

NOTICE OF SUBSTANTIVE CHANGE	
TYPE OF FILING:	Filing ID: 58295
Rule or section number:	R156-46b

1. Agency Information

Title catchline:	Commerce, Professional Licensing
Building:	Heber M Wells Building
Street address:	160 E 300 S
City, state:	Salt Lake City, UT 84111
Mailing address:	PO Box 146741
City, state and zip:	Salt Lake City, UT 84114-6741

2. Contact Persons

Name:	Phone:	Email:
Lauren Harvey	801-530-6654	laureneharvey@utah.gov

Please address questions regarding information on this notice to the persons listed above.

3. General Information

A. Rule or section catchline:
R156-46b. Division Utah Administrative Procedures Act Rule
B. Purpose of the new rule or reason for the change:
SB 117 passed in the 2026 Legislative Session and effective 07/01/2026, amended Title 58, Chapter 4a, Utah Professionals Health Program (UPHP) to remove the mandatory hearing requirement for the adjudicative proceedings conducted under Title 63G, Chapter 4, Utah Administrative Procedures Act (UAPA), to terminate a program contract.
The proposed rule amendment conforms the Division of Professional Licensing's (Division) UAPA rule to the statutory amendments by deleting the mandatory hearing requirement for these types of adjudicative proceedings.
C. Summary of the new rule or change:
In accordance with SB 117 passed in the 2026 Legislative Session and effective 07/01/2026, the proposed amendment will remove the mandated hearing requirement for adjudicative proceedings seeking termination of a program contract for an individual participating in the UPHP.

4. Legislative Action Information

A. Are any changes in this filing because of state legislative action?	Changes are because of legislative action.
B. If yes, any bill number and session:	SB 117 (2026 General Session)

5. Fiscal Information

Provide an estimate and written explanation of the aggregate anticipated cost or savings to:
A. State budget:
The proposed amendment is expected to create savings for the state because UAPA procedures for informal adjudicative proceedings for termination of a program contract will still protect the rights of the parties under UAPA but reduce the time and cost required for the adjudicative proceedings.
The full fiscal impact cannot be estimated because the data necessary to determine how many of these violations will occur and then result in adjudicative proceedings is unavailable, and because the benefits the parties may experience from any resulting reduction in costs will vary widely depending on the circumstances of each violation and the individual characteristics of each party.
B. Local governments:
The Division does not anticipate any cost or savings to local governments from this proposed amendment because local governments are not required to comply with or enforce this rule.
C. Small businesses ("small business" means a business employing 1-49 persons):
The proposed amendment is not expected to impact small businesses because the amendment updates this rule in accordance with statutory changes and will not alter the price or quantity of any exchanges involving small businesses.

D. Non-small businesses ("non-small business" means a business employing 50 or more persons):
The proposed amendment is not expected to impact non-small businesses because the amendment updates this rule in accordance with statutory changes and will not alter the price or quantity of any exchanges involving non-small businesses.
E. Persons other than small businesses, non-small businesses, state, 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):
The proposed amendment may create savings for licensed individuals who have allegedly violated a UAPA program contract, because the informal adjudicative proceedings will still protect the rights of these individuals under UAPA but will reduce the time and cost required for these proceedings.
However, the full fiscal impact cannot be estimated because the data necessary to determine how many of these cases will occur and then result in adjudicative proceedings is unavailable, and because the benefits an individual may experience from any resulting reduction in costs will vary widely depending on the circumstances of each case and the individual characteristics of that individual.
F. Compliance costs for affected persons:
As described above, no compliance costs are expected for affected persons because the proposed amendment allows for the maintenance of the rights of parties while lowering the financial and time burden of evidentiary hearings for terminating a UPHP contract.

6. Regulatory Impact Summary Table

Enter the cost or savings in the relevant cell. If there is no cost or savings, enter, "\$0." If a cost or savings is inestimable, enter, "inestimable."

Fiscal Cost	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0	\$0	\$0
Fiscal Benefits	FY2027	FY2028	FY2029	FY2030	FY2031
State Budget	\$0	\$0	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0	\$0	\$0

7. Regulatory Impact Analysis Approval

The Commissioner of the Department of Commerce, Margaret W. Busse, has reviewed and approved this regulatory impact analysis.

