

**DIVISION OF OCCUPATIONAL AND PROFESSIONAL
LICENSING AMENDMENTS**

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to occupational and professional licensing.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that certain claims by a qualified beneficiary are not assignable;
- ▶ provides that the Division of Occupational and Professional Licensing (DOPL) shall comply with the Open and Public Meetings Act;
- ▶ modifies provisions related to DOPL's adjudicative proceedings and rulemaking authority;
- ▶ modifies provisions related to licensure requirements, licensure exemptions, the reinstatement of licenses, grounds for denying licenses, and penalties for the conduct of licensees under DOPL;
- ▶ modifies provisions related to access to information in the controlled substance database;
- ▶ modifies provisions related to the confidentiality of certain records provided to DOPL; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **38-11-203**, as last amended by Laws of Utah 2004, Chapter 42

34 **38-11-204**, as last amended by Laws of Utah 2012, Chapter 278

35 **58-1-106**, as last amended by Laws of Utah 2008, Chapter 382

36 **58-1-109**, as last amended by Laws of Utah 2008, Chapter 382

37 **58-1-302**, as last amended by Laws of Utah 2013, Chapter 262

38 **58-1-307**, as last amended by Laws of Utah 2012, Chapter 150

39 **58-1-308**, as last amended by Laws of Utah 2009, Chapter 183

40 **58-1-401**, as last amended by Laws of Utah 2013, Chapter 262

41 **58-1-502**, as last amended by Laws of Utah 2013, Chapter 262

42 **58-13-3**, as last amended by Laws of Utah 2014, Chapter 400

43 **58-15-2**, as last amended by Laws of Utah 2011, Chapter 366

44 **58-16a-302**, as last amended by Laws of Utah 2014, Chapter 305

45 **58-17b-610.5**, as enacted by Laws of Utah 2015, Chapter 336

46 **58-24b-301**, as enacted by Laws of Utah 2009, Chapter 220

47 **58-24b-302**, as enacted by Laws of Utah 2009, Chapter 220

48 **58-24b-303**, as last amended by Laws of Utah 2013, Chapter 31

49 **58-26a-501**, as last amended by Laws of Utah 2008, Chapter 265

50 **58-37f-301**, as last amended by Laws of Utah 2015, Chapters 89, 326, and 336

51 **58-37f-601**, as last amended by Laws of Utah 2015, Chapter 326

52 **58-44a-302**, as last amended by Laws of Utah 2009, Chapter 183

53 **58-55-302**, as last amended by Laws of Utah 2015, Chapter 258

54 **58-55-307**, as last amended by Laws of Utah 2008, Chapter 382

55 **58-60-508**, as last amended by Laws of Utah 2013, Chapter 262

56 **58-63-302**, as last amended by Laws of Utah 2013, Chapter 436

57 **58-64-304**, as enacted by Laws of Utah 1995, Chapter 215

58 **58-70a-305**, as last amended by Laws of Utah 2010, Chapter 37

59 [58-74-102](#), as last amended by Laws of Utah 2004, Chapter 77

60 [58-77-601](#), as last amended by Laws of Utah 2014, Chapter 189

61 [58-81-102](#), as enacted by Laws of Utah 2009, Chapter 263

62

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

64 Section 1. Section [38-11-203](#) is amended to read:

65 **[38-11-203. Disbursements from the fund -- Limitations.](#)**

66 (1) A payment of any claim upon the fund by a qualified beneficiary shall be made only
67 upon an order issued by the director finding that:

68 (a) the claimant was a qualified beneficiary during the construction on a residence;

69 (b) the claimant complied with the requirements of Section [38-11-204](#); [~~and~~]

70 (c) there is adequate money in the fund to pay the amount ordered[.]; and

71 (d) the claimant provided the qualified services that are the basis of the claim.

72 (2) A payment of a claim upon the fund by a laborer shall be made only upon an order
73 issued by the director finding that:

74 (a) the laborer complied with the requirements of Subsection [38-11-204\(7\)](#); and

75 (b) there is adequate money in the fund to pay the amount ordered.

76 (3) (a) An order under this section may be issued only after the division has complied
77 with the procedures established by rule under Section [38-11-105](#).

78 (b) The director shall order payment of the qualified services as established by
79 evidence, or if the claimant has obtained a judgment, then in the amount awarded for qualified
80 services in the judgment to the extent the qualified services are attributable to the
81 owner-occupied residence at issue in the claim.

82 (c) The director shall order payment of interest on amounts claimed for qualified
83 services based on the current prime interest rate at the time payment was due to the date the
84 claim is approved for payment except for delays attributable to the claimant but not more than
85 10% per annum.

86 (d) The rate shall be the prime lending rate as published in the Wall Street Journal on
87 the first business day of each calendar year adjusted annually.

88 (e) The director shall order payment of costs in the amount stated in the judgment. If
89 the judgment does not state a sum certain for costs, or if no judgment has been obtained, the

90 director shall order payment of reasonable costs as supported by evidence. The claim
91 application fee as established by the division pursuant to Subsection 38-11-204(1)(b) is not a
92 reimbursable cost.

93 (f) If a judgment has been obtained with attorneys' fees, notwithstanding the amount
94 stated in a judgment, or if no judgment has been obtained but the contract provides for
95 attorneys' fees, the director shall order payment of attorneys' fees not to exceed 15% of
96 qualified services. If the judgment does not state a sum for attorneys' fees, no attorneys' fees
97 will be paid by the director.

98 (4) (a) Payments made from the fund may not exceed \$75,000 per construction project
99 to qualified beneficiaries and laborers who have claim against the fund for that construction
100 project.

101 (b) If claims against the fund for a construction project exceed \$75,000, the \$75,000
102 shall be awarded proportionately so that each qualified beneficiary and laborer awarded
103 compensation from the fund for qualified services shall receive an identical percentage of the
104 qualified beneficiary's or laborer's award.

105 (5) Subject to the limitations of Subsection (4), if on the day the order is issued there
106 are inadequate funds to pay the entire claim and the director determines that the claimant has
107 otherwise met the requirements of Subsection (1) or (2), the director shall order additional
108 payments once the fund meets the balance limitations of Section 38-11-206.

109 (6) A claim upon the fund is not assignable.

110 Section 2. Section 38-11-204 is amended to read:

111 **38-11-204. Claims against the fund -- Requirement to make a claim --**

112 **Qualifications to receive compensation -- Qualifications to receive a certificate of**
113 **compliance.**

114 (1) To claim recovery from the fund a person shall:

115 (a) meet the requirements of Subsection (4) or (6);

116 (b) pay an application fee determined by the division under Section 63J-1-504; and

117 (c) file with the division a completed application on a form provided by the division
118 accompanied by supporting documents establishing:

119 (i) that the person meets the requirements of Subsection (4) or (6);

120 (ii) that the person was a qualified beneficiary or laborer during the construction on the

121 owner-occupied residence; and

122 (iii) the basis for the claim.

123 (2) To recover from the fund, the application required by Subsection (1) shall be filed
124 no later than one year:

125 (a) from the date the judgment required by Subsection (4)(d) is entered;

126 (b) from the date the nonpaying party filed bankruptcy, if the claimant is precluded
127 from obtaining a judgment or from satisfying the requirements of Subsection (4)(d) because the
128 nonpaying party filed bankruptcy within one year after the entry of judgment; or

129 (c) from the date the laborer, trying to recover from the fund, completed the laborer's
130 qualified services.

131 (3) The issuance of a certificate of compliance is governed by Section 38-11-110.

132 (4) To recover from the fund, regardless of whether the residence is occupied by the
133 owner, a subsequent owner, or the owner or subsequent owner's tenant or lessee, a qualified
134 beneficiary shall establish that:

135 (a) (i) the owner of the owner-occupied residence or the owner's agent entered into a
136 written contract with an original contractor licensed or exempt from licensure under Title 58,
137 Chapter 55, Utah Construction Trades Licensing Act:

138 (A) for the performance of qualified services;

139 (B) to obtain the performance of qualified services by others; or

140 (C) for the supervision of the performance by others of qualified services in
141 construction on that residence;

142 (ii) the owner of the owner-occupied residence or the owner's agent entered into a
143 written contract with a real estate developer for the purchase of an owner-occupied residence;

144 or

145 (iii) the owner of the owner-occupied residence or the owner's agent entered into a
146 written contract with a factory built housing retailer for the purchase of an owner-occupied
147 residence;

148 (b) the owner has paid in full the original contractor, licensed or exempt from licensure
149 under Title 58, Chapter 55, Utah Construction Trades Licensing Act, real estate developer, or
150 factory built housing retailer under Subsection (4)(a) with whom the owner has a written
151 contract in accordance with the written contract and any amendments to the contract;

152 (c) (i) the original contractor, licensed or exempt from licensure under Title 58,
153 Chapter 55, Utah Construction Trades Licensing Act, the real estate developer, or the factory
154 built housing retailer subsequently failed to pay a qualified beneficiary who is entitled to
155 payment under an agreement with that original contractor or real estate developer licensed or
156 exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act, for
157 services performed or materials supplied by the qualified beneficiary;

158 (ii) a subcontractor who contracts with the original contractor, licensed or exempt from
159 licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act, the real estate
160 developer, or the factory built housing retailer failed to pay a qualified beneficiary who is
161 entitled to payment under an agreement with that subcontractor or supplier; or

162 (iii) a subcontractor who contracts with a subcontractor or supplier failed to pay a
163 qualified beneficiary who is entitled to payment under an agreement with that subcontractor or
164 supplier;

165 (d) (i) unless precluded from doing so by the nonpaying party's bankruptcy filing
166 within the applicable time, the qualified beneficiary filed an action against the nonpaying party
167 to recover money owed to the qualified beneficiary within the earlier of:

168 (A) 180 days from the date the qualified beneficiary filed a notice of claim under
169 Section 38-1a-502; or

170 (B) 270 days from the completion of the original contract pursuant to Subsection
171 38-1a-502(1);

172 (ii) the qualified beneficiary has obtained a judgment against the nonpaying party who
173 failed to pay the qualified beneficiary under an agreement to provide qualified services for
174 construction of that owner-occupied residence;

175 (iii) ~~(A)~~ the qualified beneficiary has:

176 ~~(A)~~ (A) obtained from a court of competent jurisdiction the issuance of an order
177 requiring the judgment debtor, or if a corporation any officer of the corporation, to appear
178 before the court at a specified time and place to answer concerning the debtor's or corporation's
179 property;

180 ~~(B)~~ (B) received return of service of the order from a person qualified to serve
181 documents under the Utah Rules of Civil Procedure, Rule 4(b); ~~and~~

182 ~~(C)~~ (C) made reasonable efforts to obtain asset information from the supplemental

183 proceedings; and

184 ~~[(B)]~~ (D) if assets subject to execution are discovered as a result of the order required
185 under this Subsection (4)(d)(iii)~~[(A)]~~ or for any other reason, ~~[to obtain]~~ obtained the issuance
186 of a writ of execution from a court of competent jurisdiction; ~~[or]~~ and

187 (iv) if the nonpaying party has filed bankruptcy, the qualified beneficiary timely filed a
188 proof of claim where permitted in the bankruptcy action~~[- if the nonpaying party has filed~~
189 ~~bankruptcy]~~;

190 (e) the qualified beneficiary is not entitled to reimbursement from any other person;
191 and

192 (f) the qualified beneficiary provided qualified services to a contractor, licensed or
193 exempt from licensure under Title 58, Chapter 55, Utah Construction Trades Licensing Act.

194 (5) The requirements of Subsections (4)(d)(ii) and (iii) need not be met if the qualified
195 beneficiary is prevented from compliance because the nonpaying party files bankruptcy.

196 (6) To recover from the fund a laborer shall:

197 (a) establish that the laborer has not been paid wages due for the work performed at the
198 site of a construction on an owner-occupied residence; and

199 (b) provide any supporting documents or information required by rule by the division.

200 (7) A fee determined by the division under Section [63J-1-504](#) shall be deducted from
201 any recovery from the fund received by a laborer.

202 (8) The requirements of Subsections (4)(a) and (b) may be satisfied if an owner or
203 agent of the owner establishes to the satisfaction of the director that the owner of the
204 owner-occupied residence or the owner's agent entered into a written contract with an original
205 contractor who:

206 (a) was a business entity that was not licensed under Title 58, Chapter 55, Utah
207 Construction Trades Licensing Act, but was solely or partly owned by an individual who was
208 licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act; or

209 (b) was a natural person who was not licensed under Title 58, Chapter 55, Utah
210 Construction Trades Licensing Act, but who was the sole or partial owner and qualifier of a
211 business entity that was licensed under Title 58, Chapter 55, Utah Construction Trades
212 Licensing Act.

213 (9) The director shall have equitable power to determine if the requirements of

214 Subsections (4)(a) and (b) have been met, but any decision by the director under this chapter
215 shall not alter or have any effect on any other decision by the division under Title 58,
216 Occupations and Professions.

217 Section 3. Section **58-1-106** is amended to read:

218 **58-1-106. Division -- Duties, functions, and responsibilities.**

219 (1) The duties, functions, and responsibilities of the division include the following:

220 (a) prescribing, adopting, and enforcing rules to administer this title;

221 (b) investigating the activities of any person whose occupation or profession is
222 regulated or governed by the laws and rules administered and enforced by the division;

223 (c) subpoenaing witnesses, taking evidence, and requiring by subpoena duces tecum
224 the production of any books, papers, documents, records, contracts, recordings, tapes,
225 correspondence, or information relevant to an investigation upon a finding of sufficient need by
226 the director or by the director's designee;

227 (d) taking administrative and judicial action against persons in violation of the laws
228 and rules administered and enforced by the division, including the issuance of cease and desist
229 orders;

230 (e) seeking injunctions and temporary restraining orders to restrain unauthorized
231 activity;

232 (f) ~~[giving public notice of board meetings]~~ complying with Title 52, Chapter 4, Open
233 and Public Meetings Act;

234 ~~[(g) keeping records of board meetings, proceedings, and actions and making those~~
235 ~~records available for public inspection upon request;]~~

236 ~~[(h)]~~ (g) issuing, refusing to issue, revoking, suspending, renewing, refusing to renew,
237 or otherwise acting upon any license;

238 ~~[(i)]~~ (h) preparing and submitting to the governor and the Legislature an annual report
239 of the division's operations, activities, and goals;

240 ~~[(j)]~~ (i) preparing and submitting to the executive director a budget of the expenses for
241 the division;

242 ~~[(k)]~~ (j) establishing the time and place for the administration of examinations; and

243 ~~[(l)]~~ (k) preparing lists of licensees and making these lists available to the public at cost
244 upon request unless otherwise prohibited by state or federal law.

245 (2) The division may not include home telephone numbers or home addresses of
246 licensees on the lists prepared under Subsection (1)(~~h~~)(k), except as otherwise provided by
247 rules of the division made in accordance with Title 63G, Chapter 3, Utah Administrative
248 Rulemaking Act.

249 (3) (a) The division may provide the home address or home telephone number of a
250 licensee on a list prepared under Subsection (1) upon the request of an individual who provides
251 proper identification and the reason for the request, in writing, to the division.

