

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:		Date filed:	
State Admin Rule Filing Id:		Time filed:	
	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	-	1
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:	Phone:	Fax:	E-mail:
	W. Ray Walker	801-530-6256	801-530-6511	raywalker@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):
	General Rule of the Division of Occupational and Professional Licensing
3.	Type of notice:
	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___
4.	Purpose of the rule or reason for the change:
	The purpose of this filing is first, to establish a fine schedule for the new fine authority established by 2013 H.B. 51; second, to define the time period for the filing of a motion to quash or modify an administrative subpoena, and any response thereto; third, to modify the exceptions for address list releases to allow for multiple use or disclosure of a list by the requestor for the reason requested; fourth, to extend the renewal date for controlled substance handlers to the same date for pharmacy and pharmacist renewals; and finally, to make technical changes.
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 R156-1-106: Subsection (1) is modified to delete the language and shall not be sold or otherwise redisclosed by the requestor to enable a requestor to use an address list multiple times for the reason requested, instead of having to request it each time. This is less cumbersome and more cost effective for both the requestor and the Division.

Section R156-1-110: Subsection (3) is added to address the time periods for filing and serving a motion to quash an administrative subpoena and any response thereto. It prohibits the filing of a final reply by the recipient of an administrative subpoena.

Section R156-1-308a: The renewal date for Controlled Substance Handlers is extended from May 31st of odd years to September 30th of odd years to coincide with pharmacy renewals to which they relate. The way in which they have been handled has created confusion. Controlled Substance Handlers were not sent a renewal notice in anticipation of 2013 S.B. 14 which exempts university researchers from pharmacy licensure. However other researchers and other categories of controlled substance handlers still require licensure. As a result, their renewal date needs to be extended to permit the Division the necessary time to revise the rules to better enumerate, define and address each category of pharmacy in this category, and to send the appropriate renewal notices. Because they are a category of pharmacy licensure, it makes sense to move the renewal date to the same date established for pharmacy and pharmacist renewal.

Section R156-1-502: The fine schedule is modified to include and establish the fine amount for the new offense code R156-1-501(2)(o) established by H.B. 51, 2013 General Session of the Utah State Legislature. The fine is established as a range of \$0-\$250 for a first offense and \$251-\$500 for a second offense with the same standard language addressing third offenses, if any. Violations of probation vary in level of seriousness and there are differences in professions. It is anticipated that the range will allow for and accommodate these differences without greater specificity in the rules. Each case will be evaluated on its own merits utilizing the existing standards set in R156-1-302.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ___; Yes XXX

R156-1 will have to be reprinted at an approximate cost of \$100. Revenue will be generated by the new citation and fine authority created by H.B. 51. The amount cannot be estimated. A small amount of revenue will be lost by allowing address list requests to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in a delay in collection of the applicable renewal fees. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by 2013 S.B. 14. The exemption from licensure will result in a savings to university researchers, most of whom are at the University of Utah, and revenue loss to state government. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

B) Local government:

Affected: No XXX; Yes ___

The proposed amendments do not affect and will not impact local governments.

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

Affected: No ___; Yes XXX

A small amount of cost savings will be experienced by those who are exempt and able to use address lists by allowing lists to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in an additional four months to the existing two year license and a corresponding delay before the renewal fee is due. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by 2013 S.B. 14. The exemption from licensure will result in a savings researchers at or associated with a properly accredited university, most of whom are at or associated with the University of Utah. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

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

A small amount of cost savings will be experienced by those who are exempt and able to use address lists by allowing lists to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in an additional four months to the existing two year license and a corresponding delay before the renewal fee is due. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by 2013 S.B. 14. The exemption from licensure will result in a savings researchers at or associate with a properly accredited university, most of who are at or associated with the University of Utah. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

8. Compliance costs for affected persons:

A small amount of cost savings will be experienced by those who are exempt and able to use address lists by allowing lists to be used multiple times under a single request instead of requesting and paying for each use. The amount cannot be estimated. Extending the Controlled Substance Handler by four months will result in a an additional four months to the existing two year license and a corresponding delay before the renewal fee is due. This will be a nominal amount as there are only approximately 110 licensees and it is anticipated that many if not the majority will no longer require pharmacy or pharmacist licensure in light of the exemption for pharmacy researchers established by 2013 S.B. 14. The exemption from licensure will result in a savings researchers at or associate with a properly accredited university, most of who are at or associated with the University of Utah. The initial license fee for Controlled Substance Handlers is \$90 and the renewal fee is \$68.