8. Family Impact Information

A. The agency has considered this rule's impact on family health, stability, and formation:	☒
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9. Citation Information

Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 63G-4-102(6)	Subsection 58-1-106(1)(a)	
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11. Public Notice Information

The public may submit written or oral comments to the agency identified in box 1.	
A. Comments will be accepted until:	11/16/2026

B. A public hearing (optional) will be held (The public may request a hearing by submitting a written request to the agency, as outlined in Section 63G-3-302 and Rule R15-1.):
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Date:	Time (hh:mm AM/PM):	Place (physical address or URL):
11/05/2026	08:00 AM	Anchor Meeting Location: Heber M Wells Building Room 474 160 E 300 S Salt Lake City, UT Google Meet joining info: Video call link: https://meet.google.com/efs-oppb-swi Or dial: (US) +1 601-516-5403 PIN: 209 738 901# More phone numbers: https://tel.meet/efs-oppb-swi? pin=3515269634486

12. Effective Date Information

This rule change MAY become effective on: (NOTE: This is the date the agency anticipates making the filing effective. It is NOT the effective date)	11/23/2026
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13. Agency Authorization Information

Agency head or designee and title:	Deborah Blackburn, Assistant Director	Date:	10/01/2026
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R156. Commerce, Professional Licensing.

R156-46b. Division Utah Administrative Procedures Act Rule.

R156-46b-101. Title -[-] Authority - Purpose.

- (1) This rule is known as the "Division Utah Administrative Procedures Act Rule."
- (2) This rule is adopted by the Division under the authority of Title 63G, Chapter 4, Administrative Procedures Act, and Subsections 58-1-106(1)(a) and 58-1-108(1).
- (3) The purposes of this rule include:
 - (a) designating categories of Division adjudicative proceedings;
 - (b) identifying presiding officers at Division adjudicative proceedings; and
 - (c) defining procedures for Division adjudicative proceedings that are consistent with Title 58, Occupations and Professions, Title 63G, General Government, and Rule R151-4, Department of Commerce Administrative Procedures Act Rule.

R156-46b-102. Definitions.

- (1) Terms in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Rule R156-1, General Rule of the Division of Professional Licensing.
- (2) In addition to the definitions in Subsection (1), "license" or "licensure" means any right or privilege to engage in the practice of a regulated profession or occupation under Title 58, Occupations and Professions, and includes a license, certificate, certification, registration, permit, classification, student card, apprenticeship, or apprentice card authorized under Title 58, Occupations and Professions.

R156-46b-201. Informal Adjudicative Proceedings.

- (1) Under Section 63G-4-202, the following adjudicative proceedings commenced by other than a notice of agency action are designated as informal adjudicative proceedings:
 - (a) the approval or denial of an application for:
 - (i) initial licensure;
 - (ii) renewal or reinstatement of licensure;
 - (iii) relicensure;
 - (iv) inactive or emeritus licensure status;
 - (v) a tax credit certificate by a psychiatrist, psychiatric mental health nurse practitioner, or volunteer retired psychiatrist under Section 58-1-111; or
 - (vi) criminal history determination under Section 58-1-310;
 - (b) a favorable or unfavorable determination, based on an application for criminal history determination under Section 58-1-310;
 - (c) the approval or denial of a claim against the Residence Lien Recovery Fund created under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
 - (d) payment of an approved claim against the Residence Lien Recovery Fund under Title 38, Chapter 11, Residence Lien Restriction and Lien Recovery Fund Act;
 - (e) the approval or denial of a request:
 - (i) to surrender a license;
 - (ii) for modification of a disciplinary order;
 - (iii) for correction of procedural or clerical mistakes; or
 - (iv) for correction of other than procedural or clerical mistakes;
 - (f) any matter relating to Title 58, Chapter 4a, Utah Professionals Health Program, including:
 - (i) approval or denial of a request for entry into and participation in the Utah Professionals Health Program under Title 58, Chapter 4a, Utah Professionals Health Program;

- (ii) a matter relating to a program contract or diversion agreement, including approval or denial of a request for modification of a program contract or diversion agreement; or
- (iii) determination of a licensee's successful completion of the Utah Professionals Health Program;
- (g) a citation hearing held in accordance with citation authority under Title 58, Occupations and Professions;
- (h) a declaratory order determining the applicability of statute, rule, or order to specified circumstances, when determined by the director to be conducted as an informal adjudicative proceeding; or
- (i) any matter relating to an order governing a license, including disciplinary sanctions imposed in a stipulation or memorandum of understanding with a license applicant.