252 (b) A request under Subsection (3)(a) is limited to providing information on only one
253 licensee per request.

254 (c) The division shall provide, by rule, what constitutes proper identification under
255 Subsection (3)(a).

256 Section 4. Section **58-1-109** is amended to read:

257 **58-1-109. Presiding officers -- Content of orders -- Recommended orders -- Final**
258 **orders -- Appeal of orders.**

259 (1) Unless otherwise specified by statute or rule, the presiding officer for adjudicative
260 proceedings before the division shall be the director. However, pursuant to Title 63G, Chapter
261 4, Administrative Procedures Act, the director may designate in writing an individual or body
262 of individuals to act as presiding officer to conduct or to assist the director in conducting any
263 part or all of an adjudicative proceeding.

264 (2) Unless otherwise specified by the director, an administrative law judge shall be
265 designated as the presiding officer to conduct formal adjudicative proceedings in accordance
266 with Subsection [63G-4-102\(4\)](#), Sections [63G-4-204](#) through [63G-4-207](#), and [63G-4-209](#).

267 (3) Unless otherwise specified by the director, the licensing board of the occupation or
268 profession that is the subject of the proceedings shall be designated as the presiding officer to
269 serve as fact finder at the evidentiary hearing in a formal adjudicative proceeding.

270 (4) At the close of an evidentiary hearing in an adjudicative proceeding, unless
271 otherwise specified by the director, the presiding officer who served as the fact finder at the
272 hearing shall issue a recommended order based upon the record developed at the hearing
273 determining all issues pending before the division.

274 (5) (a) The director shall issue a final order affirming the recommended order or
275 modifying or rejecting all or any part of the recommended order and entering new findings of

276 fact, conclusions of law, statement of reasons, and order based upon the director's personal
277 attendance at the hearing or a review of the record developed at the hearing. Before modifying
278 or rejecting a recommended order, the director shall consult with the presiding officer who
279 issued the recommended order.

280 (b) If the director issues a final order modifying or rejecting a recommended order, the
281 licensing board of the occupation or profession that is the subject of the proceeding may, by a
282 two-thirds majority vote of all board members, petition the executive director or designee
283 within the department to review the director's final order. The executive director's decision
284 shall become the final order of the division. This subsection does not limit the right of the
285 parties to appeal the director's final order by filing a request for agency review under
286 Subsection (8).

287 (6) If the director is unable for any reason to rule upon a recommended order of a
288 presiding officer, the director may designate another person within the division to issue a final
289 order.

290 (7) If the director or the director's designee does not initiate additional fact finding or
291 issue a final order within 20 calendar days after the date of the recommended order of the
292 presiding officer, the recommended order becomes the final order of the director or the
293 director's designee.

294 (8) The final order of the director may be appealed by filing a request for agency
295 review with the executive director or the executive director's designee within the department.

296 (9) The content of all orders shall comply with the requirements of Subsection
297 [63G-4-203\(1\)\(i\)](#) and Sections [63G-4-208](#) and [63G-4-209](#).

298 Section 5. Section **58-1-302** is amended to read:

299 **58-1-302. License by endorsement.**

300 (1) (a) The division may issue a license without examination to a person who has been
301 licensed in a state, district, or territory of the United States, or in a foreign country, where the
302 education, experience, and examination requirements are, or were at the time the license was
303 issued, substantially equal to the requirements of this state.

304 (b) The division, in consultation with the applicable licensing board, may make rules in
305 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the
306 requirements of this Subsection (1).

307 (2) Before a person may be issued a license under this section, the person shall produce
308 satisfactory evidence of the person's identity, qualifications, and good standing in the
309 occupation or profession for which licensure is sought.

310 Section 6. Section **58-1-307** is amended to read:

311 **58-1-307. Exemptions from licensure.**

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

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

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

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

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

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

334 (f) an individual licensed under the laws of this state, other than under this title, to
335 practice or engage in an occupation or profession, while engaged in the lawful, professional,
336 and competent practice of that occupation or profession;

337 (g) an individual licensed in a health care profession in another state who performs that

338 profession while attending to the immediate needs of a patient for a reasonable period during
339 which the patient is being transported from outside of this state, into this state, or through this
340 state;

341 (h) an individual licensed in another state or country who is in this state temporarily to
342 attend to the needs of an athletic team or group, except that the practitioner may only attend to
343 the needs of the athletic team or group, including all individuals who travel with the team or
344 group in any capacity except as a spectator;

345 (i) an individual licensed and in good standing in another state, who is in this state:

346 (i) temporarily, under the invitation and control of a sponsoring entity;

347 (ii) for a reason associated with a special purpose event, based upon needs that may
348 exceed the ability of this state to address through its licensees, as determined by the division;
349 and

350 (iii) for a limited period of time not to exceed the duration of that event, together with
351 any necessary preparatory and conclusionary periods; and

352 [~~(j) a law enforcement officer, as defined under Section 53-13-103, who:~~]

353 [~~(i) is operating a voice stress analyzer in the course of the officer's full-time
354 employment with a federal, state, or local law enforcement agency;~~]

355 [~~(ii) has completed the manufacturer's training course and is certified by the
356 manufacturer to operate that voice stress analyzer; and]~~

357 [~~(iii) is operating the voice stress analyzer in accordance with Section 58-64-601,
358 regarding deception detection instruments; and]~~

359 [~~(k)~~] (j) the spouse of an individual serving in the armed forces of the United States
360 while the individual is stationed within this state, provided:

361 (i) the spouse holds a valid license to practice a regulated occupation or profession
362 issued by any other state or jurisdiction recognized by the division; and

363 (ii) the license is current and the spouse is in good standing in the state of licensure.

364 (2) (a) A practitioner temporarily in this state who is exempted from licensure under
365 Subsection (1) shall comply with each requirement of the licensing jurisdiction from which the
366 practitioner derives authority to practice.

367 (b) Violation of a limitation imposed by this section constitutes grounds for removal of
368 exempt status, denial of license, or other disciplinary proceedings.

369 (3) An individual who is licensed under a specific chapter of this title to practice or
370 engage in an occupation or profession may engage in the lawful, professional, and competent
371 practice of that occupation or profession without additional licensure under other chapters of
372 this title, except as otherwise provided by this title.

373 (4) Upon the declaration of a national, state, or local emergency, a public health
374 emergency as defined in Section [26-23b-102](#), or a declaration by the president of the United
375 States or other federal official requesting public health-related activities, the division in
376 collaboration with the board may:

377 (a) suspend the requirements for permanent or temporary licensure of individuals who
378 are licensed in another state for the duration of the emergency while engaged in the scope of
379 practice for which they are licensed in the other state;

380 (b) modify, under the circumstances described in this Subsection (4) and Subsection
381 (5), the scope of practice restrictions under this title for individuals who are licensed under this
382 title as:

383 (i) a physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
384 Osteopathic Medical Practice Act;

385 (ii) a nurse under Chapter 31b, Nurse Practice Act, or Chapter 31c, Nurse Licensure
386 Compact;

387 (iii) a certified nurse midwife under Chapter 44a, Nurse Midwife Practice Act;

388 (iv) a pharmacist, pharmacy technician, or pharmacy intern under Chapter 17b,
389 Pharmacy Practice Act;

390 (v) a respiratory therapist under Chapter 57, Respiratory Care Practices Act;

391 (vi) a dentist and dental hygienist under Chapter 69, Dentist and Dental Hygienist
392 Practice Act; and

393 (vii) a physician assistant under Chapter 70a, Physician Assistant Act;

394 (c) suspend the requirements for licensure under this title and modify the scope of
395 practice in the circumstances described in this Subsection (4) and Subsection (5) for medical
396 services personnel or paramedics required to be certified under Section [26-8a-302](#);

397 (d) suspend requirements in Subsections [58-17b-620](#)(3) through (6) which require
398 certain prescriptive procedures;

399 (e) exempt or modify the requirement for licensure of an individual who is activated as

400 a member of a medical reserve corps during a time of emergency as provided in Section
401 [26A-1-126](#); and

402 (f) exempt or modify the requirement for licensure of an individual who is registered as
403 a volunteer health practitioner as provided in Title 26, Chapter 49, Uniform Emergency
404 Volunteer Health Practitioners Act.

405 (5) Individuals exempt under Subsection (4)(c) and individuals operating under
406 modified scope of practice provisions under Subsection (4)(b):

407 (a) are exempt from licensure or subject to modified scope of practice for the duration
408 of the emergency;

409 (b) must be engaged in the distribution of medicines or medical devices in response to
410 the emergency or declaration; and

411 (c) must be employed by or volunteering for:

412 (i) a local or state department of health; or

413 (ii) a host entity as defined in Section [26-49-102](#).

414 (6) In accordance with the protocols established under Subsection (8), upon the
415 declaration of a national, state, or local emergency, the Department of Health or a local health
416 department shall coordinate with public safety authorities as defined in Subsection
417 [26-23b-110\(1\)](#) and may:

418 (a) use a vaccine, antiviral, antibiotic, or other prescription medication that is not a
419 controlled substance to prevent or treat a disease or condition that gave rise to, or was a
420 consequence of, the emergency; or

421 (b) distribute a vaccine, antiviral, antibiotic, or other prescription medication that is not
422 a controlled substance:

423 (i) if necessary, to replenish a commercial pharmacy in the event that the commercial
424 pharmacy's normal source of the vaccine, antiviral, antibiotic, or other prescription medication
425 is exhausted; or

426 (ii) for dispensing or direct administration to treat the disease or condition that gave
427 rise to, or was a consequence of, the emergency by:

428 (A) a pharmacy;

429 (B) a prescribing practitioner;

430 (C) a licensed health care facility;

431 (D) a federally qualified community health clinic; or

432 (E) a governmental entity for use by a community more than 50 miles from a person
433 described in Subsections (6)(b)(ii)(A) through (D).

434 (7) In accordance with protocols established under Subsection (8), upon the declaration
435 of a national, state, or local emergency, the Department of Health shall coordinate the
436 distribution of medications:

437 (a) received from the strategic national stockpile to local health departments; and

438 (b) from local health departments to emergency personnel within the local health
439 departments' geographic region.

440 (8) The Department of Health shall establish by rule, made in accordance with Title
441 63G, Chapter 3, Utah Administrative Rulemaking Act, protocols for administering, dispensing,
442 and distributing a vaccine, an antiviral, an antibiotic, or other prescription medication that is
443 not a controlled substance in the event of a declaration of a national, state, or local emergency.
444 The protocol shall establish procedures for the Department of Health or a local health
445 department to:

446 (a) coordinate the distribution of:

447 (i) a vaccine, an antiviral, an antibiotic, or other prescription medication that is not a
448 controlled substance received by the Department of Health from the strategic national stockpile
449 to local health departments; and

450 (ii) a vaccine, an antiviral, an antibiotic, or other non-controlled prescription
451 medication received by a local health department to emergency personnel within the local
452 health department's geographic region;

453 (b) authorize the dispensing, administration, or distribution of a vaccine, an antiviral,
454 an antibiotic, or other prescription medication that is not a controlled substance to the contact
455 of a patient[~~as defined in Section 26-6-2;~~] without a patient-practitioner relationship, if the
456 contact's condition is the same as that of the physician's patient; and

457 (c) authorize the administration, distribution, or dispensing of a vaccine, an antiviral,
458 an antibiotic, or other non-controlled prescription medication to an individual who:

459 (i) is working in a triage situation;

460 (ii) is receiving preventative or medical treatment in a triage situation;

461 (iii) does not have coverage for the prescription in the individual's health insurance

462 plan;

463 (iv) is involved in the delivery of medical or other emergency services in response to
464 the declared national, state, or local emergency; or

465 (v) otherwise has a direct impact on public health.

466 (9) The Department of Health shall give notice to the division upon implementation of
467 the protocol established under Subsection (8).

468 Section 7. Section **58-1-308** is amended to read:

469 **58-1-308. Term of license -- Expiration of license -- Renewal of license --**
470 **Reinstatement of license -- Application procedures.**

471 (1) (a) Each license issued under this title shall be issued in accordance with a two-year
472 renewal cycle established by rule.

473 (b) A renewal period may be extended or shortened by as much as one year to maintain
474 established renewal cycles or to change an established renewal cycle.

475 (2) (a) The expiration date of a license shall be shown on the license.

476 (b) A license that is not renewed prior to the expiration date shown on the license
477 automatically expires.

478 (c) A license automatically expires prior to the expiration date shown on the license
479 upon the death of a licensee who is a natural person, or upon the dissolution of a licensee that is
480 a partnership, corporation, or other business entity.

481 (d) If the existence of a dissolved partnership, corporation, or other business entity is
482 reinstated prior to the expiration date shown upon the entity's expired license issued by the
483 division, the division shall, upon written application, reinstate the applicant's license, unless it
484 finds that the applicant no longer meets the qualifications for licensure.

485 (e) Expiration of licensure is not an adjudicative proceeding under Title 63G, Chapter
486 4, Administrative Procedures Act.

487 (3) (a) The division shall notify each licensee in accordance with procedures
488 established by rule that the licensee's license is due for renewal and that unless an application
489 for renewal is received by the division by the expiration date shown on the license, together
490 with the appropriate renewal fee and documentation showing completion of or compliance with
491 renewal qualifications, the license will not be renewed.

492 (b) Examples of renewal qualifications which by statute or rule the division may

493 require the licensee to document completion of or compliance with include:

- 494 (i) continuing education;
- 495 (ii) continuing competency;
- 496 (iii) quality assurance;
- 497 (iv) utilization plan and protocol;
- 498 (v) financial responsibility;
- 499 (vi) certification renewal; and
- 500 (vii) calibration of equipment.

501 (4) (a) (i) An application for renewal that complies with Subsection (3) is complete.

502 (ii) A renewed license shall be issued to applicants who submit a complete application,
503 unless it is apparent to the division that the applicant no longer meets the qualifications for
504 continued licensure.

505 (b) (i) The division may evaluate or verify documentation showing completion of or
506 compliance with renewal requirements on an entire population or a random sample basis, and
507 may be assisted by advisory peer committees.

508 (ii) If necessary, the division may complete its evaluation or verification subsequent to
509 renewal and, if appropriate, pursue action to suspend or revoke the license of a licensee who no
510 longer meets the qualifications for continued licensure.

511 (c) The application procedures specified in Subsection 58-1-301(2), apply to renewal
512 applications to the extent they are not in conflict with this section.

513 (5) (a) Any license that is not renewed may be reinstated [~~at any time within two years~~
514 ~~after nonrenewal~~];

515 (i) upon submission of an application for reinstatement, payment of the renewal fee
516 together with a reinstatement fee determined by the department under Section 63J-1-504, and
517 upon submission of documentation showing completion of or compliance with renewal
518 qualifications[-]; and

519 (ii) (A) at any time within two years after nonrenewal; or

520 (B) between two years and five years after nonrenewal, if established by rule made by
521 the division in consultation with the applicable licensing board in accordance with Title 63G,
522 Chapter 3, Utah Administrative Rulemaking Act.

523 (b) The application procedures specified in Subsection 58-1-301(2) apply to the

524 reinstatement applications to the extent they are not in conflict with this section.