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

Nominal savings to businesses that regularly request address lists from the Division should follow from the removal of language that currently prohibits the use of an address list for multiple purposes. Certain pharmacy researchers will also realize savings due to their being exempted from licensure, as required under S.B 14 (2013 Legislative Session). No further fiscal impact to businesses is anticipated from this filing.

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)	Section 58-1-308
Subsection 58-1-501(2)	

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
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):	08/14/2013
	B) A public hearing (optional) will be held:	
	On (mm/dd/yyyy):	At (hh:mm AM/PM):
		At (place):
13.	This rule change may become effective on (mm/dd/yyyy):	08/21/2013
	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
	supervision	evidentiary restrictions
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, Director	Date (mm/dd/yyyy): 06/19/2013

R156. Commerce, Occupational and Professional Licensing.

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

R156-1-106. Division - Duties, Functions, and Responsibilities.

(1) In accordance with Subsection 58-1-106(2), the following responses to requests for lists of licensees may include multiple licensees per request and may include home telephone numbers, home addresses, and e-mail addresses, subject to the restriction that the addresses and telephone numbers shall only be used by a requester for purposes for which the requester is properly authorized [~~and shall not be sold or otherwise redisclosed by the requester~~]:

(a) responses to requests from another governmental entity, government-managed corporation, a political subdivision, the federal government, another state, or a not-for-profit regulatory association to which the Division is a member;

(b) responses to requests from an occupational or professional association, private continuing education organizations, trade union, university, or school, for purposes of education programs for licensees;

(c) responses to a party to a prelitigation proceeding convened by the Division under Title 78, Chapter 14;

(d) responses to universities, schools, or research facilities for the purposes of research;

(e) responses to requests from licensed health care facilities or third party credentialing services, for the purpose of verifying licensure status for issuing credentialing or reimbursement purposes; and

(f) responses to requests from a person preparing for, participating in, or responding to:

(i) a national, state or local emergency;

(ii) a public health emergency as defined in Section 26-23b-102; or

(iii) a declaration by the President of the United States or other federal official requesting public health-related activities.

(2) In accordance with Subsection 58-1-106(3)(a) and (b), the Division may deny a request for an address or telephone number of a licensee to an individual who provides proper identification and the reason for the request, in writing, to the Division, if the reason for the request is deemed by the Division to constitute an unwarranted invasion of privacy or a threat to the public health, safety, and welfare.

(3) In accordance with Subsection 58-1-106(3)(c), proper identification of an individual who requests the address or telephone number of a licensee and the reason for the request, in writing, shall consist of the individual's name, mailing address, and daytime number, if available.

R156-1-109. Presiding Officers.

In accordance with Subsection 63G-4-103(1)(h), Sections 58-1-104, 58-1-106, 58-1-109, 58-1-202, 58-1-203, 58-55-103, and 58-55-201, except as otherwise specified in writing by the director, or for Title 58, Chapter

55, the Construction Services Commission, the designation of presiding officers is clarified or established as follows:

(1) The Division regulatory and compliance officer is designated as the presiding officer for issuance of notices of agency action and for issuance of notices of hearing issued concurrently with a notice of agency action or issued in response to a request for agency action, provided that if the Division regulatory and compliance officer is unable to so serve for any reason, a replacement specified by the director is designated as the alternate presiding officer.

(2) Subsections 58-1-109(2) and 58-1-109(4) are clarified with regard to defaults as follows. Unless otherwise specified in writing by the director, or with regard to Title 58, Chapter 55, by the Construction Services Commission, the department administrative law judge is designated as the presiding officer for entering an order of default against a party, for conducting any further proceedings necessary to complete the adjudicative proceeding, and for issuing a recommended order to the director or commission, respectively, determining the discipline to be imposed, licensure action to be taken, relief to be granted, etc.

(3) Except as provided in Subsection (4) or otherwise specified in writing by the director, the presiding officer for adjudicative proceedings before the Division are as follows:

(a) Director. The director shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsections R156-46b-201(1)(b), and R156-46b-201(2)(a) through (c), however resolved, including stipulated settlements and hearings; and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(g), (j), (l), (m), (o), (s), and (t), and R156-46b-202(2)(a) through (d), however resolved, including memorandums of understanding and stipulated settlements.

