

**Representative Margaret Dayton** proposes to substitute the following bill:

**PROFESSIONAL LICENSING AMENDMENTS**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: Margaret Dayton**

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; EXEMPTING FROM  
LICENSURE PHYSICIANS AND DENTISTS LICENSED IN OTHER STATES WHO  
PROVIDE PROFESSIONAL SERVICES AS A PUBLIC SERVICE AND WITHOUT  
COMPENSATION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

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**58-67-305**, as enacted by Chapter 248, Laws of Utah 1996

**58-68-305**, as enacted by Chapter 248, Laws of Utah 1996

**58-69-306**, as enacted by Chapter 116, Laws of Utah 1996

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-67-305** is amended to read:

**58-67-305. Exemptions from licensure.**

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

(1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;

(2) an individual administering a domestic or family remedy;

(3) (a) (i) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and

26 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or based  
27 on a personal belief, when obtaining or providing any information regarding health care and the  
28 use of any product under Subsection (3)(a)(i); and

29 (b) Subsection (3)(a) does not:

30 (i) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,  
31 pain, or other condition; or

32 (ii) prohibit providing truthful and non-misleading information regarding any of the  
33 products under Subsection (3)(a)(i);

34 (4) a person engaged in good faith in the practice of the religious tenets of any church or  
35 religious belief, without the use of prescription drugs;

36 (5) an individual authorized by the Department of Health under Section 26-1-30, to  
37 withdraw blood to determine the alcohol or drug content pursuant to Section 41-6-44.1;

38 (6) a medical assistant while working under the direct and immediate supervision of a  
39 licensed physician and surgeon, to the extent the medical assistant is engaged in tasks appropriately  
40 delegated by the supervisor in accordance with the standards and ethics of the practice of medicine;  
41 [and]

42 (7) an individual engaging in the practice of medicine when:

43 (a) the individual is licensed in good standing as a physician in another state with no  
44 licensing action pending and no less than ten years of professional experience;

45 (b) the services are rendered as a public service and for a noncommercial purpose;

46 (c) no fee or other consideration of value is charged, received, expected, or contemplated  
47 for the services rendered beyond an amount necessary to cover the proportionate cost of  
48 malpractice insurance; and

49 (d) the individual does not otherwise engage in unlawful or unprofessional conduct; and

50 [(7)] (8) an individual providing expert testimony in a legal proceeding.

51 Section 2. Section **58-68-305** is amended to read:

52 **58-68-305. Exemptions from licensure.**

53 In addition to the exemptions from licensure in Section 58-1-307, the following individuals  
54 may engage in the described acts or practices without being licensed under this chapter:

55 (1) an individual rendering aid in an emergency, when no fee or other consideration of  
56 value for the service is charged, received, expected, or contemplated;

57 (2) an individual administering a domestic or family remedy;

58 (3) (a) (i) a person engaged in the lawful sale of vitamins, health foods, dietary  
59 supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by  
60 state or federal law; and

61 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or based  
62 on a personal belief, when obtaining or providing any information regarding health care and the  
63 use of any product under Subsection (3)(a)(i); and

64 (b) Subsection (3)(a) does not:

65 (i) permit a person to diagnose any human disease, ailment, injury, infirmity, deformity,  
66 pain, or other condition; or

67 (ii) prohibit providing truthful and non-misleading information regarding any of the  
68 products under Subsection (3)(a)(i);

69 (4) a person engaged in good faith in the practice of the religious tenets of any church or  
70 religious belief without the use of prescription drugs;

71 (5) an individual authorized by the Department of Health under Section 26-1-30, to  
72 withdraw blood to determine the alcohol or drug content pursuant to Section 41-6-44.1;

73 (6) a medical assistant while working under the direct and immediate supervision of a  
74 licensed osteopathic physician, to the extent the medical assistant is engaged in tasks appropriately  
75 delegated by the supervisor in accordance with the standards and ethics of the practice of medicine;  
76 [and]

77 (7) an individual engaging in the practice of osteopathic medicine when:

78 (a) the individual is licensed in good standing as an osteopathic physician in another state  
79 with no licensing action pending and no less than ten years of professional experience;

80 (b) the services are rendered as a public service and for a noncommercial purpose;

81 (c) no fee or other consideration of value is charged, received, expected, or contemplated  
82 for the services rendered beyond an amount necessary to cover the proportionate cost of  
83 malpractice insurance; and

84 (d) the individual does not otherwise engage in unlawful or unprofessional conduct; and

85 [~~7~~] (8) an individual providing expert testimony in a legal proceeding.

86 Section 3. Section **58-69-306** is amended to read:

87 **58-69-306. Exemptions from licensure.**

88 In addition to the exemptions from licensure in Section 58-1-307[-];

89 (1) a person performing mechanical work on inert matter in a laboratory pursuant to a  
90 written prescription from a licensed dentist may engage in acts and practices included in the  
91 practice of dentistry or dental hygiene without being licensed under this chapter[-]; and

92 (2) a person licensed in good standing as a dentist in another state, with no licensing action  
93 pending and no less than ten years of professional experience, may engage in the practice of  
94 dentistry without being licensed under this chapter if:

95 (a) the services are rendered as a public service and for a noncommercial purpose;

96 (b) no fee or other consideration of value is charged, received, expected, or contemplated  
97 for the services rendered beyond an amount necessary to cover the proportionate cost of  
98 malpractice insurance; and

99 (c) the individual does not otherwise engage in unlawful or unprofessional conduct.