525 (c) Except as otherwise provided by rule, a license that is reinstated no later than 120
526 days after it expires shall be retroactively reinstated to the date it expired.

527 (6) (a) [H] Except as provided in Subsection (5)(a), if not reinstated within two years,
528 the holder may obtain a license only if the holder meets requirements provided by the division
529 by rule or by statute for a new license.

530 (b) Each licensee under this title who has been active in the licensed occupation or
531 profession while in the full-time employ of the United States government or under license to
532 practice that occupation or profession in any other state or territory of the United States may
533 reinstate the licensee's license without taking an examination by submitting an application for
534 reinstatement, paying the current annual renewal fee and the reinstatement fee, and submitting
535 documentation showing completion of or compliance with any renewal qualifications at any
536 time within six months after reestablishing domicile within Utah or terminating full-time
537 government service.

538 Section 8. Section **58-1-401** is amended to read:

539 **58-1-401. Grounds for denial of license -- Disciplinary proceedings -- Time**
540 **limitations -- Sanctions.**

541 (1) The division shall refuse to issue a license to an applicant and shall refuse to renew
542 or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a
543 licensee who does not meet the qualifications for licensure under this title.

544 (2) The division may refuse to issue a license to an applicant and may refuse to renew
545 or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise
546 act upon the license of a licensee for the following reasons:

547 (a) the applicant or licensee has engaged in unprofessional conduct, as defined by
548 statute or rule under this title;

549 (b) the applicant or licensee has engaged in unlawful conduct as defined by statute
550 under this title;

551 (c) the applicant or licensee has been determined to be mentally incompetent by a court
552 of competent jurisdiction; or

553 (d) the applicant or licensee is unable to practice the occupation or profession with
554 reasonable skill and safety because of illness, drunkenness, excessive use of drugs, narcotics,

555 chemicals, or other type of material, or as a result of a mental or physical condition, when the
556 condition demonstrates a threat or potential threat to the public health, safety, or welfare.

557 (3) A licensee whose license to practice an occupation or profession regulated by this
558 title has been suspended, revoked, placed on probation, or restricted may apply for
559 reinstatement of the license at reasonable intervals and upon compliance with conditions
560 imposed upon the licensee by statute, rule, or terms of the license suspension, revocation,
561 probation, or restriction.

562 (4) The division may issue cease and desist orders to:

563 (a) a licensee or applicant who may be disciplined under Subsection (1) or (2);

564 (b) a person who engages in or represents that the person is engaged in an occupation
565 or profession regulated under this title; and

566 (c) a person who otherwise violates this title or a rule adopted under this title.

567 (5) The division may impose an administrative penalty in accordance with Section
568 [58-1-502](#).

569 (6) (a) The division may not take disciplinary action against a person for
570 unprofessional or unlawful conduct under this title, unless the division enters into a stipulated
571 agreement or initiates an adjudicative proceeding regarding the conduct within four years after
572 the conduct is reported to the division, except under Subsection (6)(b).

573 (b) (i) The division may not take disciplinary action against a person for unprofessional
574 or unlawful conduct more than 10 years after the occurrence of the conduct, unless the
575 proceeding is in response to a civil or criminal judgment or settlement and the proceeding is
576 initiated within one year following the judgment or settlement.

577 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license due
578 to unprofessional or unlawful conduct that occurred more than 10 years before a request or
579 application for licensure is made.

580 Section 9. Section **58-1-502** is amended to read:

581 **58-1-502. Unlawful and unprofessional conduct -- Penalties.**

582 (1) Unless otherwise specified in this title, a person who violates the unlawful conduct
583 provisions defined in this title is guilty of a class A misdemeanor.

584 (2) (a) In addition to any other statutory penalty for a violation related to a specific
585 occupation or profession regulated by this title, if upon inspection or investigation, the division

586 concludes that a person has violated Subsection 58-1-501(1)(a), (1)(c), or (2)(o), or a rule or
587 order issued with respect to those subsections, and that disciplinary action is appropriate, the
588 director or the director's designee from within the division shall promptly:

- 589 (i) issue a citation to the person according to this section and any pertinent rules;
- 590 (ii) attempt to negotiate a stipulated settlement; or
- 591 (iii) notify the person to appear before an adjudicative proceeding conducted under
592 Title 63G, Chapter 4, Administrative Procedures Act.

593 (b) (i) The division may assess a fine under this Subsection (2) against a person who
594 violates Subsection 58-1-501(1)(a), (1)(c), or (2)(o), or a rule or order issued with respect to
595 those subsections, as evidenced by:

- 596 (A) an uncontested citation;
- 597 (B) a stipulated settlement; or
- 598 (C) a finding of a violation in an adjudicative proceeding.

599 (ii) The division may, in addition to or in lieu of a fine under Subsection (2)(b)(i),
600 order the person to cease and desist from violating Subsection 58-1-501(1)(a), (1)(c), or (2)(o),
601 or a rule or order issued with respect to those subsections.

602 (c) Except for a cease and desist order, the division may not assess the licensure
603 sanctions cited in Section 58-1-401 through a citation.

604 (d) A citation shall:

- 605 (i) be in writing;
- 606 (ii) describe with particularity the nature of the violation, including a reference to the
607 provision of the chapter, rule, or order alleged to have been violated;

608 (iii) clearly state that the recipient must notify the division in writing within 20
609 calendar days of service of the citation if the recipient wishes to contest the citation at a hearing
610 conducted under Title 63G, Chapter 4, Administrative Procedures Act; and

611 (iv) clearly explain the consequences of failure to timely contest the citation or to make
612 payment of a fine assessed by the citation within the time specified in the citation.

613 (e) The division may issue a notice in lieu of a citation.

614 (f) (i) If within 20 calendar days from the service of the citation, the person to whom
615 the citation was issued fails to request a hearing to contest the citation, the citation becomes the
616 final order of the division and is not subject to further agency review.

- 617 (ii) The period to contest a citation may be extended by the division for cause.
- 618 (g) The division may refuse to issue or renew, suspend, revoke, or place on probation
619 the license of a licensee who fails to comply with a citation after it becomes final.
- 620 (h) The failure of an applicant for licensure to comply with a citation after it becomes
621 final is a ground for denial of license.
- 622 (i) The division may not issue a citation under this section after the expiration of [~~six~~
623 ~~months~~] one year following the occurrence of a violation.
- 624 (j) The director or the director's designee shall assess fines according to the following:
- 625 (i) for the first offense handled pursuant to Subsection (2)(a), a fine of up to \$1,000;
- 626 (ii) for a second offense handled pursuant to Subsection (2)(a), a fine of up to \$2,000;
- 627 and
- 628 (iii) for each subsequent offense handled pursuant to Subsection (2)(a), a fine of up to
629 \$2,000 for each day of continued offense.
- 630 (3) (a) An action for a first or second offense that has not yet resulted in a final order of
631 the division may not preclude initiation of a subsequent action for a second or subsequent
632 offense during the pendency of a preceding action.
- 633 (b) The final order on a subsequent action is considered a second or subsequent
634 offense, respectively, provided the preceding action resulted in a first or second offense,
635 respectively.
- 636 (4) (a) The director may collect a penalty that is not paid by:
- 637 (i) either referring the matter to a collection agency; or
- 638 (ii) bringing an action in the district court of the county where the person against whom
639 the penalty is imposed resides or in the county where the office of the director is located.
- 640 (b) A county attorney or the attorney general of the state shall provide legal assistance
641 and advice to the director in an action to collect the penalty.
- 642 (c) A court may award reasonable attorney fees and costs to the division in an action
643 brought by the division to enforce the provisions of this section.
- 644 Section 10. Section **58-13-3** is amended to read:
- 645 **58-13-3. Qualified immunity -- Health professionals -- Charity care.**
- 646 (1) (a) (i) The Legislature finds many residents of this state do not receive medical care
647 and preventive health care because they lack health insurance or because of financial

648 difficulties or cost.

649 (ii) The Legislature also finds that many physicians, charity health care facilities, and
650 other health care professionals in this state would be willing to volunteer medical and allied
651 services without compensation if they were not subject to the high exposure of liability
652 connected with providing these services.

653 (b) The Legislature therefore declares that its intention in enacting this section is to
654 encourage the provision of uncompensated volunteer charity health care in exchange for a
655 limitation on liability for the health care facilities and health care professionals who provide
656 those volunteer services.

657 (2) As used in this section:

658 (a) "Health care facility" means any clinic or hospital, church, or organization whose
659 primary purpose is to sponsor, promote, or organize uncompensated health care services for
660 people unable to pay for health care services.

661 (b) "Health care professional" means a person licensed under:

- 662 (i) Chapter 5a, Podiatric Physician Licensing Act;
- 663 (ii) Chapter 16a, Utah Optometry Practice Act;
- 664 (iii) Chapter 17b, Pharmacy Practice Act;
- 665 (iv) Chapter 24b, Physical Therapy Practice Act;
- 666 (v) Chapter 31b, Nurse Practice Act;
- 667 (vi) Chapter 40, Recreational Therapy Practice Act;
- 668 (vii) Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
- 669 (viii) Chapter 42a, Occupational Therapy Practice Act;
- 670 (ix) Chapter 44a, Nurse Midwife Practice Act;
- 671 (x) Chapter 49, Dietitian Certification Act;
- 672 (xi) Chapter 60, Mental Health Professional Practice Act;
- 673 (xii) Chapter 67, Utah Medical Practice Act;
- 674 (xiii) Chapter 68, Utah Osteopathic Medical Practice Act;
- 675 (xiv) Chapter 69, Dentist and Dental Hygienist Practice Act;
- 676 (xv) Chapter 70a, Physician Assistant Act; [~~and~~]
- 677 (xvi) Chapter 71, Naturopathic Physician Practice Act; and
- 678 [~~(xvi)~~] (xvii) Chapter 73, Chiropractic Physician Practice Act.

- 679 (c) "Remuneration or compensation":
- 680 (i) (A) means direct or indirect receipt of any payment by a health care professional or
681 health care facility on behalf of the patient, including payment or reimbursement under
682 Medicare or Medicaid, or under the state program for the medically indigent on behalf of the
683 patient; and
- 684 (B) compensation, salary, or reimbursement to the health care professional from any
685 source for the health care professional's services or time in volunteering to provide
686 uncompensated health care; and
- 687 (ii) does not mean:
- 688 (A) any grant or donation to the health care facility used to offset direct costs
689 associated with providing the uncompensated health care such as:
- 690 (I) medical supplies;
- 691 (II) drugs; or
- 692 (III) a charitable donation that is restricted for charitable services at the health care
693 facility; or
- 694 (B) incidental reimbursements to the volunteer such as:
- 695 (I) food supplied to the volunteer;
- 696 (II) clothing supplied to the volunteer to help identify the volunteer during the time of
697 volunteer services;
- 698 (III) mileage reimbursement to the volunteer; or
- 699 (IV) other similar support to the volunteer.
- 700 (3) A health care professional who provides health care treatment at or on behalf of a
701 health care facility is not liable in a medical malpractice action if:
- 702 (a) the treatment was within the scope of the health care professional's license under
703 this title;
- 704 (b) neither the health care professional nor the health care facility received
705 compensation or remuneration for the treatment;
- 706 (c) the acts or omissions of the health care professional were not grossly negligent or
707 willful and wanton; and
- 708 (d) prior to rendering services:
- 709 (i) the health care professional disclosed in writing to the patient, or if a minor, to the

710 patient's parent or legal guardian, that the health care professional is providing the services
711 without receiving remuneration or compensation; and

712 (ii) the patient consented in writing to waive any right to sue for professional
713 negligence except for acts or omissions which are grossly negligent or are willful and wanton.

714 (4) A health care facility which sponsors, promotes, or organizes the uncompensated
715 care is not liable in a medical malpractice action for acts and omissions if:

716 (a) the health care facility meets the requirements in Subsection (3)(b);

717 (b) the acts and omissions of the health care facility were not grossly negligent or
718 willful and wanton; and

719 (c) the health care facility has posted, in a conspicuous place, a notice that in
720 accordance with this section the health care facility is not liable for any civil damages for acts
721 or omissions except for those acts or omissions that are grossly negligent or are willful and
722 wanton.

723 (5) A health care professional who provides health care treatment at a federally
724 qualified health center, as defined in Subsection 1905(1)(2)(b) of the Social Security Act, or an
725 Indian health clinic or Urban Indian Health Center, as defined in Title V of the Indian Health
726 Care Improvement Act, is not liable in a medical malpractice action if:

727 (a) the treatment was within the scope of the health care professional's license under
728 this title;

729 (b) the health care professional:

730 (i) does not receive compensation or remuneration for treatment provided to any
731 patient that the provider treats at the federally qualified health center, the Indian health clinic,
732 or the Urban Indian Health Center; and

733 (ii) is not eligible to be included in coverage under the Federal Tort Claims Act for the
734 treatment provided at the federally qualified health center, the Indian health clinic, or the Urban
735 Indian Health Center;

736 (c) the acts or omissions of the health care professional were not grossly negligent or
737 willful and wanton; and

738 (d) prior to rendering services:

739 (i) the health care professional disclosed in writing to the patient, or if a minor, to the
740 patient's parent or legal guardian, that the health care professional is providing the services

741 without receiving remuneration or compensation; and

742 (ii) the patient consented in writing to waive any right to sue for professional
743 negligence except for acts or omissions that are grossly negligent or are willful and wanton.

744 (6) Immunity from liability under this section does not extend to the use of general
745 anesthesia or care that requires an overnight stay in a general acute or specialty hospital
746 licensed under Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.

747 (7) The provisions of Subsection (5) apply to treatment provided by a healthcare
748 professional on or after May 13, 2014.

749 Section 11. Section **58-15-2** is amended to read:

750 **58-15-2. Definitions.**

751 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

752 (1) "Administrator" means a person who is charged with the general administration of a
753 health facility, regardless of whether that person has an ownership interest in the facility and
754 whether his functions and duties are shared with one or more persons.

755 (2) "Board" means the Health Facility Administrators Licensing Board created in
756 Section [58-15-3](#).

757 (3) "Health facility" means a skilled nursing facility, an intermediate care facility, or an
758 intermediate care facility for ~~[people]~~ individuals with an intellectual disability.

759 (4) "Intermediate care facility" means an institution ~~[which]~~ that provides, on a regular
760 basis, health care and services to ~~[persons]~~ individuals who do not require the degree of care
761 and treatment a hospital or skilled nursing facility provide, but who require health care and
762 services in addition to room and board.

763 (5) "Intermediate care facility for people with an intellectual disability" means an
764 institution ~~[which]~~ that provides, on a regular basis, health-related care and service to ~~[mentally~~
765 ~~retarded individuals or persons]~~ individuals with intellectual disabilities as defined in Section
766 [68-3-12.5](#) or individuals with related conditions, who do not require the degree of care and
767 treatment a hospital or skilled nursing facility provide, but who require health-related care and
768 services above the need for room and board.

769 (6) "Skilled nursing facility" means an institution primarily providing inpatients with
770 skilled nursing care and related services on a continuing basis for patients who require mental,
771 medical, or nursing care, or service for the rehabilitation of an injured ~~[person]~~ individual, a

772 sick ~~[person]~~ individual, or ~~[a person]~~ an individual with a disability.