(b) Bureau managers or program coordinators. Except for Title 58, Chapter 55, the bureau manager or program coordinator over the occupation or profession or program involved shall be the presiding officer for:

(i) formal adjudicative proceedings described in Subsection R156-46b-201(1)(c), for purposes of determining whether a request for a board of appeal is properly filed as set forth in Subsections R156-~~56-105~~15A-210(1) through (4); and

(ii) informal adjudicative proceedings described in Subsections R156-46b-202(1)(a) through (d), (f), (h), (j), (n), (p)(ii) and (iii), (q)(ii) and (iii), (r)(ii) and (iii), and R156-46b-202(2)(b)(iii).

(iii) At the direction of a bureau manager or program coordinator, a licensing technician or program technician may sign an informal order in the name of the licensing technician or program technician provided the wording of the order has been approved in advance by the bureau manager or program coordinator and provided the caption "FOR THE BUREAU MANAGER" or "FOR THE PROGRAM COORDINATOR" immediately precedes the licensing technician's or program technician's signature.

(c) Citation Hearing Officer. The regulatory and compliance officer

or other citation hearing officer designated in writing by the director shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1)(k).

(d) Uniform Building Code Commission. The Uniform Building Code Commission shall be the presiding officer for the adjudicative proceeding described in Subsection R156-46b-202(1)(e) for convening a board of appeal under Subsection 15A-1-207(3), for serving as fact finder at any evidentiary hearing associated with a board of appeal, and for entering the final order associated with a board of appeal. An administrative law judge shall perform the role specified in Subsection 58-1-109(2).

(e) Residence Lien Recovery Fund Advisory Board. The Residence Lien Recovery Fund Advisory Board shall be the presiding officer for adjudicative proceedings described in Subsection R156-46b-202(1)(f) that exceed the authority of the program coordinator, as delegated by the board, or are otherwise referred by the program coordinator to the board for action.

(4) Unless otherwise specified in writing by the Construction Services Commission, the presiding officers and process for adjudicative proceedings under Title 58, Chapter 55, are established or clarified as follows:

(a) Commission.

(i) The commission shall be the presiding officer for all adjudicative proceedings under Title 58, Chapter 55, except as otherwise delegated by the commission in writing or as otherwise provided in this rule; provided, however, that all orders adopted by the commission as a presiding officer shall require the concurrence of the director.

(ii) Unless otherwise specified in writing by the commission, the commission is designated as the presiding officer:

(A) informal adjudicative proceedings described in Subsections R156-46b-202(1)(l), (m), (o), (r)(i), (s), and (t), and R156-46b-202(2)(b) through (d), however resolved, including memorandums of understanding and stipulated settlements;

(B) to serve as fact finder and adopt orders in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed under Title 58, Chapter 55; and

(C) to review recommended orders of a board, an administrative law judge, or other designated presiding officer who acted as the fact finder in an evidentiary hearing involving a person licensed or required to be licensed under Title 58, Chapter 55, and to adopt an order of its own. In adopting its order, the commission may accept, modify or reject the recommended order.

(iii) If the commission is unable for any reason to act as the presiding officer as specified, it shall designate another presiding officer in writing to so act.

(iv) Orders of the commission shall address all issues before the commission and shall be based upon the record developed in an adjudicative proceeding conducted by the commission. In cases in which the commission

has designated another presiding officer to conduct an adjudicative proceeding and submit a recommended order, the record to be reviewed by the commission shall consist of the findings of fact, conclusions of law, and recommended order submitted to the commission by the presiding officer based upon the evidence presented in the adjudicative proceeding before the presiding officer.

(v) The commission or its designee shall submit adopted orders to the director for the director's concurrence or rejection within 30 days after it receives a recommended order or adopts an order, whichever is earlier. An adopted order shall be deemed issued and constitute a final order upon the concurrence of the director.

(vi) If the director or his designee refuses to concur in an adopted order of the commission or its designee, the director or his designee shall return the order to the commission or its designee with the reasons set forth in writing for the nonconcurrence therein. The commission or its designee shall reconsider and resubmit an adopted order, whether or not modified, within 30 days of the date of the initial or subsequent return, provided that unless the director or his designee and the commission or its designee agree to an extension, any final order must be issued within 90 days of the date of the initial recommended order, or the adjudicative proceeding shall be dismissed. Provided the time frames in this subsection are followed, this subsection shall not preclude an informal resolution such as an executive session of the commission or its designee and the director or his designee to resolve the reasons for the director's refusal to concur in an adopted order.

