (b)(i) The executive director shall determine whether the circumstances for denying
385 an application for an initial license or for renewal or reinstatement of a license
386 would justify calling a special appeals board under Subsection (2).
- 387 (ii) In making the determination described in Subsection (1)(b)(i), the executive
388 director shall, if the denial is based on a criminal record, independently consider
389 the factors described in Subsection 58-1-401(7).
- 390 (iii) The executive director's decision is not subject to agency review.
- 391 (2) A special appeals board shall consist of three members appointed by the executive
392 director as follows:
- 393 (a) one member from the occupation or profession in question who is not on the board of
394 that occupation or profession;
- 395 (b) one member from the general public who is neither an attorney nor a practitioner in
396 an occupation or profession regulated by the division; and
- 397 (c) one member who is a resident lawyer currently licensed to practice law in this state
398 who shall serve as chair of the special appeals board.
- 399 (3) The special appeals board shall comply with the procedures and requirements of Title
400 63G, Chapter 4, Administrative Procedures Act, in its proceedings.
- 401 (4)(a) Within a reasonable amount of time following the conclusion of a hearing before a
402 special appeals board, the board shall enter an order based upon the record developed

403 at the hearing. The order shall state whether a legal basis exists for denying the
404 application for an initial license or for renewal or reinstatement of a license that is the
405 subject of the appeal. The order is not subject to further agency review.

406 (b) The division or the applicant may obtain judicial review of the decision of the special
407 appeals board in accordance with Sections 63G-4-401 and 63G-4-403.

408 (5) A member may not receive compensation or benefits for the member's service, but may
409 receive per diem and travel expenses in accordance with:

410 (a) Section 63A-3-106;

411 (b) Section 63A-3-107; and

412 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
413 63A-3-107.

414 (6) If an applicant under Subsection (1) is not given a special appeals board, the applicant
415 shall be given agency review under the ordinary agency review procedures specified by
416 rule.

417 Section 5. Section **58-1-501** is amended to read:

418 **58-1-501 (Effective 05/01/24). Unlawful and unprofessional conduct.**

419 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under
420 this title and includes:

421 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
422 attempting to practice or engage in any profession requiring licensure under this title,
423 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health
424 Coach and Technician Licensing Act, if the person is:

425 (i) not licensed to do so or not exempted from licensure under this title; or

426 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,
427 probationary, or inactive license;

428 (b)(i) impersonating another licensee or practicing a profession under a false or
429 assumed name, except as permitted by law; or

430 (ii) for a licensee who has had a license under this title reinstated following
431 disciplinary action, practicing the same profession using a different name than the
432 name used before the disciplinary action, except as permitted by law and after
433 notice to, and approval by, the division;

434 (c) knowingly employing any other person to practice or engage in or attempt to practice
435 or engage in any profession licensed under this title if the employee is not licensed to
436 do so under this title;

- 437 (d) knowingly permitting the person's authority to practice or engage in any profession
438 licensed under this title to be used by another, except as permitted by law;
- 439 (e) obtaining a passing score on a licensure examination, applying for or obtaining a
440 license, or otherwise dealing with the division or a licensing board through the use of
441 fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission;
- 442 (f)(i) issuing, or aiding and abetting in the issuance of, an order or prescription for a
443 drug or device to a person located in this state:
- 444 (A) without prescriptive authority conferred by a license issued under this title, or
445 by an exemption to licensure under this title; or
- 446 (B) with prescriptive authority conferred by an exception issued under this title or
447 a multistate practice privilege recognized under this title, if the prescription
448 was issued without first obtaining information, in the usual course of
449 professional practice, that is sufficient to establish a diagnosis, to identify
450 underlying conditions, and to identify contraindications to the proposed
451 treatment; and
- 452 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
453 or cross coverage situation, provided that the person who issues the prescription
454 has prescriptive authority conferred by a license under this title, or is exempt from
455 licensure under this title; or
- 456 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
457 profession under this title.
- 458 (2)(a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
459 defined as unprofessional conduct under this title or under any rule adopted under
460 this title and includes:
- 461 (i) violating any statute, rule, or order regulating ~~an~~ a profession under this title;
- 462 (ii) violating, or aiding or abetting any other person to violate, any generally accepted
463 professional or ethical standard applicable to an occupation or profession
464 regulated under this title;
- 465 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
466 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is
467 held in abeyance pending the successful completion of probation with respect to a
468 crime that, when considered with the functions and duties of the profession for
469 which the license was issued or is to be issued, bears a substantial relationship to
470 the licensee's or applicant's ability to safely or competently practice the profession;

