

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

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|---|-------------------|-----------------|--------------------|
| DAR file no: | | Date filed: | |
| State Admin Rule Filing Id: | | Time filed: | |
| | Agency No. | Rule No. | Section No. |
| Utah Admin. Code Ref (R no.): | R 156 | - | 1 - 305 |
| Changed to Admin. Code Ref. (R no.): | R | - | - |

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|-----------|---------------------------|--|--------------|-------------------|
| 1. | Agency: | Commerce/Division of Occupational and Professional Licensing | | |
| | Room no.: | | | |
| | Building: | Heber M. Wells Building | | |
| | Street address 1: | 160 East 300 South | | |
| | Street address 2: | | | |
| | City, state, zip: | Salt Lake City UT 84111-2316 | | |
| | Mailing address 1: | PO Box 146741 | | |
| | Mailing address 2: | | | |
| | City, state, zip: | Salt Lake City UT 84114-6741 | | |
| | Contact person(s): | | | |
| | Name: | Phone: | Fax: | E-mail: |
| | Dennis Meservy | 801-530-6375 | 801-530-6511 | dmeservy@utah.gov |
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(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

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| 2. | Title of rule or section (catchline): |
| | Inactive Licensure |
| 3. | Type of notice: |
| | New ___; Amendment XX; Repeal ___; Repeal and Reenact ___ |
| 4. | Purpose of the rule or reason for the change: |
| | The Professional Engineers and Professional Land Surveyors Licensing Act Rule (R156-22) has provided for sometime an inactive license status for professional engineers, professional land surveyors and professional structural engineers. However, these professions were inadvertently not included in this rule section. |
| 5. | This change is a response to comments from the Administrative Rules Review Committee. |
| | No XX; Yes ___ |
| 6. | Summary of the rule or change: |
| | The professions of professional engineer, professional land surveyor and professional structural engineer are being added to the listing of licenses that may be placed on inactive status. |

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|----------------|--|-----------------------------|----------------------------|-----------------------------|--|--|--|
| 7. | <p>Aggregate anticipated cost or savings to:</p> <p>A) State budget:</p> <p>Affected: No <input type="checkbox"/>; Yes <input checked="" type="checkbox"/></p> <p>The Division will incur minimal costs of approximately \$50 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.</p> <p>B) Local government:</p> <p>Affected: No <input checked="" type="checkbox"/>; Yes <input type="checkbox"/></p> <p>The proposed amendment only applies to licensed professional engineers, professional land surveyors and professional structural engineers and applicants for licensure in those classifications. As a result, the proposed amendment does not apply to local governments.</p> <p>C) Small businesses ("small business" means a business employing fewer than 50 persons):</p> <p>Affected: No <input checked="" type="checkbox"/>; Yes <input type="checkbox"/></p> <p>The proposed amendments only applies to licensed professional engineers, professional land surveyors and professional structural engineers and applicants for licensure in those classifications. Licensees and applicants for licensure may work in a small business; however, the proposed amendments would not directly affect the business.</p> <p>D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):</p> <p>Affected: No <input type="checkbox"/>; Yes <input checked="" type="checkbox"/></p> <p>The proposed amendment only applies to licensed professional engineers, professional land surveyors and professional structural engineers and applicants for licensure in those classifications. As provided in R156-22, licensed individuals who place their license on an inactive status will not be required, except for the two years prior to reinstating their license, to complete the continuing education requirement. Allowing licensees to place their license on inactive status could have an unknown financial benefit to those individuals who are licensed in multiple states. The average amount of savings for each two year renewal period would be approximately \$1200 for a licensed engineer and approximately \$600 for a licensed land surveyor. The Division is unable to determine how many licensees will choose to place their license on inactive status.</p> | | | | | | |
| 8. | <p>Compliance costs for affected persons:</p> <p>The proposed amendment only applies to licensed professional engineers, professional land surveyors and professional structural engineers and applicants for licensure in those classifications. As provided in R156-22, licensed individuals who place their license on an inactive status will not be required, except for the two years prior to reinstating their license, to complete the continuing education requirement. Allowing licensees to place their license on inactive status could have an unknown financial benefit to those individuals who are licensed in multiple states. The average amount of savings for each two year renewal period would be approximately \$1200 for a licensed engineer and approximately \$600 for a licensed land surveyor. The Division is unable to determine how many licensees will choose to place their license on inactive status.</p> | | | | | | |
| 9. | <p>A) Comments by the department head on the fiscal impact the rule may have on businesses:</p> <p>This rule filing includes professional engineers, professional land surveyors and professional structural engineers as license categories for which inactive licenses are available. These professions were inadvertently left out of the rule previously. No fiscal impact to businesses is anticipated from correcting this error.</p> <p>B) Name and title of department head commenting on the fiscal impacts:</p> <p>Francine A. Giani, Executive Director</p> | | | | | | |
| 10. | <p>This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.</p> <p>State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :</p> <table border="1" data-bbox="196 1686 1489 1793"> <tr> <td data-bbox="196 1686 841 1724">58-1-106(1)(a)</td> <td data-bbox="841 1686 1489 1724">58-1-308</td> </tr> <tr> <td data-bbox="196 1724 841 1761">58-1-501(4)</td> <td data-bbox="841 1724 1489 1761"></td> </tr> <tr> <td data-bbox="196 1761 841 1799"></td> <td data-bbox="841 1761 1489 1799"></td> </tr> </table> | 58-1-106(1)(a) | 58-1-308 | 58-1-501(4) | | | |
| 58-1-106(1)(a) | 58-1-308 | | | | | | |
| 58-1-501(4) | | | | | | | |
| | | | | | | | |
| 11. | <p>This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):</p> <table border="1" data-bbox="196 1871 1489 1915"> <tr> <td data-bbox="196 1871 634 1915"></td> <td data-bbox="634 1871 1029 1915">First Incorporation</td> <td data-bbox="1029 1871 1489 1915">Second Incorporation</td> </tr> </table> | | First Incorporation | Second Incorporation | | | |
| | First Incorporation | Second Incorporation | | | | | |