773 (7) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further
774 defined by rule includes:

775 (a) intentionally filing a false report or record, intentionally failing to file a report or
776 record required by state or federal law, or wilfully impeding or obstructing the filing of a
777 required report. These reports or records only include those which are signed in the capacity of
778 a licensed health facility administrator; and

779 (b) acting in a manner inconsistent with the health and safety of the patients of the
780 health facility in which he is the administrator.

781 Section 12. Section 58-16a-302 is amended to read:

782 **58-16a-302. Qualifications for licensure.**

783 (1) An applicant for licensure as an optometrist shall:

784 (a) submit an application in a form prescribed by the division;

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

786 (c) be of good moral character;

787 (d) (i) be a doctoral graduate of a recognized school of optometry accredited by the
788 American Optometric Association's Accreditation Council on Optometric Education; or

789 (ii) be a graduate of a school of optometry located outside the United States that meets
790 the criteria that would qualify the school for accreditation under Subsection (1)(d)(i), as
791 demonstrated by the applicant for licensure;

792 (e) if the applicant graduated from a recognized school of optometry prior to July 1,
793 1996, have successfully completed a course of study satisfactory to the division, in consultation
794 with the board, in general and ocular pharmacology and emergency medical care;

795 (f) have passed examinations approved by the division in consultation with the board
796 that include:

797 (i) a standardized national optometry examination;

798 (ii) a standardized clinical examination; and

799 (iii) a standardized national therapeutics examination; and

800 ~~[(iv) the Utah Optometry Law Examination; and]~~

801 (g) meet with the board and representatives of the division, if requested by either party,
802 for the purpose of evaluating the applicant's qualifications for licensure.

803 (2) Notwithstanding Subsection (1) and Section 58-1-302, the division shall issue a
804 license under this chapter by endorsement to an individual who:

805 (a) submits an application for licensure by endorsement on a form approved by the
806 division;

807 (b) pays a fee established by the division in accordance with Section 63J-1-504;

808 (c) provides satisfactory evidence to the division that the individual is of good moral
809 character;

810 (d) verifies that the individual is licensed as an optometrist in good standing in each
811 state of the United States, or province of Canada, in which the individual is currently licensed
812 as an optometrist; and

813 (e) has been actively engaged in the legal practice of optometry for at least 3,200 hours
814 during the immediately preceding two years in a manner consistent with the legal practice of
815 optometry in this state.

816 Section 13. Section 58-17b-610.5 is amended to read:

817 **58-17b-610.5. Dispensing in emergency department -- Patient's immediate need.**

818 (1) The division shall adopt administrative rules in accordance with Title 63G, Chapter
819 3, Utah Administrative Rulemaking Act, in consultation with hospital pharmacies and the
820 boards of [~~dispensing medical~~] practitioners authorized to prescribe prescription drugs to
821 establish guidelines under which a [~~dispensing medical~~] practitioner may dispense prescription
822 drugs to a patient in a hospital emergency department if:

823 (a) the hospital pharmacy is closed;

824 (b) in the professional judgment of the [~~dispensing medical~~] practitioner, dispensing
825 the drug is necessary for the patient's immediate needs; and

826 (c) dispensing the prescription drug meets protocols established by the hospital
827 pharmacy.

828 (2) A [~~prescribing medical~~] practitioner in an emergency department may dispense a
829 prescription drug in accordance with Subsection (1).

830 Section 14. Section 58-24b-301 is amended to read:

831 **58-24b-301. Authority to practice physical therapy.**

832 A person may not engage in the practice of physical therapy, unless the person is:

833 (1) licensed under this chapter and practices within the scope of that license; or

834 (2) exempted from the licensing requirements of this chapter under Section [58-1-307](#)
835 [or 58-24b-304](#).

836 Section 15. Section **58-24b-302** is amended to read:

837 **58-24b-302. Licensure.**

838 (1) An applicant for a license as a physical therapist shall:

839 (a) be of good moral character;

840 (b) complete the application process, including payment of fees;

841 (c) submit proof of graduation from a professional physical therapist education

842 program that is accredited by a recognized accreditation agency;

843 [~~(d) pass an open-book, take-home Utah Physical Therapy Law and Rule~~

844 ~~Examination;~~]

845 [~~(e)~~] (d) after complying with Subsection (1)(c), pass a licensing examination;

846 [~~(f)~~] (e) be able to read, write, speak, understand, and be understood in the English

847 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

848 and

849 [~~(g)~~] (f) meet any other requirements established by the division, by rule.

850 (2) An applicant for a license as a physical therapist assistant shall:

851 (a) be of good moral character;

852 (b) complete the application process, including payment of fees set by the division, in

853 accordance with Section [63J-1-504](#), to recover the costs of administering the licensing

854 requirements relating to physical therapist assistants;

855 (c) submit proof of graduation from a physical therapist assistant education program

856 that is accredited by a recognized accreditation agency;

857 [~~(d) pass an open-book, take-home Utah Physical Therapy Law and Rule~~

858 ~~Examination;~~]

859 [~~(e)~~] (d) after complying with Subsection (2)(c), pass a licensing examination;

860 [~~(f)~~] (e) be able to read, write, speak, understand, and be understood in the English

861 language and demonstrate proficiency to the satisfaction of the board if requested by the board;

862 and

863 [~~(g)~~] (f) meet any other requirements established by the division, by rule.

864 (3) An applicant for a license as a physical therapist who is educated outside of the

865 United States shall:

866 (a) be of good moral character;

867 (b) complete the application process, including payment of fees; and

868 (c) (i) provide satisfactory evidence that the applicant graduated from a professional
869 physical therapist education program that is accredited by a recognized accreditation agency; or

870 (ii) (A) provide satisfactory evidence that the applicant graduated from a physical
871 therapist education program that prepares the applicant to engage in the practice of physical
872 therapy, without restriction;

873 (B) provide satisfactory evidence that the education program described in Subsection
874 (3)(c)(ii)(A) is recognized by the government entity responsible for recognizing a physical
875 therapist education program in the country where the program is located; and

876 (C) pass a credential evaluation to ensure that the applicant has satisfied uniform
877 educational requirements;

878 [~~(d) pass an open-book, take-home Utah Physical Therapy Law and Rule~~
879 ~~Examination;~~]

880 [~~(e)~~] (d) after complying with Subsection (3)(c), pass a licensing examination;

881 [~~(f)~~] (e) be able to read, write, speak, understand, and be understood in the English
882 language and demonstrate proficiency to the satisfaction of the board if requested by the board;
883 and

884 [~~(g)~~] (f) meet any other requirements established by the division, by rule.

885 (4) The division shall issue a license to a person who holds a current unrestricted
886 license to practice physical therapy in a state, district, or territory of the United States of
887 America, other than Utah, if the person:

888 (a) is of good moral character;

889 (b) completes the application process, including payment of fees; and

890 [~~(c) passes an open-book, take-home Utah Physical Therapy Law and Rule~~
891 ~~Examination; and~~]

892 [~~(d)~~] (c) is able to read, write, speak, understand, and be understood in the English
893 language and demonstrate proficiency to the satisfaction of the board if requested by the board.

894 (5) (a) Notwithstanding Subsection 58-1-307(1)(c), an individual may not engage in an
895 internship in physical therapy, unless the person is:

- 896 (i) certified by the division; or
- 897 (ii) exempt from licensure under Section 58-24b-304.
- 898 (b) The provisions of Subsection (5)(a) apply, regardless of whether the individual is
- 899 participating in the supervised clinical training program for the purpose of becoming a physical
- 900 therapist or a physical therapist assistant.

901 Section 16. Section 58-24b-303 is amended to read:

902 **58-24b-303. Term of license -- Renewal -- Temporary license for physical**
903 **therapist assistant.**

904 (1) A license issued under this chapter shall be issued in accordance with a two-year
905 renewal cycle established by rule. The division may, by rule, extend or shorten a license
906 renewal process by one year in order to stagger the renewal cycles that the division administers.

907 (2) At the time of license renewal, the licensee shall provide satisfactory evidence that
908 the licensee completed continuing education competency requirements, established by the
909 division, by rule.

910 (3) If a license renewal cycle is shortened or extended under Subsection (1), the
911 division shall increase or reduce the required continuing education competency requirements
912 accordingly.

913 (4) A license issued under this chapter expires on the expiration date indicated on the
914 license, unless the license is renewed under this section.

915 (5) Notwithstanding any other provision of this chapter, the division may, by rule, grant
916 a temporary license, that expires on July 1, 2014, as a physical therapist assistant to an
917 individual who:

- 918 (a) was working as a physical therapist assistant in Utah before July 1, 2009; and
- 919 (b) complies with the requirements described in Subsections 58-24b-302(2)(a), (b), (c),
920 [(f)] (e), and [(g)] (f).

921 Section 17. Section 58-26a-501 is amended to read:

922 **58-26a-501. Unlawful conduct.**

923 "Unlawful conduct" includes:

- 924 (1) using "certified public accountant," "public accountant," "CPA," or any other title,
925 designation, words, letters, abbreviation, sign, card, or device tending to indicate that the
926 person is a certified public accountant, unless that person:

927 (a) has a current license as a certified public accountant issued under this chapter; or

928 (b) qualifies for a practice privilege as provided [for] in Subsection 58-26a-305(1)(a);

929 (2) a firm assuming or using "certified public accountant," "CPA," or any other title,
930 designation, words, letters, abbreviation, sign, card, or device tending to indicate that the firm

931 is composed of certified public accountants unless each office of the firm in this state:

932 (a) is registered with the division; and

933 (b) meets the requirements of Subsections 58-26a-302(3)(a)(iii) and (iv);

934 (3) signing or affixing to any accounting or financial statement the person's name or

935 any trade or assumed name used in that person's profession or business, with any wording

936 indicating that the person is an auditor, or with any wording indicating that the person has

937 expert knowledge in accounting or auditing, unless that person is licensed under this chapter

938 and all of the person's offices in this state for the practice of public accountancy are maintained

939 and registered as provided in this chapter; and

940 (4) except as provided in Section 58-26a-305, engaging in the following conduct if not
941 licensed under this chapter to practice public accountancy:

942 (a) issuing a report on financial statements of any other person, firm, organization, or
943 governmental unit; or

944 (b) issuing a report using any form of language substantially similar to conventional
945 language used by licensees respecting:

946 (i) a review of financial statements; or

947 (ii) a compilation of financial statements.

948 Section 18. Section 58-37f-301 is amended to read:

949 **58-37f-301. Access to database.**

950 (1) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
951 Administrative Rulemaking Act, to:

952 (a) effectively enforce the limitations on access to the database as described in this
953 part; and

954 (b) establish standards and procedures to ensure accurate identification of individuals
955 requesting information or receiving information without request from the database.

956 (2) The division shall make information in the database and information obtained from
957 other state or federal prescription monitoring programs by means of the database available only

958 to the following individuals, in accordance with the requirements of this chapter and division
959 rules:

960 (a) personnel of the division specifically assigned to conduct investigations related to
961 controlled substance laws under the jurisdiction of the division;

962 (b) authorized division personnel engaged in analysis of controlled substance
963 prescription information as a part of the assigned duties and responsibilities of their
964 employment;

965 (c) a board member if:

966 (i) the board member is assigned to monitor a licensee on probation; and

967 (ii) the board member is limited to obtaining information from the database regarding
968 the specific licensee on probation;

969 (d) a member of a diversion committee established in accordance with Subsection
970 58-1-404(2) if:

971 (i) the diversion committee member is limited to obtaining information from the
972 database regarding the person whose conduct is the subject of the committee's consideration;
973 and

974 (ii) the conduct that is the subject of the committee's consideration includes a violation
975 or a potential violation of Chapter 37, Utah Controlled Substances Act, or another relevant
976 violation or potential violation under this title;

977 [~~e~~] (e) in accordance with a written agreement entered into with the department,
978 employees of the Department of Health:

979 (i) whom the director of the Department of Health assigns to conduct scientific studies
980 regarding the use or abuse of controlled substances, if the identity of the individuals and
981 pharmacies in the database are confidential and are not disclosed in any manner to any
982 individual who is not directly involved in the scientific studies; [~~or~~]

983 (ii) when the information is requested by the Department of Health in relation to a
984 person or provider whom the Department of Health suspects may be improperly obtaining or
985 providing a controlled substance; or

986 (iii) in the medical examiner's office;

987 [~~f~~] (f) in accordance with a written agreement entered into with the department, a
988 designee of the director of the Department of Health, who is not an employee of the

989 Department of Health, whom the director of the Department of Health assigns to conduct
990 scientific studies regarding the use or abuse of controlled substances pursuant to an application
991 process established in rule by the Department of Health, if:

992 (i) the designee provides explicit information to the Department of Health regarding
993 the purpose of the scientific studies;

994 (ii) the scientific studies to be conducted by the designee:

995 (A) fit within the responsibilities of the Department of Health for health and welfare;

996 (B) are reviewed and approved by an Institutional Review Board that is approved for
997 human subject research by the United States Department of Health and Human Services; and

998 (C) are not conducted for profit or commercial gain; and

999 (D) are conducted in a research facility, as defined by division rule, that is associated
1000 with a university or college [~~in the state~~] accredited by one or more regional or national
1001 accrediting agencies recognized by the United States Department of Education;

1002 (iii) the designee protects the information as a business associate of the Department of
1003 Health; and

1004 (iv) the identity of the prescribers, patients, and pharmacies in the database are
1005 de-identified, confidential, not disclosed in any manner to the designee or to any individual
1006 who is not directly involved in the scientific studies;

1007 [~~(e)~~] (g) in accordance with the written agreement entered into with the department and
1008 the Department of Health, authorized employees of a managed care organization, as defined in
1009 42 C.F.R. Sec. 438, if:

1010 (i) the managed care organization contracts with the Department of Health under the
1011 provisions of Section 26-18-405 and the contract includes provisions that:

1012 (A) require a managed care organization employee who will have access to information
1013 from the database to submit to a criminal background check; and

1014 (B) limit the authorized employee of the managed care organization to requesting either
1015 the division or the Department of Health to conduct a search of the database regarding a
1016 specific Medicaid enrollee and to report the results of the search to the authorized employee;
1017 and

1018 (ii) the information is requested by an authorized employee of the managed care
1019 organization in relation to a person who is enrolled in the Medicaid program with the managed

1020 care organization, and the managed care organization suspects the person may be improperly
1021 obtaining or providing a controlled substance;

1022 ~~(f)~~ (h) a licensed practitioner having authority to prescribe controlled substances, to
1023 the extent the information:

1024 (i) (A) relates specifically to a current or prospective patient of the practitioner; and
1025 (B) is provided to or sought by the practitioner for the purpose of:

1026 (I) prescribing or considering prescribing any controlled substance to the current or
1027 prospective patient;

1028 (II) diagnosing the current or prospective patient;

1029 (III) providing medical treatment or medical advice to the current or prospective
1030 patient; or

1031 (IV) determining whether the current or prospective patient:

