

NOTICE OF SUBSTANTIVE CHANGE

TYPE OF FILING: Amendment

Rule or Section Number:

R156-1

Filing ID: 56914

Agency Information

1. Title catchline:	Commerce, Professional Licensing	
Building:	Heber M. Wells Building	
Street address:	160 E 300 S	
City, state:	Salt Lake City, UT	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City, UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Deborah Blackburn	801-530-6628	dopl@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:
R156-1. General Rule of the Division of Professional Licensing
3. Purpose of the new rule or reason for the change:
These amendments incorporate additional license types into the Division's inactive and renewal procedures, including those amended or newly added by 2024 S.B. 26, S.B. 112, or H.B. 530, and clarify unprofessional conduct provisions.
4. Summary of the new rule or change:
First, the Section R156-1-305 list of licenses that may be placed on inactive status is updated to include APRNs, certified nurse midwives, and physical therapists (which were missing from the list), and to add the new professions of certified prescribing psychologist, master addiction counselor, and school psychological practitioner. Second, Section R156-1-308a charts are reformatted in their entirety just to make them wider/more legible per new OAR filing standards. The following substantive changes are also made: Subsection R156-1-308a(1), which establishes DOPL's standard two-year renewal dates for licenses, is amended to add the following: associate clinical mental health counselor, associate marriage and family therapist, associate master addition counselor, certified prescribing psychologist, eyelash and eyebrow technician, eyelash and eyebrow technology school, licensed behavioral health coach, licensed school psychological practitioner, master addiction counselor, provisional prescribing psychologist, and state certified behavioral health technician. "Music therapist" (wrong name) is deleted and added back in as "state certified music therapist." Subsection R156-1-308a(2), which establishes DOPL's non-standard license terms and renewal or extension cycles, is amended to delete licenses that no longer apply here, and to add a two-year term for a psychology resident that may be extended for a period not to exceed two years past the date of completion of the minimum supervised experience requirement. Third, Section R156-1-501 Unprofessional Conduct is amended as follows: Deletes as unprofessional conduct from Subsection R156-1-501(7) violating a term, condition, or requirement in a Utah Professionals Health Program diversion agreement or program contract, because the unprofessional conduct of "violating the terms of an order governing a license" is already covered by statute in Subsection 58-1-501(2)(a)(xv). Adds into Subsection R156-1-501(7) "failing to comply with an investigative subpoena or an order regarding an investigative subpoena" to clarify that these actions constitute unprofessional conduct for a licensee. Fourth, because of restructuring in the Division of Professional Licensing (Division), Section R156-1-502 Administrative Penalties is amended to update references to the managers who may authorize a deviation from the standard citation procedures.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A) State budget:
These amendments are not expected to create a cost or savings impact to the state budget because the amendments are technical in nature and simply update the rule to incorporate certain licenses into existing Division procedures in accordance

with recent statutory changes and clarify unprofessional conduct provisions, and the amendments can be initiated within the Division's current workload and resources.

B) Local governments:

These amendments will not impact local governments because they are made in accordance with recent statutory changes and are technical in nature and consistent with existing Division procedures.

C) Small businesses ("small business" means a business employing 1-49 persons):

These amendments will not impact small businesses because they are made in accordance with recent statutory changes and are technical in nature and consistent with existing Division procedures.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

These amendments will not impact non-small businesses because they are made in accordance with recent statutory changes and are technical in nature and consistent with existing Division procedures.

E) Persons other than small businesses, non-small businesses, state, 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*):

These amendments are not expected to impact other persons because they are made in accordance with recent statutory changes and are technical in nature and consistent with existing Division procedures.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

As described in boxes 5C, 5D, and 5E, no compliance costs are expected for affected persons.

