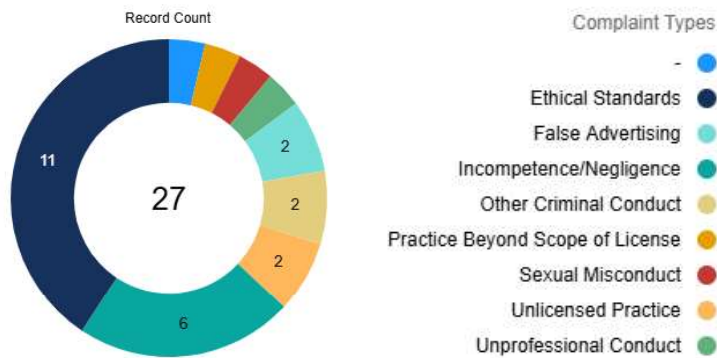


# CHIROPRACTIC PHYSICIAN

## Investigation Statistics

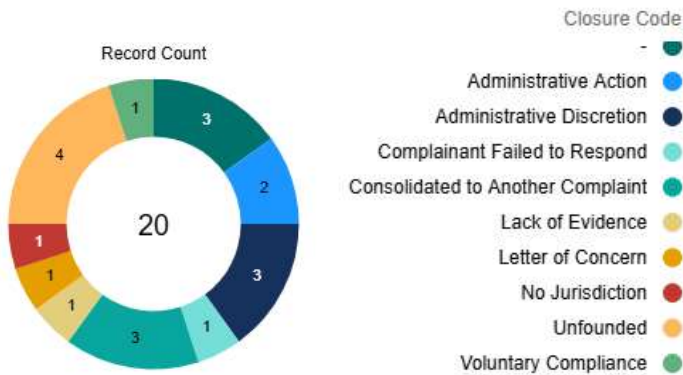
### ↓Cases Opened Year to Date by Type – as of 11/14/2024↓

Ethical Standards	11	Unprofessional Conduct	1
Incompetence / Negligence	6	Sexual Misconduct	1
Unlicensed Practice	2	Practice Beyond Scope of License	1
Other Criminal Conduct	2	Unspecified	1
False Advertising	2		



### ↓Cases Closed Year to Date by Disposition – as of 11/14/2024↓

Administrative Action	2	Letter of Concern	1
Administrative Discretion	3	No Jurisdiction	1
Complainant Failed to Respond	1	Unfounded	4
Consolidated to Another Complaint	3	Voluntary Compliance	1
Lack of Evidence	1	Unspecified	3





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Division of Professional Licensing



# Background Checks for Professional Licensure

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## Problem:

For each application, DOPL is statutorily mandated to assess if an applicant's criminal convictions are “**substantially related**” to their **ability to safely and competently practice**.

DOPL always verifies education credentials, training, and exam results.

But for most applicants, including in some crucial professions, **DOPL cannot verify self-reported criminal history because there is no comprehensive background check.**



- **WHO** has the Legislature made subject to a comprehensive criminal history background check: **40% of licensees**
- **WHY** a comprehensive criminal history background check?  
**accuracy, deterrence (help Utah avoid becoming a magnet for bad actors)**
- **WHAT** are the **RISK FACTORS** when considering whether to subject a profession to a comprehensive criminal history background check?

# Risks, based on Scope of Practice:

- Potential for **Physical Harm**
- Potential for **Sexual Misconduct**, especially in professions with **physical contact** or **private settings**
- Potential for **Financial Exploitation** (*access to funds/significant money*)
- Potential for **Emotional or Psychological Harm** (*risk of coercive practices, failure to provide appropriate care*)

# BILL SUMMARY (1 of 2): Include 20% more professionals, based on Special Positions of Trust, Responsibility for Vulnerable Populations

## CURRENT background check (40%):

- Nursing **57,825**
- Pharmacy/ Pharmacists **17,348**
- Security Company/ Security Officers **9,914**
- Alarm Company/ Agents **9,603**
- Deception Detection **38**
- Massage Therapy **8,114**
- Physical Therapy **4,444**
- Behavioral (Mental) Health/ Therapists **13,988**
- Psychology **2,166**
- Compact privileges for Physician, OT/OTA, PA

## ADD (20%):

- Physicians
  - Physician and Surgeon (MD) **14,084**
  - Osteopathic Physician and Surgeon (DO) **2,151**
  - Podiatric Physician **261**
  - Naturopathic Physician **131**
  - Chiropractic Physician **1,063**
- Physician Assistant (PA) **3,017**
- Dentist, Dental Hygienist **7,560**
- Anesthesiologist Assistant **6**
- Optometrist **637**
- Occupational Therapy **2,080**
- Contractor (owners/qualifier; No employees) **34,423**



## ***BILL SUMMARY (2 of 2): Standardizes language, clarifies requirements***

- Standardizes language throughout Title 58 for clarity and consistency – *for example, see Lines 413-421:*
  - “consent to and complete” a background check instead of “submit to and pass,” etc.
  - clarifies that an applicant must disclose\* their criminal history – this existing requirement was not clearly stated (*\*disclosure is based on statutory requirements*)
  - clarifies that DOPL’s rulemaking authority relates to the background check requirement (i.e., does not give DOPL the ability to add any other licensure requirements)
- Repeals the 13+ separate background check sections for each profession, and puts all that language globally into Section 58-1-301.5.
  - Also in this global section: DOPL’s authority to automatically revoke a license if the licensee failed to accurately disclose their criminal history is standardized across all the professions – it is now included the same for everyone, but changed from “shall” to “may”

## **Commerce has worked with the Legislature to ensure CAREFUL, FOCUSED CONSIDERATION of criminal history:**

- DOPL considers criminal history only if a crime is "Substantially" related to the individual's ability to safely or competently practice. (2019 H.B. 90)
- Antiquated and subjective "good moral character" licensing requirement Removed from statutes and rules. (2020 S.B. 23).
- Individualized consideration (2020 S.B. 201) – For each crime, DOPL considers:
  - Age when crime committed
  - Time Elapsed since crime committed
  - Rehabilitation efforts
  - Education/Training the individual pursued
  - Testimonials or Recommendations from teachers, parole officers, etc.
  - Any relevant information they want to submit.





# Thank you!

Further questions?



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