(2) Under Section 63G-4-202, the following adjudicative proceedings commenced by a notice of agency action are designated as informal adjudicative proceedings:

- (a) nondisciplinary proceedings that result in cancellation of licensure as defined in Subsection R156-1-102(3);
- (b) disciplinary proceedings against:
 - (i) a contractor, plumber, electrician, or alarm company licensed under Title 58, Chapter 55, Utah Construction Trades Licensing Act;
 - (ii) a controlled substance licensee under Subsection 58-37-6(4)(d) or (g);
 - (iii) a contract security company or armored car company licensed under Title 58, Chapter 63, Security Personnel Licensing Act, for unprofessional conduct under Subsection 58-63-502(1)[~~or (2)~~]; or
 - (iv) a health care services platform registered under Title 58, Chapter 90, Health Care Services Platforms;
- (c) disciplinary proceedings commenced by a notice of agency action and order to show cause for violating an order governing a license, including under Subsection 58-1-501(2)(a)(xv);
- (d) disciplinary proceedings in which the allegations of misconduct are limited to violating one or more of:
 - (i) Subsection 58-1-501(2)(a)(iii), (iv), (viii), (xi) or (xii);
 - (ii) Subsection R156-1-501(1), (2), (3), (4), (5), (7), or (9); or
 - (iii) Subsection 58-1-308(4)(b), concerning completion of or compliance with renewal requirements;
- (e) proceedings under Title 58, Chapter 4a, Utah Professionals Health Program, including under Section 58-4a-107; or
- (f) the immediate or automatic suspension or revocation of a license in accordance with Title 58, Occupations and Professions, including under Subsection 58-1-301.5(8), 58-47b-503(8), [~~or~~]58-47b-503.1(6), 58-91-503(2), 58-92-503(2), or 58-93-503(2) unless simultaneous adjudicative proceedings are conducted formally.

R156-46b-202. Procedures for Adjudicative Proceedings.

(1) Under Section 63G-4-203, the presiding officers for Division adjudicative proceedings are defined at Subsection 63G-4-103(1)(h) and established by Sections 58-1-109 and R156-1-109.

(2)(a) The procedures for formal Division adjudicative proceedings are in Sections 63G-4-204 through 63G-4-209, Rule R151-4, Department of Commerce Administrative Procedures Act Rule, and this rule.

(b) The procedures for informal Division adjudicative proceedings are in Sections 63G-4-202, 63G-4-203, and 63G-4-209, Rule R151-4, Department of Commerce Administrative Procedures Act Rule, and this rule.

(3)(a) Under Section 63G-4-202 and Subsections 63G-4-201(1)(a) and R151-4-205(2), a notice of agency action commencing an informal adjudicative proceeding may require the respondent to file a written response.

(b) U[~~nder Subsection R151-4-205(3), u~~nless a different date is established by law or rule or in the notice of agency action, a respondent shall file a required written response within 30 days after the mailing date of the notice of agency action.

R156-46b-203. Hearings in Informal Adjudicative Proceedings.

(1) Under Section 63G-4-203, a hearing is not required for Division informal adjudicative proceedings unless:

- (a) required by statute or rule; or
- (b) permitted by rule and requested by a party within the time prescribed by rule.

(2) Under Subsection 63G-4-203(1)(b) and Section R151-4-702, unless otherwise provided by statute or rule, a request for an evidentiary hearing to which a person is permitted or entitled by statute or is permitted by rule shall be received by the Division in writing no later than:

- (a) the time period for filing a response to the notice of agency action, if a response is required or permitted;
- (b) [twenty]20 days following the issuance of the notice of agency action, if a response is not required or permitted;
- (c) the filing of the request for agency action, if the proceeding was commenced by a person other than the Division;
- (d) for a request for a citation hearing, [within 20 days from the]20 days after service of the citation; or
- (e) for a request for a postrevocation hearing under Subsection 58-1-301.5(8), within the time period in Subsection R156-46b-203(2)(a) for filing a response to the notice to the person that the license or registration is immediately and automatically revoked.