(vii) The record of the adjudicative proceeding shall include recommended orders, adopted orders, refusals to concur in adopted orders, and final orders.

(viii) The final order issued by the commission and concurred in by the director may be appealed by filing a request for agency review with the executive director or his designee within the department.

(ix) The content of all orders shall comply with the requirements of Subsection 63G-4-203(1)(i) and Sections 63G-4-208 and 63G-4-209.

(b) Director. The director is designated as the presiding officer for the concurrence role on disciplinary proceedings under Subsections R156-46b-202(2)(b) through (d) as required by Subsection 58-55-103(1)(b)(iv).

(c) Administrative Law Judge. Unless otherwise specified in writing by the commission, the department administrative law judge is designated as the presiding officer to conduct formal adjudicative proceedings before the commission and its advisory boards, as specified in Subsection 58-1-109(2).

(d) Bureau Manager. Unless otherwise specified in writing by the commission, the responsible bureau manager is designated as the presiding officer for conducting informal adjudicative proceedings specified in Subsections R156-46b-202(1)(a) through (d), (h), (n), (p)(i) and (q)(i).

(e) At the direction of a bureau manager, a licensing technician may

sign an informal order in the name of the licensing technician provided the wording of the order has been approved in advance by the bureau manager and provided the caption "FOR THE BUREAU MANAGER" immediately precedes the licensing technician's signature.

(f) Plumbers Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Plumbers Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as plumbers.

(g) Electricians Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Electricians Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as electricians.

(h) Alarm System Security and Licensing Board. Except as set forth in Subsection (c) or as otherwise specified in writing by the commission, the Alarm System Security and Licensing Board is designated as the presiding officer to serve as the fact finder and to issue recommended orders to the commission in formal evidentiary hearings associated with adjudicative proceedings involving persons licensed as or required to be licensed as alarm companies or agents.

R156-1-110. Issuance of Investigative Subpoenas.

(1) All requests for subpoenas in conjunction with a Division investigation made pursuant to Subsection 58-1-106(1)(c), shall be made in writing to the investigative subpoena authority and shall be accompanied by an original of the proposed subpoena.

(a) Requests to the investigative subpoena authority shall contain adequate information to enable the subpoena authority to make a finding of sufficient need, including: the factual basis for the request, the relevance and necessity of the particular person, evidence, documents, etc., to the investigation, and an explanation why the subpoena is directed to the particular person upon whom it is to be served.

(b) Approved subpoenas shall be issued under the seal of the Division and the signature of the subpoena authority.

(2) The person who requests an investigative subpoena is responsible for service of the subpoena.

(3)(a) Service may be made:

(i) on a person upon whom a summons may be served pursuant to the Utah Rules of Civil Procedure; and

(ii) personally or on the agent of the person being served.

(b) If a party is represented by an attorney, service shall be made on the attorney.

(4)(a) Service may be accomplished by hand delivery or by mail to the last known address of the intended recipient.

- (b) Service by mail is complete upon mailing.
- (c) Service may be accomplished by electronic means.
- (d) Service by electronic means is complete on transmission if transmission is completed during normal business hours at the place receiving the service; otherwise, service is complete on the next business day.

(5) There shall appear on all investigative subpoenas a certificate of service.

(6) The investigative subpoena authority may quash or modify an investigative subpoena if it is shown to be unreasonable or oppressive.

(a) A motion to quash or modify an investigative subpoena shall be filed with and served upon the subpoena authority no later than ten days after service of the investigative subpoena.

(b) A response by the Division to a motion to quash or modify an investigative subpoena shall be filed with and served upon the subpoena authority no later than five business days after receipt of a motion to quash or modify an investigative subpoena.

(c) No final reply by the recipient of an investigative subpoena who files a motion to quash or modify shall be permitted.

R156-1-308a. Renewal Dates.