1032 (Aa) is attempting to fraudulently obtain a controlled substance from the practitioner;

1033 or

1034 (Bb) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
1035 substance from the practitioner;

1036 (ii) (A) relates specifically to a former patient of the practitioner; and

1037 (B) is provided to or sought by the practitioner for the purpose of determining whether
1038 the former patient has fraudulently obtained, or has attempted to fraudulently obtain, a
1039 controlled substance from the practitioner;

1040 (iii) relates specifically to an individual who has access to the practitioner's Drug
1041 Enforcement Administration identification number, and the practitioner suspects that the
1042 individual may have used the practitioner's Drug Enforcement Administration identification
1043 number to fraudulently acquire or prescribe a controlled substance;

1044 (iv) relates to the practitioner's own prescribing practices, except when specifically
1045 prohibited by the division by administrative rule;

1046 (v) relates to the use of the controlled substance database by an employee of the
1047 practitioner, described in Subsection (2)~~(g)~~(i); or

1048 (vi) relates to any use of the practitioner's Drug Enforcement Administration
1049 identification number to obtain, attempt to obtain, prescribe, or attempt to prescribe, a
1050 controlled substance;

1051 ~~(g)~~ (i) in accordance with Subsection (3)(a), an employee of a practitioner described
1052 in Subsection (2)~~(f)~~(h), for a purpose described in Subsection (2)~~(f)~~(h)(i) or (ii), if:

1053 (i) the employee is designated by the practitioner as an individual authorized to access
1054 the information on behalf of the practitioner;

1055 (ii) the practitioner provides written notice to the division of the identity of the
1056 employee; and

1057 (iii) the division:

1058 (A) grants the employee access to the database; and

1059 (B) provides the employee with a password that is unique to that employee to access
1060 the database in order to permit the division to comply with the requirements of Subsection
1061 [58-37f-203](#)(5) with respect to the employee;

1062 ~~(h)~~ (j) an employee of the same business that employs a licensed practitioner under
1063 Subsection (2)~~(f)~~(h) if:

1064 (i) the employee is designated by the practitioner as an individual authorized to access
1065 the information on behalf of the practitioner;

1066 (ii) the practitioner and the employing business provide written notice to the division of
1067 the identity of the designated employee; and

1068 (iii) the division:

1069 (A) grants the employee access to the database; and

1070 (B) provides the employee with a password that is unique to that employee to access
1071 the database in order to permit the division to comply with the requirements of Subsection
1072 [58-37f-203](#)(5) with respect to the employee;

1073 ~~(i)~~ (k) a licensed pharmacist having authority to dispense a controlled substance to
1074 the extent the information is provided or sought for the purpose of:

1075 (i) dispensing or considering dispensing any controlled substance; or

1076 (ii) determining whether a person:

1077 (A) is attempting to fraudulently obtain a controlled substance from the pharmacist; or

1078 (B) has fraudulently obtained, or attempted to fraudulently obtain, a controlled
1079 substance from the pharmacist;

1080 ~~(j)~~ (l) in accordance with Subsection (3)(a), a licensed pharmacy technician and
1081 pharmacy intern who is an employee of a pharmacy as defined in Section [58-17b-102](#), for the

1082 purposes described in Subsection (2)~~(h)~~(j)(i) or (ii), if:

1083 (i) the employee is designated by the pharmacist-in-charge as an individual authorized
1084 to access the information on behalf of a licensed pharmacist employed by the pharmacy;

1085 (ii) the pharmacist-in-charge provides written notice to the division of the identity of
1086 the employee; and

1087 (iii) the division:

1088 (A) grants the employee access to the database; and

1089 (B) provides the employee with a password that is unique to that employee to access
1090 the database in order to permit the division to comply with the requirements of Subsection
1091 [58-37f-203\(5\)](#) with respect to the employee;

1092 ~~(k)~~ (m) pursuant to a valid search warrant, federal, state, and local law enforcement
1093 agencies and state and local prosecutors that are engaged in an investigation related to:

1094 (i) one or more controlled substances; and

1095 (ii) a specific person who is a subject of the investigation;

1096 ~~(t)~~ (n) employees of the Office of Internal Audit and Program Integrity within the
1097 Department of Health who are engaged in their specified duty of ensuring Medicaid program
1098 integrity under Section [26-18-2.3](#);

1099 ~~(m)~~ (o) a mental health therapist, if:

1100 (i) the information relates to a patient who is:

1101 (A) enrolled in a licensed substance abuse treatment program; and

1102 (B) receiving treatment from, or under the direction of, the mental health therapist as
1103 part of the patient's participation in the licensed substance abuse treatment program described
1104 in Subsection (2)~~(m)~~(o)(i)(A);

1105 (ii) the information is sought for the purpose of determining whether the patient is
1106 using a controlled substance while the patient is enrolled in the licensed substance abuse
1107 treatment program described in Subsection (2)~~(m)~~(o)(i)(A); and

1108 (iii) the licensed substance abuse treatment program described in Subsection
1109 (2)~~(m)~~(o)(i)(A) is associated with a practitioner who:

1110 (A) is a physician, a physician assistant, an advance practice registered nurse, or a
1111 pharmacist; and

1112 (B) is available to consult with the mental health therapist regarding the information

1113 obtained by the mental health therapist, under this Subsection (2)(~~m~~)(o), from the database;

1114 (~~m~~) (p) an individual who is the recipient of a controlled substance prescription
1115 entered into the database, upon providing evidence satisfactory to the division that the
1116 individual requesting the information is in fact the individual about whom the data entry was
1117 made;

1118 (~~o~~) (q) an individual under Subsection (2)(~~m~~)(p) for the purpose of obtaining a list of
1119 the persons and entities that have requested or received any information from the database
1120 regarding the individual, except if the individual's record is subject to a pending or current
1121 investigation as authorized under this Subsection (2);

1122 (~~p~~) (r) the inspector general, or a designee of the inspector general, of the Office of
1123 Inspector General of Medicaid Services, for the purpose of fulfilling the duties described in
1124 Title 63A, Chapter 13, Part 2, Office and Powers; and

1125 (~~q~~) (s) the following licensed physicians for the purpose of reviewing and offering an
1126 opinion on an individual's request for workers' compensation benefits under Title 34A, Chapter
1127 2, Workers' Compensation Act, or Title 34A, Chapter 3, Utah Occupational Disease Act:

1128 (i) a member of the medical panel described in Section 34A-2-601;

1129 (ii) a physician employed as medical director for a licensed workers' compensation
1130 insurer or an approved self-insured employer; or

1131 (iii) a physician offering a second opinion regarding treatment.

1132 (3) (a) (i) A practitioner described in Subsection (2)(~~f~~)(h) may designate up to three
1133 employees to access information from the database under Subsection (2)(~~g~~)(i), (2)(~~h~~)(j), or
1134 (4)(c).

1135 (ii) A pharmacist described in Subsection (2)(i) who is a pharmacist-in-charge may
1136 designate up to five employees to access information from the database under Subsection
1137 (2)(~~f~~)(l).

1138 (b) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
1139 Administrative Rulemaking Act, to:

1140 (i) establish background check procedures to determine whether an employee
1141 designated under Subsection (2)(~~g~~)(i), (2)(~~h~~)(j), or (4)(c) should be granted access to the
1142 database; and

1143 (ii) establish the information to be provided by an emergency room employee under

1144 Subsection (4).

1145 (c) The division shall grant an employee designated under Subsection (2)~~(g)~~(i),
1146 ~~(2)(h)~~(i), or (4)(c) access to the database, unless the division determines, based on a
1147 background check, that the employee poses a security risk to the information contained in the
1148 database.

1149 (4) (a) An individual who is employed in the emergency room of a hospital may
1150 exercise access to the database under this Subsection (4) on behalf of a licensed practitioner if
1151 the individual is designated under Subsection (4)(c) and the licensed practitioner:

- 1152 (i) is employed in the emergency room;
- 1153 (ii) is treating an emergency room patient for an emergency medical condition; and
- 1154 (iii) requests that an individual employed in the emergency room and designated under
1155 Subsection (4)(c) obtain information regarding the patient from the database as needed in the
1156 course of treatment.

1157 (b) The emergency room employee obtaining information from the database shall,
1158 when gaining access to the database, provide to the database the name and any additional
1159 identifiers regarding the requesting practitioner as required by division administrative rule
1160 established under Subsection (3)(b).

1161 (c) An individual employed in the emergency room under this Subsection (4) may
1162 obtain information from the database as provided in Subsection (4)(a) if:

- 1163 (i) the employee is designated by the practitioner as an individual authorized to access
1164 the information on behalf of the practitioner;
- 1165 (ii) the practitioner and the hospital operating the emergency room provide written
1166 notice to the division of the identity of the designated employee; and
- 1167 (iii) the division:
 - 1168 (A) grants the employee access to the database; and
 - 1169 (B) provides the employee with a password that is unique to that employee to access
1170 the database in order to permit the division to comply with the requirements of Subsection
1171 [58-37f-203\(5\)](#) with respect to the employee.

1172 (d) The division may impose a fee, in accordance with Section [63J-1-504](#), on a
1173 practitioner who designates an employee under Subsection (2)~~(g)~~(i), ~~(2)(h)~~(i), or (4)(c) to
1174 pay for the costs incurred by the division to conduct the background check and make the

1175 determination described in Subsection (3)(b).

1176 (5) (a) An individual who is granted access to the database based on the fact that the
1177 individual is a licensed practitioner or a mental health therapist shall be denied access to the
1178 database when the individual is no longer licensed.

1179 (b) An individual who is granted access to the database based on the fact that the
1180 individual is a designated employee of a licensed practitioner shall be denied access to the
1181 database when the practitioner is no longer licensed.

1182 Section 19. Section **58-37f-601** is amended to read:

1183 **58-37f-601. Unlawful release or use of database information -- Criminal and civil**
1184 **penalties.**

1185 (1) (a) Any person who knowingly and intentionally releases any information in the
1186 database or any information obtained from other state or federal prescription monitoring
1187 programs by means of the database in violation of the limitations under Part 3, Access, is guilty
1188 of a third degree felony.

1189 (b) Any person who negligently or recklessly releases any information in the database
1190 or any information obtained from other state or federal prescription monitoring programs by
1191 means of the database in violation of the limitations under Title 58, Chapter 37f, Part 3,
1192 Access, is guilty of a class C misdemeanor.

1193 (2) (a) Any person who obtains or attempts to obtain information from the database or
1194 from any other state or federal prescription monitoring programs by means of the database by
1195 misrepresentation or fraud is guilty of a third degree felony.

1196 (b) Any person who obtains or attempts to obtain information from the database for a
1197 purpose other than a purpose authorized by this chapter or by rule is guilty of a third degree
1198 felony.

1199 (3) (a) Except as provided in Subsection (3)(e), a person may not knowingly and
1200 intentionally use, release, publish, or otherwise make available to any other person any
1201 information obtained from the database or from any other state or federal prescription
1202 monitoring programs by means of the database for any purpose other than those specified in
1203 Part 3, Access.

1204 (b) Each separate violation of this Subsection (3) is a third degree felony and is also
1205 subject to a civil penalty not to exceed \$5,000.

1206 (c) The procedure for determining a civil violation of this Subsection (3) is in
1207 accordance with Section 58-1-108, regarding adjudicative proceedings within the division.

1208 (d) Civil penalties assessed under this Subsection (3) shall be deposited in the General
1209 Fund as a dedicated credit to be used by the division under Subsection 58-37f-502(1).

1210 (e) This Subsection (3) does not prohibit a person who obtains information from the
1211 database under Subsection 58-37f-301(2)[(f), (g), (i)](h), (i), (k), or (4)(c) from:

1212 (i) including the information in the person's medical chart or file for access by a person
1213 authorized to review the medical chart or file; or

1214 (ii) providing the information to a person in accordance with the requirements of the
1215 Health Insurance Portability and Accountability Act of 1996.

1216 Section 20. Section 58-44a-302 is amended to read:

1217 **58-44a-302. Qualifications for licensure.**

1218 (1) An applicant for licensure as a nurse midwife shall:

1219 (a) submit an application in a form as prescribed by the division;

1220 (b) pay a fee as determined by the department under Section 63J-1-504;

1221 (c) be of good moral character;

1222 (d) at the time of application for licensure hold a license in good standing as a
1223 registered nurse in Utah, or be at that time qualified for a license as a registered nurse under
1224 Title 58, Chapter 31b, Nurse Practice Act;

1225 (e) have completed:

1226 (i) a certified nurse midwifery education program accredited by the [~~American College~~
1227 ~~of Nurse Midwives~~] Accreditation Commission for Midwifery Education and approved by the
1228 division; or

1229 (ii) a nurse midwifery education program located outside of the United States which is
1230 approved by the division and is equivalent to a program accredited by the [~~American College of~~
1231 ~~Nurse Midwives~~] Accreditation Commission for Midwifery Education, as demonstrated by a
1232 graduate's being accepted to sit for the national certifying examination administered by the
1233 [~~American College of Nurse Midwives~~] Accreditation Commission for Midwifery Education or
1234 its designee; and

1235 (f) have passed examinations established by the division rule in collaboration with the
1236 board within two years after completion of the approved education program required under

1237 Subsection (1)(e).

1238 (2) For purposes of Subsection (1)(e), as of January 1, 2010, the accredited education
1239 program or it's equivalent must grant a graduate degree, including post-master's certificate, in
1240 nurse midwifery.

1241 Section 21. Section **58-55-302** is amended to read:

1242 **58-55-302. Qualifications for licensure.**

1243 (1) Each applicant for a license under this chapter shall:

1244 (a) submit an application prescribed by the division;

1245 (b) pay a fee as determined by the department under Section [63J-1-504](#);

1246 (c) (i) meet the examination requirements established by rule by the commission with
1247 the concurrence of the director, except for the classifications of apprentice plumber and
1248 apprentice electrician for whom no examination is required; or

1249 (ii) if required in Section [58-55-304](#), the individual qualifier must pass the required
1250 examination if the applicant is a business entity;

1251 (d) if an apprentice, identify the proposed supervisor of the apprenticeship;

1252 (e) if an applicant for a contractor's license:

1253 (i) produce satisfactory evidence of financial responsibility, except for a construction
1254 trades instructor for whom evidence of financial responsibility is not required;

1255 (ii) produce satisfactory evidence of:

1256 (A) two years full-time paid employment experience in the construction industry,
1257 which experience, unless more specifically described in this section, may be related to any
1258 contracting classification; and

1259 (B) knowledge of the principles of the conduct of business as a contractor, reasonably
1260 necessary for the protection of the public health, safety, and welfare;

1261 (iii) except as otherwise provided by rule by the commission with the concurrence of
1262 the director, complete a 20-hour course established by rule by the commission with the
1263 concurrence of the director, which course may include:

1264 (A) construction business practices;

1265 (B) bookkeeping fundamentals;

1266 (C) mechanics lien fundamentals; and

1267 (D) other aspects of business and construction principles considered important by the

1268 commission with the concurrence of the director;

1269 (iv) (A) be a licensed master electrician if an applicant for an electrical contractor's
1270 license or a licensed master residential electrician if an applicant for a residential electrical
1271 contractor's license;

1272 (B) be a licensed master plumber if an applicant for a plumbing contractor's license or
1273 a licensed master residential plumber if an applicant for a residential plumbing contractor's
1274 license; or

1275 (C) be a licensed elevator mechanic and produce satisfactory evidence of three years
1276 experience as an elevator mechanic if an applicant for an elevator contractor's license; and

1277 (v) when the applicant is an unincorporated entity, provide a list of the one or more
1278 individuals who hold an ownership interest in the applicant as of the day on which the
1279 application is filed that includes for each individual:

1280 (A) the individual's name, address, birth date, and social security number; and

1281 (B) whether the individual will engage in a construction trade; and

1282 (f) if an applicant for a construction trades instructor license, satisfy any additional
1283 requirements established by rule.