G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table			
Fiscal Cost	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits	FY2025	FY2026	FY2027
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

Citation Information

6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 58-1-106(1)(a)	Section 58-1-308	Subsection 58-1-501(2)
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Public Notice Information

8. 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. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until:		12/16/2024
B) A public hearing (optional) will be held:		
Date (mm/dd/yyyy):	Time (hh:mm AM/PM):	Place (physical address or URL):
12/03/2024	9:30 a.m.	160 E 300 S, 4th floor, Room 402, Salt Lake City UT, and also via Google Meet: Google Meet joining info: Video call link: https://meet.google.com/tbe-rxkk-shi Join by phone (US) +1 435-562-1559 PIN: 497 751 028#

9. This rule change MAY become effective on:	12/23/2024
NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.	

Agency Authorization Information

Agency head or designee and title:	Mark B. Steinagel, Division Director	Date:	10/19/2024
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R156. Commerce, Professional Licensing.

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

R156-1-305. Inactive Licensure.

(1) Under Section 58-1-305, the following licenses issued under Title 58, Occupations and Professions that are active in good standing may be placed on inactive licensure status:

- (a) advanced practice registered nurse (APRN);
- (b) anesthesiologist assistant;
- (~~b~~c) architect;
- (~~e~~d) audiologist;
- (~~d~~e) certified public accountant emeritus;
- (f) certified prescribing psychologist;
- (g) certified nurse midwife;
- (~~e~~h) state certified court reporter;
- (~~f~~i) certified social worker;
- (~~g~~j) chiropractic physician;
- (~~h~~k) clinical mental health counselor;
- (~~i~~l) clinical social worker;
- (j)m contractor;
- (~~k~~n) deception detection examiner;
- (~~l~~o) deception detection intern;
- (~~m~~p) dental hygienist;
- (~~n~~q) dentist;
- (~~o~~r) dispensing medical practitioner - advanced practice registered nurse;
- (~~p~~s) dispensing medical practitioner - physician and surgeon;
- (~~q~~t) dispensing medical practitioner - physician assistant;
- (~~r~~u) dispensing medical practitioner - osteopathic physician and surgeon;
- (~~s~~v) dispensing medical practitioner - optometrist;
- (~~t~~w) dispensing medical practitioner - clinic pharmacy;
- (~~u~~x) genetic counselor;
- (~~v~~y) health facility administrator;
- (~~w~~z) hearing instrument specialist;
- (~~x~~aa) landscape architect;
- (y)bb) licensed advanced substance use disorder counselor;
- (cc) licensed physical therapist;
- (~~z~~dd) marriage and family therapist;
- (ee) master addiction counselor;
- (~~aa~~ff) naturopath-naturopathic physician;
- (~~bb~~gg) optometrist;
- (~~ee~~hh) osteopathic physician and surgeon;
- (~~dd~~ii) pharmacist;
- (~~ee~~jj) pharmacy technician;
- (~~ff~~kk) physician assistant;
- (~~gg~~ll) physician and surgeon;
- (~~hh~~mm) podiatric physician;
- (~~ii~~nn) private probation provider;

(~~jj~~oo) professional engineer;
 (~~kk~~pp) professional land surveyor;
 (~~ll~~qq) professional structural engineer;
 (~~mm~~rr) psychologist;
 (~~nn~~ss) radiology practical technician;
 (tt) school psychological practitioner;

(~~oo~~uu) radiologic technologist;
 (~~pp~~vv) security personnel;
 (~~qq~~ww) speech-language pathologist;
 (~~rr~~xx) substance use disorder counselor;
 (~~ss~~yy) veterinarian; and
 (~~tt~~zz) state certified veterinary technician.

- (2)(a) A licensee requesting inactive licensure shall submit a verified application in a form prescribed by the Division together with:
- (i) documentation that the applicant meets the requirements for inactive licensure; and
 - (ii) the appropriate fee.
- (b) If the licensee meets the requirements for inactive licensure, the Division shall place the license on inactive status.
- (3) A license may remain on inactive status indefinitely except as otherwise provided in Title 58, Occupations or Professions or Title

R156.

(4) An inactive licensee may activate their license by submitting a verified application for activation in a form prescribed by the Division together with:

- (a) the appropriate fee; and
- (b) ~~unless~~ except as otherwise provided in Title 58, Occupations and Professions or Title R156, documentation that the inactive licensee meets current renewal requirements.

(5) An inactive licensee whose license is activated during the last 12 months of a renewal cycle shall, upon payment of the appropriate fees, be licensed for a full renewal cycle plus the period remaining until the impending renewal date, rather than being required to immediately renew their activated license.