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

TABLE
RENEWAL DATES

(1) Acupuncturist	May 31	even years
(2) Advanced Practice Registered Nurse	January 31	even years
(3) <u>Advanced Practice Registered Nurse-CRNA</u>	<u>January 31</u>	<u>even years</u>
(3) <u>4</u>) Architect	May 31	even years
(4) <u>5</u>) Athlete Agent	September 30	even years
(5) <u>6</u>) Athletic Trainer	May 31	odd years
(6) <u>7</u>) Audiologist	May 31	odd years
(7) <u>8</u>) Barber	September 30	odd years
(8) <u>9</u>) Barber School	September 30	odd years
(9) <u>10</u>) Building Inspector	November 30	odd years
(10) <u>11</u>) Burglar Alarm Security	March 31	odd years
(11) <u>12</u>) C.P.A. Firm	September 30	even years
(12) <u>13</u>) Certified Court Reporter	May 31	even years
(13) <u>14</u>) Certified Dietitian	September 30	even years
(14) <u>15</u>) Certified Medical Language Interpreter	March 31	odd years
(15) <u>16</u>) Certified Nurse Midwife	January 31	even years
(16) <u>17</u>) Certified Public Accountant	September 30	even years
(17) Certified Registered		

	Nurse Anesthetist	January 31	even years	
(18)	Certified Social Worker	September 30	even years	
(19)	Chiropractic Physician	May 31	even years	
(20)	Clinical Mental Health Counselor	September 30	even years	
(21)	Clinical Social Worker	September 30	even years	
(22)	Construction Trades Instructor	November 30	odd years	
(23)	Contractor	November 30	odd years	
(24)	Controlled Substance License	Attached to primary license renewal		
(25)	Controlled Substance Precursor	May 31	odd years	
(26)	Controlled Substance Handler	May 31	<u>September 30</u>	odd years
(27)	Cosmetologist/Barber	September 30	odd years	
(28)	Cosmetology/Barber School	September 30	odd years	
(29)	Deception Detection	November 30	even years	
(30)	Dental Hygienist	May 31	even years	
(31)	Dentist	May 31	even years	
(32)	Direct-entry Midwife	Sept 30	odd years	
(33)	Electrician Apprentice, Journeyman, Master, Residential Journeyman, Residential Master	November 30	even years	
(34)	Electrologist	September 30	odd years	
(35)	Electrology School	September 30	odd years	
(36)	Elevator Mechanic	November 30	even years	
(37)	Environmental Health Scientist	May 31	odd years	
(38)	Esthetician	September 30	odd years	
(39)	Esthetics School	September 30	odd years	
(40)	Factory Built Housing Dealer	September 30	even years	
(41)	Funeral Service Director	May 31	even years	
(42)	Funeral Service Establishment	May 31	even years	
(43)	Genetic Counselor	September 30	even years	
(44)	Health Facility Administrator	May 31	odd years	
(45)	Hearing Instrument Specialist	September 30	even years	
(46)	Internet Facilitator	September 30	odd years	
(47)	Landscape Architect	May 31	even years	
(48)	Licensed Advanced Substance Use Disorder Counselor	May 31	odd years	
(49)	Licensed Practical Nurse	January 31	even years	
(50)	Licensed Substance Use Disorder Counselor	May 31	odd years	
(51)	Marriage and Family Therapist	September 30	even years	

(52)	Massage Apprentice, Therapist	May 31	odd years
(53)	Master Esthetician	September 30	odd years
(54)	Medication Aide Certified	March 31	odd years
(55)	Nail Technologist	September 30	odd years
(56)	Nail Technology School	September 30	odd years
(57)	Naturopath/Naturopathic Physician	May 31	even years
(58)	Occupational Therapist	May 31	odd years
(59)	Occupational Therapy Assistant	May 31	odd years
(60)	Optometrist	September 30	even years
(61)	Osteopathic Physician and Surgeon, Online Prescriber	May 31	even years
(62)	Outfitter/Hunting Guide	May 31	even years
(63)	Pharmacy Class A-B-C-D-E, Online Contract Pharmacy	September 30	odd years
(64)	Pharmacist	September 30	odd years
(65)	Pharmacy Technician	September 30	odd years
(66)	Physical Therapist	May 31	odd years
(67)	Physical Therapist Assistant	May 31	odd years
(68)	Physician Assistant	May 31	even years
(69)	Physician and Surgeon, Online Prescriber	January 31	even years
(70)	Plumber Apprentice, Journeyman, Master, Residential Master, Residential Journeyman	November 30	even years
(71)	Podiatric Physician	September 30	even years
(72)	Pre Need Funeral Arrangement Sales Agent	May 31	even years
(73)	Private Probation Provider	May 31	odd years
(74)	Professional Engineer	March 31	odd years
(75)	Professional Geologist	March 31	odd years
(76)	Professional Land Surveyor	March 31	odd years
(77)	Professional Structural Engineer	March 31	odd years
(78)	Psychologist	September 30	even years
(79)	Radiologic Technologist, Radiology Practical Technician Radiologist Assistant	May 31	odd years
(80)	Recreational Therapy Therapeutic Recreation Technician, Therapeutic Recreation Specialist, Master Therapeutic Recreation Specialist	May 31	odd years