1284 (2) After approval of an applicant for a contractor's license by the applicable board and
1285 the division, the applicant shall file the following with the division before the division issues
1286 the license:

1287 (a) proof of workers' compensation insurance which covers employees of the applicant
1288 in accordance with applicable Utah law;

1289 (b) proof of public liability insurance in coverage amounts and form established by rule
1290 except for a construction trades instructor for whom public liability insurance is not required;
1291 and

1292 (c) proof of registration as required by applicable law with the:

1293 (i) Utah Department of Commerce;

1294 (ii) Division of Corporations and Commercial Code;

1295 (iii) Unemployment Insurance Division in the Department of Workforce Services, for
1296 purposes of Title 35A, Chapter 4, Employment Security Act;

1297 (iv) State Tax Commission; and

1298 (v) Internal Revenue Service.

1299 (3) In addition to the general requirements for each applicant in Subsection (1),
1300 applicants shall comply with the following requirements to be licensed in the following
1301 classifications:

1302 (a) (i) A master plumber shall produce satisfactory evidence that the applicant:

1303 (A) has been a licensed journeyman plumber for at least two years and had two years of
1304 supervisory experience as a licensed journeyman plumber in accordance with division rule;

1305 (B) has received at least an associate of applied science degree or similar degree
1306 following the completion of a course of study approved by the division and had one year of

1307 supervisory experience as a licensed journeyman plumber in accordance with division rule; or

1308 (C) meets the qualifications determined by the division in collaboration with the board
1309 to be equivalent to Subsection (3)(a)(i)(A) or (B).

1310 (ii) An individual holding a valid Utah license as a journeyman plumber, based on at

1311 least four years of practical experience as a licensed apprentice under the supervision of a

1312 licensed journeyman plumber and four years as a licensed journeyman plumber, in effect

1313 immediately prior to May 5, 2008, is on and after May 5, 2008, considered to hold a current

1314 master plumber license under this chapter, and satisfies the requirements of this Subsection

1315 (3)(a) for the purpose of renewal or reinstatement of that license under Section [58-55-303](#).

1316 (iii) An individual holding a valid plumbing contractor's license or residential

1317 plumbing contractor's license, in effect immediately prior to May 5, 2008, is on or after May 5,
1318 2008:

1319 (A) considered to hold a current master plumber license under this chapter if licensed

1320 as a plumbing contractor and a journeyman plumber, and satisfies the requirements of this

1321 Subsection (3)(a) for purposes of renewal or reinstatement of that license under Section

1322 [58-55-303](#); and

1323 (B) considered to hold a current residential master plumber license under this chapter if

1324 licensed as a residential plumbing contractor and a residential journeyman plumber, and

1325 satisfies the requirements of this Subsection (3)(a) for purposes of renewal or reinstatement of

1326 that license under Section [58-55-303](#).

1327 (b) A master residential plumber applicant shall produce satisfactory evidence that the
1328 applicant:

1329 (i) has been a licensed residential journeyman plumber for at least two years and had

1330 two years of supervisory experience as a licensed residential journeyman plumber in
1331 accordance with division rule; or

1332 (ii) meets the qualifications determined by the division in collaboration with the board
1333 to be equivalent to Subsection (3)(b)(i).

1334 (c) A journeyman plumber applicant shall produce satisfactory evidence of:

1335 (i) successful completion of the equivalent of at least four years of full-time training
1336 and instruction as a licensed apprentice plumber under supervision of a licensed master
1337 plumber or journeyman plumber and in accordance with a planned program of training
1338 approved by the division;

1339 (ii) at least eight years of full-time experience approved by the division in collaboration
1340 with the Plumbers Licensing Board; or

1341 (iii) satisfactory evidence of meeting the qualifications determined by the board to be
1342 equivalent to Subsection (3)(c)(i) or (c)(ii).

1343 (d) A residential journeyman plumber shall produce satisfactory evidence of:

1344 (i) completion of the equivalent of at least three years of full-time training and
1345 instruction as a licensed apprentice plumber under the supervision of a licensed residential
1346 master plumber, licensed residential journeyman plumber, or licensed journeyman plumber in
1347 accordance with a planned program of training approved by the division;

1348 (ii) completion of at least six years of full-time experience in a maintenance or repair
1349 trade involving substantial plumbing work; or

1350 (iii) meeting the qualifications determined by the board to be equivalent to Subsection
1351 (3)(d)(i) or (d)(ii).

1352 (e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be
1353 in accordance with the following:

1354 (i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be
1355 under the immediate supervision of a licensed master plumber, licensed residential master
1356 plumber, licensed journeyman plumber, or a licensed residential journeyman plumber; and

1357 (ii) a licensed apprentice plumber in the fourth through tenth year of training may work
1358 without supervision for a period not to exceed eight hours in any 24-hour period, but if the
1359 apprentice does not become a licensed journeyman plumber or licensed residential journeyman
1360 plumber by the end of the tenth year of apprenticeship, this nonsupervision provision no longer

1361 applies.

1362 (f) A master electrician applicant shall produce satisfactory evidence that the applicant:

1363 (i) is a graduate electrical engineer of an accredited college or university approved by
1364 the division and has one year of practical electrical experience as a licensed apprentice
1365 electrician;

1366 (ii) is a graduate of an electrical trade school, having received an associate of applied
1367 sciences degree following successful completion of a course of study approved by the division,
1368 and has two years of practical experience as a licensed journeyman electrician;

1369 (iii) has four years of practical experience as a journeyman electrician; or

1370 (iv) meets the qualifications determined by the board to be equivalent to Subsection
1371 (3)(f)(i), (ii), or (iii).

1372 (g) A master residential electrician applicant shall produce satisfactory evidence that
1373 the applicant:

1374 (i) has at least two years of practical experience as a residential journeyman electrician;
1375 or

1376 (ii) meets the qualifications determined by the board to be equivalent to this practical
1377 experience.

1378 (h) A journeyman electrician applicant shall produce satisfactory evidence that the
1379 applicant:

1380 (i) has successfully completed at least four years of full-time training and instruction as
1381 a licensed apprentice electrician under the supervision of a master electrician or journeyman
1382 electrician and in accordance with a planned training program approved by the division;

1383 (ii) has at least eight years of full-time experience approved by the division in
1384 collaboration with the Electricians Licensing Board; or

1385 (iii) meets the qualifications determined by the board to be equivalent to Subsection
1386 (3)(h)(i) or (ii).

1387 (i) A residential journeyman electrician applicant shall produce satisfactory evidence
1388 that the applicant:

1389 (i) has successfully completed two years of training in an electrical training program
1390 approved by the division;

1391 (ii) has four years of practical experience in wiring, installing, and repairing electrical

1392 apparatus and equipment for light, heat, and power under the supervision of a licensed master,
1393 journeyman, residential master, or residential journeyman electrician; or

1394 (iii) meets the qualifications determined by the division and applicable board to be
1395 equivalent to Subsection (3)(i)(i) or (ii).

1396 (j) The conduct of licensed apprentice electricians and their licensed supervisors shall
1397 be in accordance with the following:

1398 (i) A licensed apprentice electrician shall be under the immediate supervision of a
1399 licensed master, journeyman, residential master, or residential journeyman electrician. An
1400 apprentice in the fourth year of training may work without supervision for a period not to
1401 exceed eight hours in any 24-hour period.

1402 (ii) A licensed master, journeyman, residential master, or residential journeyman
1403 electrician may have under immediate supervision on a residential project up to three licensed
1404 apprentice electricians.

1405 (iii) A licensed master or journeyman electrician may have under immediate
1406 supervision on nonresidential projects only one licensed apprentice electrician.

1407 (k) An alarm company applicant shall:

1408 (i) have a qualifying agent who is an officer, director, partner, proprietor, or manager of
1409 the applicant who:

1410 (A) demonstrates 6,000 hours of experience in the alarm company business;

1411 (B) demonstrates 2,000 hours of experience as a manager or administrator in the alarm
1412 company business or in a construction business; and

1413 (C) passes an examination component established by rule by the commission with the
1414 concurrence of the director;

1415 (ii) if a corporation, provide:

1416 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1417 of all corporate officers, directors, and those responsible management personnel employed
1418 within the state or having direct responsibility for managing operations of the applicant within
1419 the state; and

1420 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1421 of all shareholders owning 5% or more of the outstanding shares of the corporation, except this
1422 shall not be required if the stock is publicly listed and traded;

1423 (iii) if a limited liability company, provide:

1424 (A) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1425 of all company officers, and those responsible management personnel employed within the
1426 state or having direct responsibility for managing operations of the applicant within the state;
1427 and

1428 (B) the names, addresses, dates of birth, social security numbers, and fingerprint cards
1429 of all individuals owning 5% or more of the equity of the company;

1430 (iv) if a partnership, provide the names, addresses, dates of birth, social security
1431 numbers, and fingerprint cards of all general partners, and those responsible management
1432 personnel employed within the state or having direct responsibility for managing operations of
1433 the applicant within the state;

1434 (v) if a proprietorship, provide the names, addresses, dates of birth, social security
1435 numbers, and fingerprint cards of the proprietor, and those responsible management personnel
1436 employed within the state or having direct responsibility for managing operations of the
1437 applicant within the state;

1438 (vi) if a trust, provide the names, addresses, dates of birth, social security numbers, and
1439 fingerprint cards of the trustee, and those responsible management personnel employed within
1440 the state or having direct responsibility for managing operations of the applicant within the
1441 state;

1442 (vii) be of good moral character in that officers, directors, shareholders described in
1443 Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management personnel
1444 have not been convicted of a felony, a misdemeanor involving moral turpitude, or any other
1445 crime that when considered with the duties and responsibilities of an alarm company is
1446 considered by the board to indicate that the best interests of the public are served by granting
1447 the applicant a license;

1448 (viii) document that none of the applicant's officers, directors, shareholders described
1449 in Subsection (3)(k)(ii)(B), partners, proprietors, trustees, and responsible management
1450 personnel have been declared by any court of competent jurisdiction incompetent by reason of
1451 mental defect or disease and not been restored;

1452 (ix) document that none of the applicant's officers, directors, shareholders described in
1453 Subsection (3)(k)(ii)(B), partners, proprietors, and responsible management personnel are

1454 currently suffering from habitual drunkenness or from drug addiction or dependence;
1455 (x) file and maintain with the division evidence of:
1456 (A) comprehensive general liability insurance in form and in amounts to be established
1457 by rule by the commission with the concurrence of the director;
1458 (B) workers' compensation insurance that covers employees of the applicant in
1459 accordance with applicable Utah law; and
1460 (C) registration as is required by applicable law with the:
1461 (I) Division of Corporations and Commercial Code;
1462 (II) Unemployment Insurance Division in the Department of Workforce Services, for
1463 purposes of Title 35A, Chapter 4, Employment Security Act;
1464 (III) State Tax Commission; and
1465 (IV) Internal Revenue Service; and
1466 (xi) meet with the division and board.
1467 (l) Each applicant for licensure as an alarm company agent shall:
1468 (i) submit an application in a form prescribed by the division accompanied by
1469 fingerprint cards;
1470 (ii) pay a fee determined by the department under Section [63J-1-504](#);
1471 (iii) be of good moral character in that the applicant has not been convicted of a felony,
1472 a misdemeanor involving moral turpitude, or any other crime that when considered with the
1473 duties and responsibilities of an alarm company agent is considered by the board to indicate
1474 that the best interests of the public are served by granting the applicant a license;
1475 (iv) not have been declared by any court of competent jurisdiction incompetent by
1476 reason of mental defect or disease and not been restored;
1477 (v) not be currently suffering from habitual drunkenness or from drug addiction or
1478 dependence; and
1479 (vi) meet with the division and board if requested by the division or the board.
1480 (m) (i) Each applicant for licensure as an elevator mechanic shall:
1481 (A) provide documentation of experience and education credits of not less than three
1482 years work experience in the elevator industry, in construction, maintenance, or service and
1483 repair; and
1484 (B) satisfactorily complete a written examination administered by the division

1485 established by rule under Section [58-1-203](#); or

1486 (C) provide certificates of completion of an apprenticeship program for elevator
1487 mechanics, having standards substantially equal to those of this chapter and registered with the
1488 United States Department of Labor Bureau Apprenticeship and Training or a state
1489 apprenticeship council.

1490 (ii) (A) If an elevator contractor licensed under this chapter cannot find a licensed
1491 elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing,
1492 repairing, or maintaining an elevator, the contractor may:

1493 (I) notify the division of the unavailability of licensed personnel; and

1494 (II) request the division issue a temporary elevator mechanic license to an individual
1495 certified by the contractor as having an acceptable combination of documented experience and
1496 education to perform the work described in this Subsection (3)(m)(ii)(A).

1497 (B) (I) The division may issue a temporary elevator mechanic license to an individual
1498 certified under Subsection (3)(m)(ii)(A)(II) upon application by the individual, accompanied by
1499 the appropriate fee as determined by the department under Section [63J-1-504](#).

1500 (II) The division shall specify the time period for which the license is valid and may
1501 renew the license for an additional time period upon its determination that a shortage of
1502 licensed elevator mechanics continues to exist.

1503 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1504 division may make rules establishing when Federal Bureau of Investigation records shall be
1505 checked for applicants as an alarm company or alarm company agent.

1506 (5) To determine if an applicant meets the qualifications of Subsections (3)(k)(vii) and
1507 (3)(l)(iii), the division shall provide an appropriate number of copies of fingerprint cards to the
1508 Department of Public Safety with the division's request to:

1509 (a) conduct a search of records of the Department of Public Safety for criminal history
1510 information relating to each applicant for licensure as an alarm company or alarm company
1511 agent and each applicant's officers, directors, shareholders described in Subsection
1512 (3)(k)(ii)(B), partners, proprietors, and responsible management personnel; and

1513 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
1514 requiring a check of records of the Federal Bureau of Investigation for criminal history
1515 information under this section.

1516 (6) The Department of Public Safety shall send to the division:

1517 (a) a written record of criminal history, or certification of no criminal history record, as
1518 contained in the records of the Department of Public Safety in a timely manner after receipt of
1519 a fingerprint card from the division and a request for review of Department of Public Safety
1520 records; and

1521 (b) the results of the Federal Bureau of Investigation review concerning an applicant in
1522 a timely manner after receipt of information from the Federal Bureau of Investigation.