- (6) A Controlled Substance license may be placed on inactive status if it is attached to a primary license placed on inactive status.

R156-1-308a. Renewal Dates.

(1) The following standard two-year renewal cycle renewal dates are established by license classification in accordance with Subsection 58-1-308(1):

[TABLE 1 Renewal Dates]	
Acupuncturist	May 1 even years
Advanced Practice Registered Nurse	January 31 even years
Advanced Practice Registered Nurse –CRNA	January 31 even years
Anesthesiologist Assistant	January 31 even years
Architect	May 31 even years
Athlete Agent	September 30 even years
Athletic Trainer	May 31 odd years
Audiologist	May 31 odd years
Barber	September 30 odd years
Barber Apprentice	September 30 odd years
Barber School	September 30 odd years
Behavior Analyst and Assistant Behavior Analyst	September 30 even years
Behavior Specialist and Assistant Behavior Specialist	September 30 even years
Building Inspector	November 30 odd years
Burglar Alarm Security	March 31 odd years
C.P.A. Firm	December 31 even years
Certified Dietitian	September 30 even years
Certified Nurse Midwife	January 31 even years
Certified Public Accountant	December 31 even years
Certified Social Worker	September 30 even years
Chiropractic Physician	May 31 even years

Clinical Mental Health Counselor	September 30 even years
Clinical Social Worker	September 30 even years
Contractor	November 30 odd years
Controlled Substance License	primary license renewal
Controlled Substance Precursor	May 31 odd years
Controlled Substance Handler	September 30 odd years
Cosmetologist/Barber	September 30 odd years
Cosmetologist/Barber Apprentice	September 30 odd years
Cosmetology/Barber School	September 30 odd years
Deception Detection Deception Detection Examiner, Deception Detection Intern, Deception Detection Administrator	November 30 even years
Dental Hygienist	May 31 even years
Dentist	May 31 even years
Direct entry Midwife	September 30 odd years
Dispensing Medical Practitioner Advanced Practice Registered Nurse, Optometrist, Osteopathic Physician and Surgeon, Physician and Surgeon, Physician Assistant	September 30 odd years
Dispensing Medical Practitioner Clinic Pharmacy	September 30 odd years
Dispensing Practitioner (LDP)	primary license renewal
Electrician Apprentice, Journeyman, Master, Residential Journeyman, Residential Master	November 30 even years
Electrologist	September 30 odd years
Electrology School	September 30 odd years
Elevator Mechanic	November 30 even years
Environmental Health Scientist	May 31 odd years
Esthetician	September 30 odd years
Esthetician Apprentice	September 30 odd years
Esthetics School	September 30 odd years
Factory Built Housing Dealer	September 30 even years
Funeral Service Director	May 31 even years
Funeral Service Establishment	May 31 even years
Genetic Counselor	September 30 even years
Hair Designer	September 30 odd years
Hair Designer School	September 30 odd years
Health Facility Administrator	May 31 odd years
Hearing Instrument Specialist	September 30 even years
Landscape Architect	May 31 even years
Licensed Advanced Substance Use Disorder Counselor	May 31 odd years