- 471 (iv) engaging in conduct that results in disciplinary action, including reprimand,
472 censure, diversion, probation, suspension, or revocation, by any other licensing or
473 regulatory authority having jurisdiction over the licensee or applicant in the same
474 profession if the conduct would, in this state, constitute grounds for denial of
475 licensure or disciplinary proceedings under Section 58-1-401;
- 476 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
477 chemicals, to the extent that the conduct does, or might reasonably be considered
478 to, impair the ability of the licensee or applicant to safely engage in the profession;
- 479 (vi) practicing or attempting to practice a profession regulated under this title despite
480 being physically or mentally unfit to do so;
- 481 (vii) practicing or attempting to practice a or profession regulated under this title
482 through gross incompetence, gross negligence, or a pattern of incompetency or
483 negligence;
- 484 (viii) practicing or attempting to practice a profession requiring licensure under this
485 title by any form of action or communication which is false, misleading,
486 deceptive, or fraudulent;
- 487 (ix) practicing or attempting to practice a profession regulated under this title beyond
488 the scope of the licensee's competency, abilities, or education;
- 489 (x) practicing or attempting to practice a profession regulated under this title beyond
490 the scope of the licensee's license;
- 491 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
492 through conduct connected with the licensee's practice under this title or otherwise
493 facilitated by the licensee's license;
- 494 (xii) acting as a supervisor without meeting the qualification requirements for that
495 position that are defined by statute or rule;
- 496 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a
497 drug or device:
- 498 (A) without first obtaining information in the usual course of professional
499 practice, that is sufficient to establish a diagnosis, to identify conditions, and to
500 identify contraindications to the proposed treatment; or
- 501 (B) with prescriptive authority conferred by an exception issued under this title, or
502 a multi-state practice privilege recognized under this title, if the prescription
503 was issued without first obtaining information, in the usual course of
504 professional practice, that is sufficient to establish a diagnosis, to identify

- 505 underlying conditions, and to identify contraindications to the proposed
506 treatment;
- 507 (xiv) violating a provision of Section 58-1-501.5;
- 508 (xv) violating the terms of an order governing a license; or
- 509 (xvi) violating Section 58-1-511.
- 510 (b) "Unprofessional conduct" does not include:
- 511 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under
512 this title, deviating from medical norms or established practices if the conditions
513 described in Subsection (5) are met; and
- 514 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
515 health care provider deviates from medical norms or established practices,
516 including the maladies the health care provider treats, if the health care provider:
- 517 (A) does not guarantee any results regarding any health care service;
- 518 (B) fully discloses on the health care provider's website that the health care
519 provider deviates from medical norms or established practices with a
520 conspicuous statement; and
- 521 (C) includes the health care provider's contact information on the website.
- 522 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative
523 proceeding commenced by the division under this title, a person subject to any of the
524 unlawful and unprofessional conduct provisions of this title is strictly liable for each
525 violation.
- 526 (4) The following are not evidence of engaging in unprofessional conduct under Subsection
527 (2)(a)(iii):
- 528 (a) an arrest not followed by a conviction; or
- 529 (b) a conviction for which an individual's incarceration has ended more than [~~seven~~] five
530 years before the date of the division's consideration, unless:
- 531 (i) after the incarceration the individual has engaged in additional conduct that results
532 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
533 contendere that is held in abeyance pending the successful completion of
534 probation; or
- 535 (ii) the conviction was for:
- 536 (A) a violent felony as defined in Section 76-3-203.5;
- 537 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4,
538 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act; or