(81)	Registered Nurse	January 31	odd years
(82)	Respiratory Care Practitioner	September 30	even years
(83)	Security Personnel	November 30	even years
(84)	Social Service Worker	September 30	even years
(85)	Speech-Language Pathologist	May 31	odd years
(86)	Veterinarian	September 30	even years
(87)	Vocational Rehabilitation Counselor	March 31	odd years

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

(a) Associate Clinical Mental Health Counselor licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(b) Associate Marriage and Family Therapist licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(c) Certified Advanced Substance Use Disorder Counselor licenses shall be issued for a period of four years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.

(d) Certified Advanced Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(e) Certified Substance Use Disorder Counselor licenses shall be issued for a period of two years and may be extended if the licensee presents satisfactory evidence to the Division and Board that reasonable progress is being made toward completing the required hours of supervised experience necessary for the next level of licensure.

(f) Certified Social Worker Intern licenses shall be issued for a period of six months or until the examination is passed whichever occurs first.

(g) Certified Substance Use Disorder Counselor Intern licenses shall be issued for a period of six months or until the examination is passed, whichever occurs first.

(h) Dental Educator licenses shall be issued for a two year renewable term, until the date of termination of employment with the dental school as an employee, or until the failure to maintain any of the requirements of Section 58-69-302.5, whichever occurs first.

(i) Funeral Service Apprentice licenses shall be issued for a two year term and may be extended for an additional two year term if the

licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure.

(j) Hearing Instrument Intern licenses shall be issued for a three year term and may be extended if the licensee presents satisfactory evidence to the Division and the Board that reasonable progress is being made toward passing the qualifying examination, but a circumstance arose beyond the control of the licensee, to prevent the completion of the examination process.

(k) Psychology Resident licenses shall be issued for a two year term and may be extended if the licensee presents satisfactory evidence to the Division and the board that reasonable progress is being made toward passing the qualifying examinations or is otherwise on a course reasonably expected to lead to licensure; but the period of the extension may not exceed two years past the date the minimum supervised experience requirement has been completed.

(l) Type I Foreign Trained Physician-Educator licenses will be issued initially for a one-year term and thereafter renewed every two years following issuance.

(m) Type II Foreign Trained Physician-Educator licenses will be issued initially for an annual basis and thereafter renewed annually up to four times following issuance if the licensee continues to satisfy the requirements described in Subsection 58-67-302.7(3) and completes the required continuing education requirements established under Section 58-67-303.

R156-1-502. Administrative Penalties.

(1) In accordance with Subsection 58-1-401(5) and Section 58-1-502, except as otherwise provided by a specific chapter under Title R156, the following fine schedule shall apply to citations issued under the referenced authority:

TABLE

FINE SCHEDULE

FIRST OFFENSE

Violation	Fine
58-1-501(1) (a)	\$ 500.00
58-1-501(1) (c)	\$ 800.00
58-1-501(1) (o)	\$ 0 - \$250.00

SECOND OFFENSE

58-1-501(1) (a)	\$1,000.00
58-1-501(1) (c)	\$1,600.00
58-1-501(1) (o)	\$251.00 - \$500.00

THIRD OFFENSE

Double the amount for a second offense with a maximum amount not to exceed the maximum fine allowed under Subsection 58-1-502(2)(j)(iii).

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor.

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) An investigative supervisor or chief investigator may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

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

KEY: diversion programs, licensing, supervision, evidentiary restrictions

Date of Enactment or Last Substantive Amendment: [~~March 11,~~]2013

Notice of Continuation: January 5, 2012

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