Licensed Practical Nurse	January 31 even years
Licensed Substance Use Disorder Counselor	May 31 odd years
Marriage and Family Therapist	September 30 even years
Massage Apprentice	May 31 odd years
Massage Therapist	May 31 odd years
Massage Assistant	May 31 odd years
Master Esthetician	September 30 odd years
Master Esthetician Apprentice	September 30 odd years
Medication Aide Certified	March 31 odd years
Music Therapist	March 31 odd years
Nail Technologist	September 30 odd years
Nail Technologist Apprentice	September 30 odd years
Nail Technology School	September 30 odd years
Naturopath—Naturopathic Physician	May 31 even years
Occupational Therapist	May 31 odd years
Occupational Therapy Assistant	May 31 odd years
Optometrist	September 30 even years
Osteopathic Physician and Surgeon, Restricted Associate Osteopathic Physician	May 31 even years
Outfitter and Hunting Guide	May 31 even years
Pharmacy Class A-B-C-D-E, Online Contract Pharmacy	September 30 odd years
Pharmacist	September 30 odd years
Pharmacy Technician	September 30 odd years
Physical Therapist	May 31 odd years
Physical Therapist Assistant	May 31 odd years
Physician Assistant	May 31 even years
Physician and Surgeon, Restricted Associate Physician	January 31 even years
Plumber—Apprentice, Journeyman, Master, Residential Master, Residential Journeyman	November 30 even years
Podiatric Physician	September 30 even years
Preneed Funeral Arrangement Sales Agent	May 31 even years
Private Probation Provider	May 31 odd years
Professional Engineer	March 31 odd years
Professional Geologist	March 31 odd years
Professional Land Surveyor	March 31 odd years
Professional Structural Engineer	March 31 odd years
Psychologist	September 30 even years
Radiologic Technologist Radiology Practical Technician Radiologist Assistant	May 31 odd years
Recreational Therapy Therapeutic Recreation Technician, Therapeutic Recreation Specialist, Master Therapeutic Recreation Specialist	May 31 odd years
Registered Nurse	January 31 odd years
Respiratory Care Practitioner	September 30 even years
Security Personnel	November 30 even years

Social Service Worker	September 30 even years
Speech Language Pathologist	May 31 odd years
State Certified Commercial Interior Designer	March 31 odd years
State Certified Court Reporter	May 31 even years
State Certified Veterinary Technician	September 30 even years
Veterinarian	September 30 even years
Vocational Rehabilitation Counselor	March 31 odd years]

TABLE 1
Renewal Dates

Acupuncturist	May 1 even years
Advanced Practice Registered Nurse	January 31 even years
Advanced Practice Registered Nurse - CRNA	January 31 even years
Anesthesiologist Assistant	January 31 even years
Architect	May 31 even years
Associate Clinical Mental Health Counselor	September 30 even years
Associate Marriage and Family Therapist	September 30 even years
Associate Master Addiction Counselor	May 31 odd years
Athlete Agent	September 30 even years
Athletic Trainer	May 31 odd years
Audiologist	May 31 odd years
Barber	September 30 odd years
Barber Apprentice	September 30 odd years
Barber School	September 30 odd years
Behavior Analyst	September 30 even years
Assistant Behavior Analyst	
Behavior Specialist	September 30 even years
Assistant Behavior Specialist	
Building Inspector	November 30 odd years
Burglar Alarm Security	March 31 odd years
C.P.A. Firm	December 31 even years
Certified Dietitian	September 30 even years
Certified Nurse Midwife	January 31 even years
Certified Prescribing Psychologist	September 30 even years
Certified Public Accountant	December 31 even years
Certified Social Worker	September 30 even years
Chiropractic Physician	May 31 even years
Clinical Mental Health Counselor	September 30 even years
Clinical Social Worker	September 30 even years
Contractor	November 30 odd years
Controlled Substance License	primary license renewal
Controlled Substance Precursor	May 31 odd years
Controlled Substance Handler	September 30 odd years
Cosmetologist/Barber	September 30 odd years
Cosmetologist/Barber Apprentice	September 30 odd years
Cosmetology/Barber School	September 30 odd years
Deception Detection Examiner	November 30 even years
Deception Detection Examination Administrator	
Deception Detection Intern	
Dental Hygienist	May 31 even years
Dentist	May 31 even years
Direct-entry Midwife	September 30 odd years
Dispensing Medical Practitioner - Advanced Practice Registered Nurse Optometrist Osteopathic Physician and Surgeon Physician and Surgeon Physician Assistant	September 30 odd years
Dispensing Medical Practitioner Clinic Pharmacy	September 30 odd years
Dispensing Practitioner (LDP)	primary license renewal
Electrician -	November 30 even years

