

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.

DAR file no: 40764 Date filed: 9-13-2016  
State Admin Rule Filing Id: Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 76	- 502
Changed to Admin. Code Ref. (R no.):	R	-	-

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:** Steve Duncombe  
**Phone:** 801-530-6235  
**Fax:** 801-530-6511  
**E-mail:** sduncombe@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. **Title of rule or section (catchline):**  
Unprofessional Conduct
3. **Type of notice:**  
New \_\_\_; Amendment XXX; Repeal \_\_\_; Repeal and Reenact \_\_\_
4. **Purpose of the rule or reason for the change:**  
This filing is recommended by the Professional Geologist Licensing Board in order to more accurately encapsulate and convey the recognized standards and ethics of the profession.
5. **This change is a response to comments from the Administrative Rules Review Committee.**  
No XXX; Yes \_\_\_
6. **Summary of the rule or change:**

Section 502: Reference to the "American Geological Institute's Guidelines for Ethical Professional Conduct, April 2, 1999, is removed in Subsection (4) and replaced with Section 16 Code of Ethics as contained in the 2011 edition of the "National Association of State Boards of Geology (ASBOG) Model Rules and Regulations" which is incorporated by reference.

**7. Aggregate anticipated cost or savings to:**

**A) State budget:**

**Affected:** No \_\_\_; Yes XXX

The Division will incur minimal costs of approximately \$75 to reprint and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

**B) Local government:**

**Affected:** No \_\_\_; Yes XXX

As it is unknown how many licensed professional geologists are employed by local government, the proposed amendment may have an impact. This update in ethical standards is expected to have a negligible impact on local government budgets, as it will only require small formatting changes to existing media. These will vary depending on local government, so the cost or savings cannot be estimated by the Division.

**C) Small businesses ("small business" means a business employing fewer than 50 persons):**

**Affected:** No \_\_\_; Yes XXXX

Though it is unknown how many licensed professional geologists are employed by small business, the update in ethical standards is expected to have a negligible impact on budgets as it will only require small formatting changes to existing media. These will vary from business to business, so any cost or savings cannot be estimated by the Division.

**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):**

**Affected:** No \_\_\_; Yes XXX

The proposed amendment solely applies to licensed professional geologists. The costs or savings associated with this amendment cannot be estimated as the formatting changes, if any, will vary from person to person. There will be no cost to obtain the updated code of ethics document as it is available for free on the ASBOG website.

**8. Compliance costs for affected persons:**

Licensed professional geologists are required to conform to nationally recognized standards and ethics of the profession. Therefore, the Division anticipates that any associated costs will be negligible. Also, there will be no cost to obtain the update code of ethics document as it is available for free on the ASBOG website.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

This amended rule merely substitutes the name of the 2011 edition of the Model Rules and Regulations for the former 1999 edition. A negligible fiscal impact to businesses is anticipated.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Giani, Executive Director

**10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.**

**State code or constitution citations (required)** (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

Section 58-76-101

**11 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; if none, leave blank):**

**First Incorporation**

**Second Incorporation**



R156. Commerce, Occupational and Professional Licensing.

R156-76. Professional Geologist Licensing Act Rule.

R156-76-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) submitting an incomplete final plan, specification, report or set of plans to:

(a) a client, when the licensee represents, or could reasonably expect the client to consider the plan, specification, report or set of plans to be complete and final; or

(b) to a government official for the purpose of obtaining a permit;

(2) failing as a principal to exercise responsible charge;

(3) failing as a supervisor to exercise supervision of an employee, subordinate, associate or drafter; or

(4) failing to conform to the accepted and recognized standards and ethics of the profession including those stated in [~~the "American Geological Institute's Guidelines for Ethical Professional Conduct", April 2, 1999]~~Section 16 Code of Ethics of the 2011 edition of the "National Association of State Boards of Geology (ASBOG) Model Rules and Regulations", which is hereby incorporated by reference.

KEY: licensing, professional geologists, geology

Date of Enactment or Last Substantive Amendment: [~~January 8, 2008]~~2016

Notice of Continuation: February 21, 2012

Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-76-101