

Part 5

Unlawful and Unprofessional Conduct

58-24b-501 Unlawful conduct.

In addition to the conduct described in Subsection 58-1-501(1), "unlawful conduct" includes:

- (1) practicing physical therapy, unless the person:
 - (a) is licensed under this chapter to practice physical therapy and practices within the scope of that license; or
 - (b) is exempt from licensure under Section 58-24b-304;
- (2) practicing animal physical therapy, unless the person is:
 - (a) authorized to practice animal physical therapy under Section 58-24b-405; or
 - (b) authorized to practice animal physical therapy under Subsection 58-24b-304(1)(a), (2), or (3);
- (3) representing oneself as, or using the title of, a physical therapist, unless the person is:
 - (a) a licensed physical therapist; or
 - (b)
 - (i) licensed as a physical therapist in a jurisdiction other than Utah;
 - (ii) does not represent oneself as being a physical therapist licensed in Utah; and
 - (iii) exempt from licensure under Section 58-24b-304;
- (4) representing oneself as, or using the title of, a physical therapist assistant, unless the person:
 - (a) is a licensed physical therapist assistant; or
 - (b)
 - (i) is licensed as a physical therapist assistant in a jurisdiction other than Utah;
 - (ii) does not represent oneself as being a physical therapist assistant licensed in Utah; and
 - (iii) is exempt from licensure under Section 58-24b-304; and
- (5) conduct designated as "unlawful conduct" by the division, by rule.

Enacted by Chapter 220, 2009 General Session

58-24b-502 Unprofessional conduct.

In addition to the conduct described in Subsection 58-1-501(2), "unprofessional conduct" includes:

- (1) using or employing the services of an individual to assist a person licensed under this chapter in a manner that is not in accordance with:
 - (a) generally recognized practices, standards, or ethics of the profession for which the person is licensed; or
 - (b) the requirements of this chapter or rule;
- (2) failure by a person licensed under this chapter to confine the person's conduct to that which:
 - (a) the person is competent to perform, by education, training, and experience; and
 - (b) is within the scope of practice permitted under this chapter or rule;
- (3) failure to supervise a licensed physical therapist assistant or a physical therapy aide in accordance with the requirements of this chapter or rule; and
- (4) other conduct defined as "unprofessional conduct" by the division, by rule.

Enacted by Chapter 220, 2009 General Session

58-24b-503 Lawful and unlawful use of titles and terms -- Unlawful advertising or promotion.

- (1) A person who is a licensed physical therapist shall use the letters "PT" in connection with the person's name or business in order to indicate that the person is a licensed physical therapist.
- (2) A person who is a licensed physical therapist assistant shall use the letters "PTA" in connection with the person's name or business in order to indicate that the person is a licensed physical therapist assistant.
- (3) It is unlawful for a person who is not a licensed physical therapist, a licensed physical therapist assistant, or a person described in Subsection 58-24b-304(1)(e) to:
 - (a) use, in connection with the person's name or business, any of the following words or abbreviations:
 - (i) physical therapy, except to the extent that the word is used to describe conduct that a person is licensed to engage in under another law of the state;
 - (ii) physiotherapy; or
 - (iii) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person practices physical therapy; or
 - (b) offer, provide, or bill a person for:
 - (i) physical therapy services or anything that is characterized as physical therapy services; or
 - (ii) physiotherapy services or anything that is characterized as physiotherapy services.
- (4) It is unlawful for a person who is not a licensed physical therapist to:
 - (a) except as provided in Subsection (6), use, in connection with the person's name or business, any of the following words or abbreviations:
 - (i) physical therapist;
 - (ii) physiotherapist;
 - (iii) PT;
 - (iv) DPT;
 - (v) MPT; or
 - (vi) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person is a physical therapist or physiotherapist;
 - (b) advertise that a person who is not a licensed physical therapist is a physical therapist or physiotherapist; or
 - (c) promote a person who is not a licensed physical therapist as a physical therapist or physiotherapist.
- (5) It is unlawful for a person who is not a licensed physical therapist assistant to:
 - (a) use, in connection with the person's name or business, any of the following words or abbreviations:
 - (i) physical therapist assistant;
 - (ii) physiotherapist assistant;
 - (iii) PTA; or
 - (iv) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person is a physical therapist assistant or a physiotherapist assistant;
 - (b) advertise that a person who is not a licensed physical therapist assistant is a physical therapist assistant or a physiotherapist assistant; or
 - (c) promote a person who is not a licensed physical therapist assistant as a physical therapist assistant or physiotherapist assistant.
- (6) Subsection (4)(a) does not prohibit a person from using a word or abbreviation described in Subsection (4)(a) in connection with the person's business, if the person employs a physical therapist at the person's business.

Enacted by Chapter 220, 2009 General Session

58-24b-504 Reporting unlawful or unprofessional conduct -- Immunity -- Confidentiality.

- (1) A person who is aware that a person who is licensed under this chapter has violated a provision of this chapter, or a rule made pursuant to this chapter, shall report the violation to the division.
- (2) A person who makes a good faith report under Subsection (1) is immune from direct or derivative civil liability for making the report.
- (3) The division, the board, or a member of the division or the board, may not disclose the identity of a person who makes a report under this section, unless the disclosure is:
 - (a) essential to the conduct of an investigation or hearing; or
 - (b) ordered by a court of competent jurisdiction.

Enacted by Chapter 220, 2009 General Session

58-24b-505 Trigger point dry needling -- Experience required -- Registration.

- (1) A physical therapist may practice trigger point dry needling if the physical therapist:
 - (a) has held a license to practice physical therapy under this chapter, and has actively practiced physical therapy, for two years;
 - (b) has successfully completed a course in trigger point dry needling that:
 - (i) is approved by the division; and
 - (ii) includes at least 300 total course hours, including at least:
 - (A) 54 hours of in-person instruction; and
 - (B) 250 supervised patient treatment sessions;
 - (c) files a certificate of completion of the course described in Subsection (1)(b) with the division;
 - (d) registers with the division as a trigger point dry needling practitioner; and
 - (e) meets any other requirement to practice trigger point dry needling established by the division.
- (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
 - (a) the criteria for approving a course described in Subsection (1)(b); and
 - (b) the requirements described in Subsection (1)(e).
- (3) The division may charge, in accordance with Section 63J-1-504, a fee for the registration described in Subsection (1)(d).

Enacted by Chapter 354, 2014 General Session