<u>Apprentice</u> <u>Journeyman, Master</u> <u>Residential Journeyman, Residential Master</u>	
<u>Electrologist</u>	<u>September 30 odd years</u>
<u>Electrology School</u>	<u>September 30 odd years</u>
<u>Elevator Mechanic</u>	<u>November 30 even years</u>
<u>Environmental Health Scientist</u>	<u>May 31 odd years</u>
<u>Esthetician</u>	<u>September 30 odd years</u>
<u>Esthetician Apprentice</u>	<u>September 30 odd years</u>
<u>Esthetics School</u>	<u>September 30 odd years</u>
<u>Eyelash and Eyebrow Technician</u>	<u>September 30 odd years</u>
<u>Eyelash and Eyebrow Technology School</u>	<u>September 30 odd years</u>
<u>Factory Built Housing Dealer</u>	<u>September 30 even years</u>
<u>Funeral Service Director</u>	<u>May 31 even years</u>
<u>Funeral Service Establishment</u>	<u>May 31 even years</u>
<u>Genetic Counselor</u>	<u>September 30 even years</u>
<u>Hair Designer</u>	<u>September 30 odd years</u>
<u>Hair Designer School</u>	<u>September 30 odd years</u>
<u>Health Facility Administrator</u>	<u>May 31 odd years</u>
<u>Hearing Instrument Specialist</u>	<u>September 30 even years</u>
<u>Landscape Architect</u>	<u>May 31 even years</u>
<u>Licensed Advanced Substance Use Disorder Counselor</u>	<u>May 31 odd years</u>
<u>Licensed Behavioral Health Coach</u>	<u>September 30 even years</u>
<u>Licensed Practical Nurse</u>	<u>January 31 even years</u>
<u>Licensed School Psychological Practitioner</u>	<u>September 30 even years</u>
<u>Licensed Substance Use Disorder Counselor</u>	<u>May 31 odd years</u>
<u>Marriage and Family Therapist</u>	<u>September 30 even years</u>
<u>Massage Apprentice</u>	<u>May 31 odd years</u>
<u>Massage Therapist</u>	<u>May 31 odd years</u>
<u>Massage Assistant</u>	<u>May 31 odd years</u>
<u>Master Addiction Counselor</u>	<u>May 31 odd years</u>
<u>Master Esthetician</u>	<u>September 30 odd years</u>
<u>Master Esthetician Apprentice</u>	<u>September 30 odd years</u>
<u>Medication Aide Certified</u>	<u>March 31 odd years</u>
<u>Nail Technologist</u>	<u>September 30 odd years</u>
<u>Nail Technologist Apprentice</u>	<u>September 30 odd years</u>
<u>Nail Technology School</u>	<u>September 30 odd years</u>
<u>Naturopath - Naturopathic Physician</u>	<u>May 31 even years</u>
<u>Occupational Therapist</u>	<u>May 31 odd years</u>
<u>Occupational Therapy Assistant</u>	<u>May 31 odd years</u>
<u>Optometrist</u>	<u>September 30 even years</u>
<u>Osteopathic Physician and Surgeon</u> <u>Restricted Associate Osteopathic Physician</u>	<u>May 31 even years</u>
<u>Outfitter and Hunting Guide</u>	<u>May 31 even years</u>
<u>Pharmacy - Class A, B, C, D, E, or Online Contract Pharmacy</u>	<u>September 30 odd years</u>
<u>Pharmacist</u>	<u>September 30 odd years</u>
<u>Pharmacy Technician</u>	<u>September 30 odd years</u>
<u>Physical Therapist</u>	<u>May 31 odd years</u>
<u>Physical Therapist Assistant</u>	<u>May 31 odd years</u>
<u>Physician Assistant</u>	<u>May 31 even years</u>
<u>Physician and Surgeon,</u> <u>Restricted Associate Physician</u>	<u>January 31 even years</u>
<u>Plumber --</u> <u>Apprentice,</u> <u>Journeyman, Master</u> <u>Residential Master, Residential Journeyman</u>	<u>November 30 even years</u>
<u>Podiatric Physician</u>	<u>September 30 even years</u>
<u>Preneed Funeral Arrangement Sales Agent</u>	<u>May 31 even years</u>
<u>Private Probation Provider</u>	<u>May 31 odd years</u>
<u>Professional Engineer</u>	<u>March 31 odd years</u>
<u>Professional Geologist</u>	<u>March 31 odd years</u>
<u>Professional Land Surveyor</u>	<u>March 31 odd years</u>
<u>Professional Structural Engineer</u>	<u>March 31 odd years</u>
<u>Provisional Prescribing Psychologist</u>	<u>September 30 even years</u>