- 539 (C) a felony related to criminal fraud or embezzlement, including a felony under
540 Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft.
- 541 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
542 medical norms or established practices if:
- 543 (a) the health care provider does not deviate outside of the health care provider's scope
544 of practice and possesses the education, training, and experience to competently and
545 safely administer the alternative health care service;
 - 546 (b) the health care provider does not provide an alternative health care service that is
547 otherwise contrary to any state or federal law;
 - 548 (c) the alternative health care service has reasonable potential to be of benefit to the
549 patient to whom the alternative health care service is to be given;
 - 550 (d) the potential benefit of the alternative health care service outweighs the known
551 harms or side effects of the alternative health care service;
 - 552 (e) the alternative health care service is reasonably justified under the totality of the
553 circumstances;
 - 554 (f) after diagnosis but before providing the alternative health care service:
 - 555 (i) the health care provider educates the patient on the health care services that are
556 within the medical norms and established practices;
 - 557 (ii) the health care provider discloses to the patient that the health care provider is
558 recommending an alternative health care service that deviates from medical norms
559 and established practices;
 - 560 (iii) the health care provider discusses the rationale for deviating from medical norms
561 and established practices with the patient;
 - 562 (iv) the health care provider discloses any potential risks associated with deviation
563 from medical norms and established practices; and
 - 564 (v) the patient signs and acknowledges a notice of deviation; and
 - 565 (g) before providing an alternative health care service, the health care provider discloses
566 to the patient that the patient may enter into an agreement describing what would
567 constitute the health care provider's negligence related to deviation.
- 568 (6) As used in this section, "notice of deviation" means a written notice provided by a
569 health care provider to a patient that:
- 570 (a) is specific to the patient;
 - 571 (b) indicates that the health care provider is deviating from medical norms or established
572 practices in the health care provider's recommendation for the patient's treatment;

- 573 (c) describes how the alternative health care service deviates from medical norms or
 574 established practices;
- 575 (d) describes the potential risks and benefits associated with the alternative health care
 576 service;
- 577 (e) describes the health care provider's reasonably justified rationale regarding the
 578 reason for the deviation; and
- 579 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to
 580 receive the alternative health care service which is outside medical norms and
 581 established practices.

582 Section 6. Section **64-13h-101** is enacted to read:

583 **CHAPTER 13h. REHABILITATION AND REENTRY SERVICES**

584 **64-13h-101 (Effective upon governor's approval). Definitions.**

585 As used in this chapter:

- 586 (1) "Account" means the Rehabilitation and Reentry Services Restricted Account created in
 587 Section 64-13h-102.
- 588 (2) "Department" means the Department of Corrections.
- 589 (3) "Offender" means the same as that term is defined in Section 64-13-1.

590 Section 7. Section **64-13h-102** is enacted to read:

591 **64-13h-102 (Effective upon governor's approval). Creation of Rehabilitation and**
 592 **Reentry Services Restricted Account.**

- 593 (1) There is created a restricted account within the General Fund known as the
 594 Rehabilitation and Reentry Services Restricted Account.
- 595 (2) The account includes:
- 596 (a) private donations, grants, gifts, bequests, or money made available from any other
 597 source to implement this section and Section 64-13h-103;
- 598 (b) money appropriated to the account by the Legislature; and
- 599 (c) any interest earned on the account.
- 600 (3) The department shall administer the account for the purposes described in Section
 601 64-13h-103.
- 602 (4) Upon appropriation by the Legislature, the department shall use money in the account as
 603 described in Section 64-13h-103.

604 Section 8. Section **64-13h-103** is enacted to read:

605 **64-13h-103 (Effective upon governor's approval). Uses of Rehabilitation and**
 606 **Reentry Services Restricted Account.**

- 607 (1) Account funds shall be used to provide direct services to offenders that will increase the
608 likelihood of successful reintegration into the general public and decrease the likelihood
609 of recidivism, which may include:
- 610 (a) educational services;
 - 611 (b) job skills training;
 - 612 (c) life skills training;
 - 613 (d) apprenticeships;
 - 614 (e) job placement assistance;
 - 615 (f) assistance with affordable housing or supervised or transitional housing services;
 - 616 (g) substance use treatment, mental health services, or physical health services; or
 - 617 (h) case worker access, before or after leaving incarceration.
- 618 (2) The department may expend money from the account to offset actual department
619 expenses related to administering this section.

620 Section 9. **Effective Date.**

621 This bill takes effect:

- 622 (1) except as provided in Subsection (2), May 7, 2025; or
- 623 (2) if approved by two-thirds of all members elected to each house:
- 624 (a) upon approval by the governor;
 - 625 (b) without the governor's signature, the day following the constitutional time limit of
626 Utah Constitution, Article VII, Section 8; or
 - 627 (c) in the case of a veto, the date of veto override.