1523 (7) (a) The division shall charge each applicant for licensure as an alarm company or
1524 alarm company agent a fee, in accordance with Section 63J-1-504, equal to the cost of
1525 performing the records reviews under this section.

1526 (b) The division shall pay the Department of Public Safety the costs of all records
1527 reviews, and the Department of Public Safety shall pay the Federal Bureau of Investigation the
1528 costs of records reviews under this section.

1529 (8) Information obtained by the division from the reviews of criminal history records of
1530 the Department of Public Safety and the Federal Bureau of Investigation shall be used or
1531 disseminated by the division only for the purpose of determining if an applicant for licensure as
1532 an alarm company or alarm company agent is qualified for licensure.

1533 (9) (a) An application for licensure under this chapter shall be denied if:

1534 (i) the applicant has had a previous license, which was issued under this chapter,
1535 suspended or revoked within [~~one year prior to~~] two years before the date of the applicant's
1536 application;

1537 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

1538 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
1539 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
1540 status, performing similar functions, or directly or indirectly controlling the applicant has
1541 served in any similar capacity with any person or entity which has had a previous license,
1542 which was issued under this chapter, suspended or revoked within [~~one year prior to~~] two years
1543 before the date of the applicant's application;

1544 (iii) (A) the applicant is an individual or sole proprietorship; and

1545 (B) any owner or agent acting as a qualifier has served in any capacity listed in
1546 Subsection (9)(a)(ii)(B) in any entity which has had a previous license, which was issued under

1547 this chapter, suspended or revoked within [~~one year prior to~~] two years before the date of the
1548 applicant's application; or

1549 (iv) (A) the applicant includes an individual who was an owner, director, or officer of
1550 an unincorporated entity at the time the entity's license under this chapter was revoked; and

1551 (B) the application for licensure is filed within 60 months after the revocation of the
1552 unincorporated entity's license.

1553 (b) An application for licensure under this chapter shall be reviewed by the appropriate
1554 licensing board prior to approval if:

1555 (i) the applicant has had a previous license, which was issued under this chapter,
1556 suspended or revoked more than [~~one year prior to~~] two years before the date of the applicant's
1557 application;

1558 (ii) (A) the applicant is a partnership, corporation, or limited liability company; and

1559 (B) any corporate officer, director, shareholder holding 25% or more of the stock in the
1560 applicant, partner, member, agent acting as a qualifier, or any person occupying a similar
1561 status, performing similar functions, or directly or indirectly controlling the applicant has
1562 served in any similar capacity with any person or entity which has had a previous license,
1563 which was issued under this chapter, suspended or revoked more than [~~one year prior to~~] two
1564 years before the date of the applicant's application; or

1565 (iii) (A) the applicant is an individual or sole proprietorship; and

1566 (B) any owner or agent acting as a qualifier has served in any capacity listed in
1567 Subsection (9)(b)(ii)(B) in any entity which has had a previous license, which was issued under
1568 this chapter, suspended or revoked more than [~~one year prior to~~] two years before the date of
1569 the applicant's application.

1570 (10) (a) (i) A licensee that is an unincorporated entity shall file an ownership status
1571 report with the division every 30 days after the day on which the license is issued if the licensee
1572 has more than five owners who are individuals who:

1573 (A) own an interest in the contractor that is an unincorporated entity;

1574 (B) own, directly or indirectly, less than an 8% interest, as defined by rule made by the
1575 division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in the
1576 unincorporated entity; and

1577 (C) engage, or will engage, in a construction trade in the state as owners of the

1578 contractor described in Subsection (10)(a)(i)(A).

1579 (ii) If the licensee has five or fewer owners described in Subsection (10)(a)(i), the
1580 licensee shall provide the ownership status report with an application for renewal of licensure.

1581 (b) An ownership status report required under this Subsection (10) shall:

1582 (i) specify each addition or deletion of an owner:

1583 (A) for the first ownership status report, after the day on which the unincorporated
1584 entity is licensed under this chapter; and

1585 (B) for a subsequent ownership status report, after the day on which the previous
1586 ownership status report is filed;

1587 (ii) be in a format prescribed by the division that includes for each owner, regardless of
1588 the owner's percentage ownership in the unincorporated entity, the information described in
1589 Subsection(1)(e)(v);

1590 (iii) list the name of:

1591 (A) each officer or manager of the unincorporated entity; and

1592 (B) each other individual involved in the operation, supervision, or management of the
1593 unincorporated entity; and

1594 (iv) be accompanied by a fee set by the division in accordance with Section [63J-1-504](#)
1595 if the ownership status report indicates there is a change described in Subsection (10)(b)(i).

1596 (c) The division may, at any time, audit an ownership status report under this
1597 Subsection (10):

1598 (i) to determine if financial responsibility has been demonstrated or maintained as
1599 required under Section [58-55-306](#); and

1600 (ii) to determine compliance with Subsection [58-55-501](#)(24), (25), or (27) or
1601 Subsection [58-55-502](#)(8) or (9).

1602 (11) (a) An unincorporated entity that provides labor to an entity licensed under this
1603 chapter by providing an individual who owns an interest in the unincorporated entity to engage
1604 in a construction trade in Utah shall file with the division:

1605 (i) before the individual who owns an interest in the unincorporated entity engages in a
1606 construction trade in Utah, a current list of the one or more individuals who hold an ownership
1607 interest in the unincorporated entity that includes for each individual:

1608 (A) the individual's name, address, birth date, and social security number; and

1609 (B) whether the individual will engage in a construction trade; and
 1610 (ii) every 30 days after the day on which the unincorporated entity provides the list
 1611 described in Subsection (11)(a)(i), an ownership status report containing the information that
 1612 would be required under Subsection (10) if the unincorporated entity were a licensed
 1613 contractor.

1614 (b) When filing an ownership list described in Subsection (11)(a)(i) or an ownership
 1615 status report described in Subsection (11)(a)(ii), an unincorporated entity shall pay a fee set by
 1616 the division in accordance with Section [63J-1-504](#).

1617 (12) This chapter may not be interpreted to create or support an express or implied
 1618 independent contractor relationship between an unincorporated entity described in Subsection
 1619 (10) or (11) and the owners of the unincorporated entity for any purpose, including income tax
 1620 withholding.

1621 (13) A social security number provided under Subsection (1)(e)(v) is a private record
 1622 under Subsection [63G-2-302\(1\)\(i\)](#).

1623 Section 22. Section **58-55-307** is amended to read:

1624 **58-55-307. Confidentiality of records and reports.**

1625 (1) Credit reports, financial statements, and other information submitted to the division
 1626 by or at the request and direction of an applicant or licensee for the purpose of supporting a
 1627 representation of financial responsibility;

1628 (a) constitute protected records under Title 63G, Chapter 2, Government Records
 1629 Access and Management Act~~[-];~~ and

1630 (b) notwithstanding Subsection (1)(a), may be considered by the commission in a
 1631 public meeting, unless the owner of the information requests that the meeting be closed to the
 1632 public in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

1633 (2) Notwithstanding the provisions of Title 63G, Chapter 2, Government Records
 1634 Access and Management Act, the records described in Subsection (1) are not open for public
 1635 inspection and are not subject to discovery in civil or administrative proceedings.

1636 Section 23. Section **58-60-508** is amended to read:

1637 **58-60-508. Substance use disorder counselor supervisor's qualifications --**
 1638 **Functions.**

1639 (1) A mental health therapist supervisor of a substance use disorder counselor shall:

- 1640 (a) be qualified by education or experience to treat substance use disorders;
- 1641 (b) be currently working in the substance use disorder treatment field;
- 1642 (c) review substance use disorder counselor assessment procedures and
- 1643 recommendations;
- 1644 (d) provide substance use disorder diagnosis and other mental health diagnoses in
- 1645 accordance with Subsection 58-60-102(7);
- 1646 (e) supervise the development of a treatment plan;
- 1647 (f) approve the treatment plan; and
- 1648 (g) provide direct supervision for not more than five persons, unless granted an
- 1649 exception in writing from the board and the division.

1650 (2) A supervisor of a certified substance use disorder counselor, certified substance use
1651 disorder counselor intern, certified advanced substance use disorder counselor, certified
1652 advanced substance use disorder counselor intern, or licensed substance use disorder counselor
1653 ~~[may]~~ shall:

- 1654 (a) be a licensed advanced substance use disorder counselor ~~[with:];~~
- 1655 ~~[(i) until July 1, 2014, at least two years of experience as a substance use disorder~~
- 1656 ~~counselor; or]~~
- 1657 ~~[(ii) beginning on July 1, 2014,]~~
- 1658 (b) have at least two years of experience as a licensed advanced substance use disorder
- 1659 counselor;
- 1660 ~~[(b)]~~ (c) be currently working in the substance use disorder field; and
- 1661 ~~[(c)]~~ (d) provide direct supervision for no more than three persons, unless granted an
- 1662 exception in writing from the board and the division.

1663 Section 24. Section 58-63-302 is amended to read:

1664 **58-63-302. Qualifications for licensure.**

- 1665 (1) Each applicant for licensure as an armored car company or a contract security
- 1666 company shall:
- 1667 (a) submit an application in a form prescribed by the division;
- 1668 (b) pay a fee determined by the department under Section 63J-1-504;
- 1669 (c) have a qualifying agent who:
- 1670 (i) is a resident of the state and an officer, director, partner, proprietor, or manager of

1671 the applicant;

1672 (ii) passes an examination component established by rule by the division in
1673 collaboration with the board; and

1674 (iii) (A) demonstrates 6,000 hours of compensated experience as a manager,
1675 supervisor, or administrator of an armored car company or a contract security company; or
1676 (B) demonstrates 6,000 hours of supervisory experience acceptable to the division in
1677 collaboration with the board with a federal, United States military, state, county, or municipal
1678 law enforcement agency;

1679 (d) if a corporation, provide:

1680 (i) the names, addresses, dates of birth, and social security numbers of all corporate
1681 officers, directors, and those responsible management personnel employed within the state or
1682 having direct responsibility for managing operations of the applicant within the state; and

1683 (ii) the names, addresses, dates of birth, and social security numbers, of all
1684 shareholders owning 5% or more of the outstanding shares of the corporation, unless waived by
1685 the division if the stock is publicly listed and traded;

1686 (e) if a limited liability company, provide:

1687 (i) the names, addresses, dates of birth, and social security numbers of all company
1688 officers, and those responsible management personnel employed within the state or having
1689 direct responsibility for managing operations of the applicant within the state; and

1690 (ii) the names, addresses, dates of birth, and social security numbers of all individuals
1691 owning 5% or more of the equity of the company;

1692 (f) if a partnership, provide the names, addresses, dates of birth, and social security
1693 numbers of all general partners, and those responsible management personnel employed within
1694 the state or having direct responsibility for managing operations of the applicant within the
1695 state;

1696 (g) if a proprietorship, provide the names, addresses, dates of birth, and social security
1697 numbers of the proprietor, and those responsible management personnel employed within the
1698 state or having direct responsibility for managing operations of the applicant within the state;

1699 (h) have good moral character in that officers, directors, shareholders described in
1700 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel have not
1701 been convicted of:

1702 (i) a felony;

1703 (ii) a misdemeanor involving moral turpitude; or

1704 (iii) a crime that when considered with the duties and responsibilities of a contract

1705 security company or an armored car company by the division and the board indicates that the

1706 best interests of the public are not served by granting the applicant a license;

1707 (i) document that none of the applicant's officers, directors, shareholders described in

1708 Subsection (1)(d)(ii), partners, proprietors, and responsible management personnel:

1709 (i) have been declared by a court of competent jurisdiction incompetent by reason of

1710 mental defect or disease and not been restored; and

1711 (ii) currently suffer from habitual drunkenness or from drug addiction or dependence;

1712 (j) file and maintain with the division evidence of:

1713 (i) comprehensive general liability insurance in a form and in amounts established by

1714 rule by the division in collaboration with the board;

1715 (ii) workers' compensation insurance that covers employees of the applicant in

1716 accordance with applicable Utah law;

1717 (iii) registration with the Division of Corporations and Commercial Code; and

1718 (iv) registration as required by applicable law with the:

1719 (A) Unemployment Insurance Division in the Department of Workforce Services, for

1720 purposes of Title 35A, Chapter 4, Employment Security Act;

1721 (B) State Tax Commission; and

1722 (C) Internal Revenue Service; and

1723 (k) meet with the division and board if requested by the division or board.

1724 (2) Each applicant for licensure as an armed private security officer shall:

1725 (a) submit an application in a form prescribed by the division;

1726 (b) pay a fee determined by the department under Section [63J-1-504](#);

1727 (c) have good moral character in that the applicant has not been convicted of:

1728 (i) a felony;

1729 (ii) a misdemeanor involving moral turpitude; or

1730 (iii) a crime that when considered with the duties and responsibilities of an armed

1731 private security officer by the division and the board indicates that the best interests of the

1732 public are not served by granting the applicant a license;

- 1733 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
1734 Sec. 922(g);
- 1735 [~~(d)~~] (e) not have been declared incompetent by a court of competent jurisdiction by
1736 reason of mental defect or disease and not been restored;
- 1737 [~~(e)~~] (f) not be currently suffering from habitual drunkenness or from drug addiction or
1738 dependence;
- 1739 [~~(f)~~] (g) successfully complete basic education and training requirements established by
1740 rule by the division in collaboration with the board;
- 1741 [~~(g)~~] (h) successfully complete firearms training requirements established by rule by
1742 the division in collaboration with the board;
- 1743 [~~(h)~~] (i) pass the examination requirement established by rule by the division in
1744 collaboration with the board; and
- 1745 [~~(i)~~] (j) meet with the division and board if requested by the division or the board.
- 1746 (3) Each applicant for licensure as an unarmed private security officer shall:
- 1747 (a) submit an application in a form prescribed by the division;
- 1748 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 1749 (c) have good moral character in that the applicant has not been convicted of:
- 1750 (i) a felony;
- 1751 (ii) a misdemeanor involving moral turpitude; or
- 1752 (iii) a crime that when considered with the duties and responsibilities of an unarmed
1753 private security officer by the division and the board indicates that the best interests of the
1754 public are not served by granting the applicant a license;
- 1755 (d) not have been declared incompetent by a court of competent jurisdiction by reason
1756 of mental defect or disease and not been restored;
- 1757 (e) not be currently suffering from habitual drunkenness or from drug addiction or
1758 dependence;
- 1759 (f) successfully complete basic education and training requirements established by rule
1760 by the division in collaboration with the board;
- 1761 (g) pass the examination requirement established by rule by the division in
1762 collaboration with the board; and
- 1763 (h) meet with the division and board if requested by the division or board.