<u>Psychologist</u>	<u>September 30 even years</u>
<u>Radiologic Technologist</u> <u>Radiology Practical Technician</u> <u>Radiologist Assistant</u>	<u>May 31 odd years</u>
<u>Recreational Therapy -</u> <u>Therapeutic Recreation Technician</u> <u>Therapeutic Recreation Specialist</u> <u>Master Therapeutic Recreation Specialist</u>	<u>May 31 odd years</u>
<u>Registered Nurse</u>	<u>January 31 odd years</u>
<u>Respiratory Care Practitioner</u>	<u>September 30 even years</u>
<u>Security Personnel</u>	<u>November 30 even years</u>
<u>Social Service Worker</u>	<u>September 30 even years</u>
<u>Speech-Language Pathologist</u>	<u>May 31 odd years</u>
<u>State Certified Behavioral Health Technician</u>	<u>September 30 even years</u>
<u>State Certified Commercial Interior Designer</u>	<u>March 31 odd years</u>
<u>State Certified Court Reporter</u>	<u>May 31 even years</u>
<u>State Certified Music Therapist</u>	<u>March 31 odd years</u>
<u>State Certified Veterinary Technician</u>	<u>September 30 even years</u>
<u>Veterinarian</u>	<u>September 30 even years</u>
<u>Vocational Rehabilitation Counselor</u>	<u>March 31 odd years</u>

(2) The following non-standard license terms and renewal or extension cycles are established in accordance with Subsection 58-1-308(1) and specific requirements of the license:

[TABLE 2 Non-Standard License Terms	
PROFESSION	TERM
Associate Clinical Mental Health Counselor	3-year term – may extend.*
Associate Marriage and Family Therapist	3-year term – may extend for a period not to exceed two years past the date completed the minimum supervised experience requirement.*
Certified Advanced Substance Use Disorder Counselor	4-year term – may extend.*
Certified Advanced Substance Use Disorder Counselor Intern	6-month term, or expires earlier upon passing exam.
Certified Medical Language Interpreter Tier 1 and 2 (58-80a-304)	3-year term, renews March 31 – may renew.
Certified Substance Use Disorder Counselor	2-year term – may extend.*
Certified Substance Use Disorder Counselor Intern	6-month term, or expires earlier upon passing exam.
Funeral Service Intern (58-9-303(2))	2-year term, plus one additional 2-year term* – then may extend only for hardship.**
Hearing Instrument Intern (58-46a-303(2))	3-year term – may extend.*,**
Massage Assistant In Training (58-47b-303, R156-47b-303)	6-month term – may extend only for hardship.*,**
Pharmacy technician trainee (58-17b-305.1, R156-17b-303a(4))	2-year term – may extend for exceptional circumstances.*
Psychology Resident (58-61-304(3)(b))	2-year term – may extend for a period not to exceed two years past the date completed the minimum

	supervised experience requirement.*
Type I Foreign Trained Physician-Educator (58-67-302.7)	Initial 1-year term -- may renew on 2-year cycles if satisfies 58-67-302.7(2) requirements, and completes 58-37-303 CE.
Type II Foreign Trained Physician-Educator (58-67-302.7)	Initial 1-year term -- may renew annually up to four times if satisfies 58-67-302.7(3) requirements, and completes 58-67-303 CE.
*Extension allowed only if the licensee presents evidence satisfactory to the Division and board that the licensee is on a course reasonably expected to lead to licensure, such as making reasonable progress toward passing any qualifying examinations or completing required supervision hours.	
**Extension allowed only if a circumstance of hardship arose beyond the licensee's control to prevent the completion of the licensure process, and extension is for a period proportionate to hardship.]	