(3) An evidentiary hearing is permitted for an informal adjudicative proceeding under Subsection R156-46b-20[2]1(1)(g), citation hearings.

[~~_____ (4) An evidentiary hearing is required for an informal adjudicative proceeding under Subsections 58-4a-107(2)(b) and R156-46b-201(2)(e) to determine whether the Division should terminate a licensee's Utah Professionals Health Program program contract or diversion agreement.~~]

([5]4)(a) Unless otherwise agreed by the parties, an evidentiary hearing may not be held in an informal adjudicative proceeding unless timely notice of the hearing has been served upon the parties as required by Subsection 63G-4-203(1)(d).

(b) Unless otherwise provided by statute or rule, timely notice means service of a notice of hearing upon the parties at least ten days before the scheduled evidentiary hearing.

R156-46b-204. Orders in Informal Adjudicative Proceedings.

(1) The issuance of a license or approval of related requests in response to a request for agency action is sufficient to satisfy Subsection 63G-4-203(1)(i).

(2)(a) The issuance of a letter denying a license or related requests is sufficient to satisfy Subsection 63G-4-203(1)(i).

(b) The letter shall explain the reasons for the denial and any rights of the parties to seek agency review or judicial review, including the relevant time limits.

(3) Unless otherwise specified by the director, the fact finder who serves as the presiding officer at an evidentiary hearing convened in Division informal adjudicative proceedings shall issue a final order.

(4) An order issued in an informal adjudicative proceeding in which an evidentiary hearing is convened shall comply with the requirements of Subsection 63G-4-208(1) instead of Subsection 63G-4-203(1)(i).

R156-46b-301. Review of Suspension Without Notice -- Adjudicative Proceedings.

Unless otherwise provided by statute or rule:

(1)(a) If the Division suspends a license or registration without notice under Subsection 58-47b-503(8) or 58-47b-503.1(6), the Division shall file a notice of agency action for an informal adjudicative proceeding and cause the notice of agency action to be served upon the affected licensed individual or registered massage establishment, with:

(i) notice of the suspension and an order to immediately cease and desist any practice under Title 58, Chapter 47b, Massage Therapy Practice Act; and

(ii) notice of hearing on the sole issue of whether the suspension should be affirmed, set aside, or modified based upon the standards in Section 58-47b-503 or 58-47b-503.1, as applicable.

(b) The Division shall hold the hearing within 15 days after the suspension, unless the Division and the respondent agree in writing to conduct the hearing at a later date.

(2)(a) A Department administrative law judge shall act as the presiding officer at the hearing under this section.

(b) The presiding officer shall conduct the hearing in conformity with the procedures of Section 63G-4-206.

(c) The Division has the burden of proof to establish, by a preponderance of the evidence, that the requirements of Subsection 58-47b-503(8) or 58-47b-503.1(6) have been met.

(3)(a) Within 15 days after the day the hearing to consider the suspension concludes, the presiding officer shall issue an order in accordance with Section 63G-4-208.

(b) The order of the presiding officer is subject to agency review.

(4) If the order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the Division shall commence a formal adjudicative proceeding within 120 days in accordance with Title 58, Occupations and Professions.

R156-46b-401. Informal Agency Advice.

(1) The Division may issue an informal guidance letter in response to a request for advice unless the request specifically seeks a declaratory order.

(2) The informal guidance letter shall notify the subject of the letter that:

(a) the letter is only an informal guidance letter, and is not a formal declaratory order; and

(b) provide the citation that governs declaratory orders.

KEY: administrative procedures, government hearings, occupational licensing, professional licensing

Date of Last Change: ~~March 24,~~ 2026

Notice of Continuation: October 22, 2025

Authorizing, and Implemented or Interpreted Law: 63G-4-102(6); 58-1-106(1)(a)

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