- 1764 (4) Each applicant for licensure as an armored car security officer shall:
- 1765 (a) submit an application in a form prescribed by the division;
- 1766 (b) pay a fee determined by the department under Section 63J-1-504;
- 1767 (c) have good moral character in that the applicant has not been convicted of:
- 1768 (i) a felony;
- 1769 (ii) a misdemeanor involving moral turpitude; or
- 1770 (iii) a crime that when considered with the duties and responsibilities of an armored car
- 1771 security officer by the division and the board indicates that the best interests of the public are
- 1772 not served by granting the applicant a license;
- 1773 (d) not be prohibited from possession of a firearm or ammunition under 18 U.S.C.
- 1774 Sec. 922(g);
- 1775 [~~(d)~~] (e) not have been declared incompetent by a court of competent jurisdiction by
- 1776 reason of mental defect or disease and not been restored;
- 1777 [~~(e)~~] (f) not be currently suffering from habitual drunkenness or from drug addiction or
- 1778 dependence;
- 1779 [~~(f)~~] (g) successfully complete basic education and training requirements established by
- 1780 rule by the division in collaboration with the board;
- 1781 [~~(g)~~] (h) successfully complete firearms training requirements established by rule by
- 1782 the division in collaboration with the board;
- 1783 [~~(h)~~] (i) pass the examination requirements established by rule by the division in
- 1784 collaboration with the board; and
- 1785 [~~(i)~~] (j) meet with the division and board if requested by the division or the board.
- 1786 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1787 division may make a rule establishing when the division shall request a Federal Bureau of
- 1788 Investigation records' review for an applicant.
- 1789 (6) To determine if an applicant meets the qualifications of Subsections (1)(h), (2)(c),
- 1790 (3)(c), and (4)(c), the division shall provide an appropriate number of copies of fingerprint
- 1791 cards to the Department of Public Safety with the division's request to:
- 1792 (a) conduct a search of records of the Department of Public Safety for criminal history
- 1793 information relating to each applicant for licensure under this chapter and each applicant's
- 1794 officers, directors, shareholders described in Subsection (1)(d)(ii), partners, proprietors, and

1795 responsible management personnel; and

1796 (b) forward to the Federal Bureau of Investigation a fingerprint card of each applicant
1797 requiring a check of records of the FBI for criminal history information under this section.

1798 (7) The Department of Public Safety shall send the division:

1799 (a) a written record of criminal history, or certification of no criminal history record, as
1800 contained in the records of the Department of Public Safety in a timely manner after receipt of
1801 a fingerprint card from the division and a request for review of Department of Public Safety
1802 records; and

1803 (b) the results of the FBI review concerning an applicant in a timely manner after
1804 receipt of information from the FBI.

1805 (8) (a) The division shall charge each applicant a fee, in accordance with Section
1806 [63J-1-504](#), equal to the cost of performing the records reviews under this section.

1807 (b) The division shall pay the Department of Public Safety the costs of all records
1808 reviews, and the Department of Public Safety shall pay the FBI the costs of records reviews
1809 under this chapter.

1810 (9) The division shall use or disseminate the information it obtains from the reviews of
1811 criminal history records of the Department of Public Safety and the FBI only to determine if an
1812 applicant for licensure under this chapter is qualified for licensure.

1813 Section 25. Section **58-64-304** is amended to read:

1814 **58-64-304. Exemptions from licensure.**

1815 [The] In addition to the exemptions from licensure [under the provisions of this chapter
1816 are limited to those set forth] described in Section [58-1-307](#)[-], a law enforcement officer, as
1817 defined under Section [53-13-103](#), who is not licenced under this chapter may operate a voice
1818 stress analyzer in the course of the officer's full-time employment with a federal, state, or local
1819 law enforcement agency if the officer:

1820 (1) has completed the manufacturer's training course and is certified by the
1821 manufacturer to operate that voice stress analyzer; and

1822 (2) is operating the voice stress analyzer in accordance with Section [58-64-601](#),
1823 regarding deception detection instruments.

1824 Section 26. Section **58-70a-305** is amended to read:

1825 **58-70a-305. Exemptions from licensure.**

1826 In addition to the exemptions from licensure in Section 58-1-307, the following persons
1827 may engage in acts included within the definition of practice as a physician assistant, subject to
1828 the stated circumstances and limitations, without being licensed under this chapter:

1829 (1) a student enrolled in an accredited physician assistant education program while
1830 engaged in activities as a physician assistant:

1831 (a) that are a part of the education program;

1832 (b) that are conducted under the direct supervision of a:

1833 (i) physician associated with the program; or

1834 (ii) licensed physician assistant, at the request of the supervising physician and on a
1835 temporary basis, as defined by rule;

1836 (c) for which the program accepts in writing the responsibility for the student; and

1837 (2) a "medical assistant," as defined in Sections 58-67-102 and 58-68-102, who:

1838 [~~(a) is working under the direct supervision of a physician;~~]

1839 [~~(b)~~] (a) does not diagnose, advise, independently treat, or prescribe to or on behalf of
1840 any person; and

1841 [~~(c)~~] (b) for whom the supervising physician accepts responsibility.

1842 Section 27. Section 58-74-102 is amended to read:

1843 **58-74-102. Definitions.**

1844 In addition to the definitions in Section 58-1-102, as used in this chapter:

1845 (1) "Board" means the Certified Court Reporters Licensing Board created in Section
1846 58-74-201.

1847 [~~(2) "Certified Shorthand Reporter" means any person licensed under this chapter who
1848 is engaged in the practice of shorthand reporting.~~]

1849 [~~(3)~~] (2) "Certified court reporter" means any person who engages in the practice of
1850 court reporting who is:

1851 (a) a shorthand reporter certified by the National Court Reporters Association; or

1852 (b) a voice reporter certified by the National Verbatim Reporters Association.

1853 [~~(4)~~] (3) "Certified voice reporter" means any person licensed under this chapter who
1854 engages in the practice of voice reporting.

1855 [~~(5)~~] (4) "Official court reporter" means a certified shorthand reporter employed by the
1856 courts.

1857 ~~[(6)]~~ (5) "Official court transcriber" means a person certified in accordance with rules
1858 of the Judicial Council as competent to transcribe into written form an audio or video recording
1859 of court proceedings.

1860 ~~[(7)]~~ (6) "Practice of court reporting" means the making of a verbatim record of any
1861 trial, legislative public hearing, state agency public hearing, deposition, examination before
1862 trial, hearing or proceeding before any grand jury, referee, board, commission, master or
1863 arbitrator, or other sworn testimony given under oath.

1864 ~~[(8)]~~ "Practice of shorthand reporting" means the practice of making a verbatim record,
1865 using symbols or abbreviations;]

1866 ~~[(9)]~~ (7) "Practice of voice reporting" means the practice of making a verbatim record,
1867 using voice writing.

1868 ~~[(10)]~~ (8) "Voice writing" means the making of a verbatim record of the spoken word
1869 by means of repeating the words of the speaker into a device capable of either digital
1870 translation into English text or creation of a tape or digital recording.

1871 ~~[(11)]~~ (9) "Unlawful conduct" ~~[is as]~~ means the same as that term is defined in Sections
1872 58-1-501 and 58-74-501.

1873 ~~[(12)]~~ (10) "Unprofessional conduct" ~~[is as]~~ means the same as that term is defined in
1874 Sections 58-1-501 and 58-74-502 and as may be further defined by rule.

1875 Section 28. Section **58-77-601** is amended to read:

1876 **58-77-601. Standards of practice.**

1877 (1) (a) Prior to providing any services, a licensed direct-entry midwife must obtain an
1878 informed consent from a client.

1879 (b) The consent must include:

1880 (i) the name and license number of the direct-entry midwife;

1881 (ii) the client's name, address, telephone number, and primary care provider, if the
1882 client has one;

1883 (iii) the fact, if true, that the licensed direct-entry midwife is not a certified nurse
1884 midwife or a physician;

1885 (iv) a description of the licensed direct-entry midwife's education, training, continuing
1886 education, and experience in midwifery;

1887 (v) a description of the licensed direct-entry midwife's peer review process;

- 1888 (vi) the licensed direct-entry midwife's philosophy of practice;
- 1889 (vii) a promise to provide the client, upon request, separate documents describing the
- 1890 rules governing licensed direct-entry midwifery practice, including a list of conditions
- 1891 indicating the need for consultation, collaboration, referral, transfer or mandatory transfer, and
- 1892 the licensed direct-entry midwife's personal written practice guidelines;
- 1893 (viii) a medical back-up or transfer plan;
- 1894 (ix) a description of the services provided to the client by the licensed direct-entry
- 1895 midwife;
- 1896 (x) the licensed direct-entry midwife's current legal status;
- 1897 (xi) the availability of a grievance process;
- 1898 (xii) client and licensed direct-entry midwife signatures and the date of signing; and
- 1899 (xiii) whether the licensed direct-entry midwife is covered by a professional liability
- 1900 insurance policy.
- 1901 (2) A licensed direct-entry midwife shall:
- 1902 (a) (i) limit the licensed direct-entry midwife's practice to a normal pregnancy, labor,
- 1903 postpartum, newborn and interconceptual care, which for purposes of this section means a
- 1904 normal labor:
- 1905 (A) that is not pharmacologically induced;
- 1906 (B) that is low risk at the start of labor;
- 1907 (C) that remains low risk through out the course of labor and delivery;
- 1908 (D) in which the infant is born spontaneously in the vertex position between 37 and 43
- 1909 completed weeks of pregnancy; and
- 1910 (E) except as provided in Subsection (2)(a)(ii), in which after delivery, the mother and
- 1911 infant remain low risk; and
- 1912 (ii) the limitation of Subsection (2)(a)(i) does not prohibit a licensed direct-entry
- 1913 midwife from delivering an infant when there is:
- 1914 (A) intrauterine fetal demise; or
- 1915 (B) a fetal anomaly incompatible with life; and
- 1916 (b) appropriately recommend and facilitate consultation with, collaboration with,
- 1917 referral to, or transfer or mandatory transfer of care to a licensed health care professional when
- 1918 the circumstances require that action in accordance with this section and standards established

1919 by division rule.

1920 (3) If after a client has been informed that she has or may have a condition indicating
1921 the need for medical consultation, collaboration, referral, or transfer and the client chooses to
1922 decline, then the licensed direct-entry midwife shall:

1923 (a) terminate care in accordance with procedures established by division rule; or

1924 (b) continue to provide care for the client if the client signs a waiver of medical
1925 consultation, collaboration, referral, or transfer.

1926 (4) If after a client has been informed that she has or may have a condition indicating
1927 the need for mandatory transfer, the licensed direct-entry midwife shall, in accordance with
1928 procedures established by division rule, terminate the care or initiate transfer by:

1929 (a) calling 911 and reporting the need for immediate transfer;

1930 (b) immediately transporting the client by private vehicle to the receiving provider; or

1931 (c) contacting the physician to whom the client will be transferred and following that
1932 physician's orders.

1933 (5) The standards for consultation and transfer are the minimum standards that a
1934 licensed direct-entry midwife must follow. A licensed direct-entry midwife shall initiate
1935 consultation, collaboration, referral, or transfer of a patient sooner than required by
1936 administrative rule if in the opinion and experience of the licensed direct-entry midwife, the
1937 condition of the client or infant warrant a consultation, collaboration, referral, or transfer.

1938 ~~[(6) For the period from 2006 through 2011, a licensed direct-entry midwife must~~
1939 ~~submit outcome data to the Midwives' Alliance of North America's Division of Research on the~~
1940 ~~form and in the manner prescribed by rule.]~~

1941 ~~[(7)]~~ (6) This chapter does not mandate health insurance coverage for midwifery
1942 services.

1943 Section 29. Section **58-81-102** is amended to read:

1944 **58-81-102. Definitions.**

1945 For purposes of this chapter:

1946 (1) "Board" means the state licensing board created for each of the health care
1947 practitioners included in Subsection (2).

1948 (2) "Health care practitioner" includes:

1949 (a) a podiatrist licensed under Chapter 5a, Podiatric Physician Licensing Act;

- 1950 (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;
- 1951 (c) a nurse or advanced practice registered nurse licensed under Chapter 31b, Nurse
1952 Practice Act;
- 1953 (d) a recreational therapist licensed under Chapter 40, Recreational Therapy Practice
1954 Act;
- 1955 (e) an occupational therapist licensed under Chapter 42a, Occupational Therapy
1956 Practice Act;
- 1957 (f) a nurse midwife licensed under Chapter 44a, Nurse Midwife Practice Act;
- 1958 (g) a mental health professional licensed under Chapter 60, Mental Health Professional
1959 Practice Act;
- 1960 (h) a psychologist licensed under Chapter 61, Psychologist Licensing Act;
- 1961 ~~(h)~~ (i) a physician licensed under Chapter 67, Utah Medical Practice Act;
- 1962 ~~(i)~~ (j) an osteopath licensed under Chapter 68, Utah Osteopathic Medical Practice
1963 Act;
- 1964 ~~(j)~~ (k) a dentist or dental hygienist licensed under Chapter 69, Dentist and Dental
1965 Hygienist Practice Act;
- 1966 ~~(k)~~ (l) a physician assistant licensed under Chapter 70a, Physician Assistant Act;
- 1967 ~~(l)~~ (m) a pharmacist licensed under Chapter 17b, Pharmacy Practice Act; or
- 1968 ~~(m)~~ (n) an optometrist licensed under Chapter 16a, Utah Optometry Practice Act.
- 1969 (3) "Qualified location" means:
- 1970 (a) a clinic, hospital, church, or organization whose primary purpose is to sponsor,
1971 promote, or organize uncompensated health care services for people unable to pay for health
1972 care services; and
- 1973 (b) is a location approved by the division.
- 1974 (4) "Remuneration or compensation" ~~is as~~ means the same as that term is defined in
1975 Section [58-13-3](#).
- 1976 (5) "Supervising professional" means a health care practitioner:
- 1977 (a) who has an active license in the state in good standing;
- 1978 (b) with a scope of practice that is appropriate for supervising the applicant as
1979 determined by the division and board; and
- 1980 (c) who is practicing at the qualified location.

- 1981 (6) "Supervision" means:
- 1982 (a) the level of supervision required for:
- 1983 (i) a social service worker in Chapter 60, Mental Health Professional Practice Act;
- 1984 (ii) a dental hygienist in Chapter 69, Dentist and Dental Hygienist Practice Act;
- 1985 (iii) a recreational therapist technician in Chapter 40, Recreational Therapy Practice
- 1986 Act; and
- 1987 (iv) an occupational technician assistant in Chapter 42a, Occupational Therapy Practice
- 1988 Act; and
- 1989 (b) for the health care practitioners listed in Subsections (2)(a) through (m) and not
- 1990 included in Subsection (5)(a):
- 1991 (i) entering into a delegation of service agreement with a supervising professional in
- 1992 accordance with Subsection 58-81-103(2);
- 1993 (ii) having the ability to contact the supervising professional during the time the
- 1994 volunteer is providing volunteer services; and
- 1995 (iii) for every 40 hours of volunteer service hours, meeting with the supervising
- 1996 professional.
- 1997 (7) "Volunteer" means the individual health care practitioner:
- 1998 (a) will devote the health care practitioner's practice exclusively to providing care to
- 1999 the needy and indigent in the state:
- 2000 (i) within:
- 2001 (A) the practitioner's scope of practice; and
- 2002 (B) the delegation of service agreement between the volunteer and the supervising
- 2003 professional; and
- 2004 (ii) at a qualified location;
- 2005 (b) will agree to donate professional services in a qualified location; and
- 2006 (c) will not receive remuneration or compensation for the health care practitioner's
- 2007 services.