TABLE 2 Non-Standard License Terms	
PROFESSION	TERM
Certified Medical Language Interpreter Tier 1 or 2 (Section 58-80a-304)	3-year term, renews March 31 - may renew.
Funeral Service Intern (Subsection 58-9-303(2))	2-year term, and one additional 2-year term* - then may extend only for hardship.**
Hearing Instrument Intern (Subsection 58-46a-303(2))	3-year term - may extend.*, **
Massage Assistant In-Training (Sections 58-47b-303, R156-47b-303)	6-month term - may extend only for hardship.*, **
Pharmacy technician trainee (Section 58-17b-305.1, Subsection R156-17b-303a(4))	2-year term - may extend for exceptional circumstances.*
Psychology Resident (Subsection 58-61-304(3)(b))	2-year term - may extend for a period not to exceed two years past the date of completion of the minimum supervised experience requirement.*
Type I Foreign Trained Physician-Educator (Section 58-67-302.7)	Initial 1-year term - may renew on 2-year cycles if satisfies Subsection 58-67-302.7(2) requirements, and completes Section 58-37-303 CE.
Type II Foreign Trained Physician-Educator (Section 58-67-302.7)	Initial 1-year term -- may renew annually up to four times if satisfies Subsection 58-67-302.7(3) requirements, and completes Section 58-67-303 CE.
*Extension allowed only if the licensee presents evidence satisfactory to the Division and board that the licensee is on a course reasonably expected to lead to licensure, such as making reasonable progress toward passing any qualifying examinations or completing required supervision hours.	
**Extension allowed only if a circumstance of hardship arose beyond the licensee's control to prevent the completion of the licensure process, and extension is for a period proportionate to hardship.	

R156-1-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) surrendering licensure to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any regulated profession while an investigation or inquiry into allegations of unprofessional conduct or unlawful conduct is in progress, or after a charging document has been filed against the applicant or licensee alleging unprofessional conduct or unlawful conduct;
- (2) practicing a regulated profession in, through, or with a business structure or name that:
 - (a) has not been properly registered with the Division of Corporations and Commercial Code; or
 - (b) has not been properly licensed with the Division;
- (3) engaging in conduct that results in disciplinary action, including reprimand, censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory authority having jurisdiction over the licensee or applicant in any profession, if the conduct:
 - (a) when considered with the functions and duties of the profession for which the license was issued or is to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely to competently practice the profession; or
 - (b) would, in this state, constitute grounds for denial of licensure or disciplinary proceedings under Section 58-1-401;
- (4) prohibiting or inhibiting the ability of a licensee's customer, patient, or other consumer of the licensee's goods or services from making a complaint to a licensing or regulatory authority, including through the use of a contract provision;
- (5) engaging in cheating or otherwise violating Section R156-1-309 regarding Division exams;

(6) failing, as a prescribing practitioner, to follow the Guidelines for the Chronic Use of Opioid Analgesics, adopted as policy April 2017 by the Federation of State Medical Boards, which is incorporated by reference;

(7) ~~violating a term, condition, or requirement in a Utah Professionals Health Program diversion agreement as defined in Subsection 58-4a-102(1), or program contract as defined in Subsection 58-4a-102(4)]~~failing to comply with an investigative subpoena or an order regarding an investigative subpoena;

(8) failing, as a health care provider, to follow the health care claims practices of Section 31A-26-313, in violation of Subsection 58-1-508(2); or

(9) as an exam candidate or as an exam proctor, grader, or administrator, failing to comply with the Division of Professional Licensing Exam Policies and Procedures, dated December 29, 2023, which is incorporated by reference.

R156-1-502. Administrative Penalties.

(1) Under Subsection 58-1-401(5) and Section 58-1-502, except as otherwise provided by a specific chapter under Title 58, Occupations and Professions or Title R156, the Division shall issue a notice of agency action instead of a citation for a third or subsequent offense, except in extraordinary circumstances approved by the ~~investigation supervisor~~bureau manager or chief investigator.

(2) Multiple offenses may be cited on the same citation, if the citation clearly indicates each offense and the fine allocated to each offense.

(3) ~~An investigation supervisor or the~~The bureau manager, investigative team leader, or chief investigator may authorize a deviation from the fine in a citation based upon the aggravating or mitigating circumstances.

(4) The presiding officer for a contested citation shall have the discretion, after a review of the evidence and any aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator.

KEY: licensing, supervision, evidentiary restrictions

Date of Last Change: ~~May 3, 2024~~

Notice of Continuation: November 2, 2021

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-308; 58-1-501(2)

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