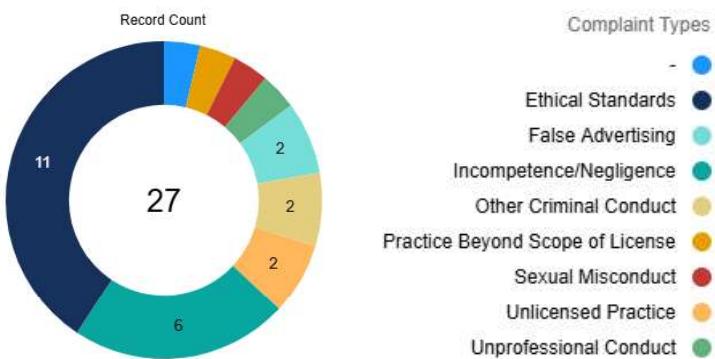


CHIROPRACTIC PHYSICIAN

Investigation Statistics

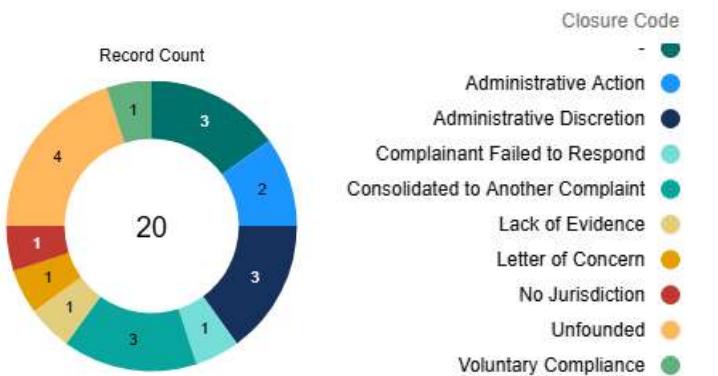
↓Cases Opened Year to Date by Type – as of 11/14/2024↓

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





UTAH | COMMERCE

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 licenses**
- **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%):	ADD (20%):
<ul style="list-style-type: none">• 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 <p>• Compact privileges for Physician, OT/OTA, PA</p>	<ul style="list-style-type: none">• Physicians<ul style="list-style-type: none">○ 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 DOPLs 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?

