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# MODEL LANGUAGE FOR LICENSES UNDER UTAH CODE ANN. TITLE

## 58

*This document is contained in the Office of Legislative Research and General Counsel's Legislative Drafting Manual. It has not been formally adopted by the Legislature as a Model Act, but is used as a guide in drafting licensing statutes in Title 58.*

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### Part 1 - General Provisions

#### 58-\_\_-101. Title.

This chapter is known as the " \_\_\_\_\_ Act."

#### 58-\_\_-102. Definitions.

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

- (1) "Board" means the \_\_\_\_\_ Board created in Section 58-\_\_-201.
- (2) "Practice of \_\_\_\_\_" means \_\_\_\_\_.
- (3) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-\_\_-501.
- (4) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-\_\_-502.
- (5) [Other definitions listed alphabetically.]

### Part 2 - Board

#### 58-\_\_-201. Board.

- (1) There is created the \_\_\_\_\_ Board consisting of \_\_\_\_\_ and one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
  - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
  - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer of an administrative proceeding concerning the complaint.

### Part 3 - Licensing

#### 58-\_\_-301 Licensure required -- License classifications.

- (1) A license is required to engage in the practice of \_\_\_\_\_, except as specifically provided in 58-\_\_-305 or 58-1-307.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of \_\_\_\_\_.

#### 58-\_\_-302. Qualifications for licensure.

Each applicant for licensure under this chapter shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Subsection 63-38-3(2);
- (3) [good moral character requirement];
- (4) [education requirement];
- (5) [experience requirement]; and
- (6) [examination requirement].

#### 58-\_\_-303. Term of license -- Expiration -- Renewal.

- (1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule. The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, the licensee shall show satisfactory evidence of each of the following renewal requirements:
  - (a) [completion of continuing education as required under Section 58-\_\_-304]; and
  - (b) [other renewal requirements].
- (3) Each license automatically expires on the expiration date shown on the license unless the licensee renews it in

accordance with Section 58-1-308.

**58-\_\_-304. Continuing education.**

(1) As a condition precedent for license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by rule, complete \_\_\_\_ hours of qualified continuing professional education in accordance with standards defined by rule.

(2) If a renewal cycle is extended or shortened under Section 58-\_\_-303, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.

**58-\_\_-305. Exemptions for licensure.**

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in acts included within the definition of the practice of \_\_\_\_\_, subject to the stated circumstances and limitations, without being licensed under this chapter: \_\_\_\_\_.

**Part 4 - License Denial and Discipline**

**58-\_\_-401. Grounds for denial of license -- Disciplinary proceedings.**

Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

**Part 5 - Unlawful and Unprofessional Conduct -- Penalties**

**58-\_\_-501. Unlawful Conduct.**

"Unlawful conduct" includes: \_\_\_\_\_.

**58-\_\_-502. Unprofessional Conduct.**

"Unprofessional conduct" includes: \_\_\_\_\_.

**58-\_\_-503. Penalty for unlawful conduct.**

Any person who violates the unlawful conduct provisions specifically defined in this chapter is guilty of [a class\_\_\_\_ misdemeanor, \_\_\_\_\_degree felony].