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|--|---|---------------------------|--------------------|
| | Official Title of Materials Incorporated (from title page) | | |
| | Publisher | | |
| | Date Issued | | |
| | Issue, or version | | |
| | ISBN Number (optional) | | |
| | ISSN Number (optional) | | |
| | Cost of Incorporated Reference | | |
| | Action: Adds, updates, or removes | | |
| (If this rule incorporates more than two items by reference, please attach additional pages) | | | |
| 12. | The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.) | | |
| | A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy): | 12/15/2009 | |
| | B) A public hearing (optional) will be held: | | |
| | On (mm/dd/yyyy): | At (hh:mm AM/PM): | At (place): |
| | | | |
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| 13. | This rule change may become effective on (mm/dd/yyyy): | 12/22/2009 | |
| | NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over. | | |
| 14. | Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency: | | |
| | diversion programs | licensing | |
| | occupational licensing | supervision | |
| 15. | Attach an RTF document containing the text of this rule change (filename): | R156-1.pro | |
| To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date. | | | |
| AGENCY AUTHORIZATION | | | |
| Agency head or designee, and title: | Mark B. Steinagel, Division Director | Date (mm/dd/yyyy): | 10/20/2009 |

R156. Commerce, Occupational and Professional Licensing.

R156-1. General Rule of the Division of Occupational and Professional Licensing.

R156-1-305. Inactive Licensure.

(1) In accordance with Section 58-1-305, except as provided in Subsection (2), a licensee may not apply for inactive licensure status.

(2) The following licenses issued under Title 58 that are active in good standing may be placed on inactive licensure status:

- (a) advanced practice registered nurse;
- (b) audiologist;
- (c) certified nurse midwife;
- (d) certified public accountant emeritus;
- (e) certified registered nurse anesthetist;
- (f) certified court reporter;
- (g) certified social worker;
- (h) chiropractic physician;
- (i) clinical social worker;
- (j) contractor;
- (k) deception detection examiner;
- (l) deception detection intern;
- (m) dental hygienist;
- (n) dentist;
- (o) direct-entry midwife;
- (p) genetic counselor;
- (q) health facility administrator;
- (r) hearing instrument specialist;
- (s) licensed substance abuse counselor;
- (t) marriage and family therapist;
- (u) naturopath/naturopathic physician;
- (v) optometrist;
- (w) osteopathic physician and surgeon;
- (x) pharmacist;
- (y) pharmacy technician;
- (z) physician assistant;
- (aa) physician and surgeon;
- (bb) podiatric physician;
- (cc) private probation provider;
- (dd) professional counselor;
- (ee) professional engineer;
- (ff) professional land surveyor
- (gg) professional structural engineer;
- (~~ee~~hh) psychologist;
- (~~ff~~ii) radiology practical technician;
- (~~gg~~jj) radiology technologist;
- (~~hh~~kk) security personnel;
- (~~ii~~ll) speech-language pathologist; and
- (~~jj~~mm) veterinarian.

(3) Applicants for inactive licensure shall apply to the

division in writing upon forms available from the division. Each completed application shall contain documentation of requirements for inactive licensure, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

(4) If all requirements are met for inactive licensure, the division shall place the license on inactive status.

(5) A license may remain on inactive status indefinitely except as otherwise provided in Title 58 or rules which implement Title 58.

(6) An inactive license may be activated by requesting activation in writing upon forms available from the division. Unless otherwise provided in Title 58 or rules which implement Title 58, each reactivation application shall contain documentation that the applicant meets current renewal requirements, shall be verified by the applicant, and shall be accompanied by the appropriate fee.

(7) An inactive licensee whose license is activated during the last four months of a renewal cycle shall, upon payment of the appropriate fees, be licensed for a full renewal cycle plus the period of time remaining until the impending renewal date, rather than being required to immediately renew their activated license.

KEY: diversion programs, licensing, occupational licensing, supervision

Date of Enactment or Last Substantive Amendment: [~~August 10,~~]2009

Notice of Continuation: March 1, 2007

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-308; 58-1-501(4)