

VETERINARY PRACTICE ACT AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Bill Wright

This act modifies the Veterinary Practice Act, the Chiropractic Physician Practice Act, the Massage Therapy Practice Act, and the Physical Therapist Practice Act. This act provides a limited exemption from licensing under the Veterinary Practice Act and expands the scope of practice for chiropractic physicians, physical therapists, and massage therapists who provide certain treatments for animals, and who meet specified training requirements.

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

AMENDS:

58-24a-102, as last amended by Chapter 222, Laws of Utah 1994

58-28-8, as last amended by Chapters 4 and 297, Laws of Utah 1993

58-47b-102, as last amended by Chapter 309, Laws of Utah 2000

58-73-102, as last amended by Chapter 284, Laws of Utah 1998

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

Section 1. Section **58-24a-102** is amended to read:

58-24a-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Physical Therapy Licensing Board.
- (2) "General supervision" means the supervising physical therapist is available for immediate voice communication with the person being supervised.
- (3) "Immediate supervision" means the supervising physical therapist is:
 - (a) present in the area where the person supervised is performing services; and
 - (b) immediately available to assist the person being supervised in the services being performed.
- (4) "Physical therapist aide" means an individual performing activities related to physical therapy under the immediate supervision of a physical therapist.
- (5) "Physical therapist assistant" means an individual who has successfully completed an

accredited physical therapy assistant program and who performs activities related to physical therapy under the general supervision of a physical therapist.

(6) "Physical therapy" or "physiotherapy" means the:

(a) treatment of a human being to assess, prevent, correct, alleviate, and limit physical disability, movement dysfunction, bodily malfunction, and pain resulting from disorders, congenital and aging conditions, injury, and disease; [~~and~~]

(b) development of a physical therapy plan and the implementation of and modification of the treatment plan[-]; and

(c) the practice described in this Subsection (6) on an animal to the extent permitted by:

(i) Subsection 58-28-8(12);

(ii) the provisions of this chapter; and

(iii) division rule.

(7) "Unlawful conduct" as defined in Section 58-1-501 includes using in connection with his name or business activities the words "physical therapist," "physiotherapist," "licensed physical therapist," "registered physical therapist," or the letters "P.T.," "L.P.T.," "R.P.T.," or any other words, letters, abbreviations, or insignia indicating or implying directly or indirectly that the person is authorized to practice physical therapy, when the person is not licensed under this chapter.

(8) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined by rule includes failing to provide immediate supervision of a physical therapist assistant or aide whose activities are the licensee's responsibility under Section 58-24a-112.

Section 2. Section **58-28-8** is amended to read:

58-28-8. Exemptions from chapter.

In addition to the exemptions from licensure in Section 58-1-307 this chapter does not apply to:

(1) any person who practices veterinary medicine, surgery, or dentistry upon any animal owned by him, and the employee of that person when the practice is upon an animal owned by his employer, and incidental to his employment, except that this exemption does not apply to any person, or his employee, when the ownership of an animal was acquired for the purpose of circumventing

this chapter;

(2) any person who as a student at a veterinary college approved by the board engages in the practice of veterinary medicine, surgery, and dentistry as part of his academic training and under the supervision and control of a licensed veterinarian, if that practice is during the last two years of the college course of instruction and does not exceed an 18-month duration;

(3) a veterinarian who is an officer or employee of the government of the United States, or the state, or its political subdivisions, and technicians under his supervision, while engaged in the practice of veterinary medicine, surgery, or dentistry for that government;

(4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid testing of poultry, and related poultry disease control activity;

(5) any person who is engaged in bona fide and legitimate medical, dental, pharmaceutical, or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly related to, and a necessary part of, that research;

(6) veterinarians licensed under the laws of another state rendering professional services in association with licensed veterinarians of this state for a period not to exceed 90 days;

(7) registered pharmacists of this state engaged in the sale of veterinary supplies, instruments, and medicines, if the sale is at his regular place of business;

(8) except as otherwise provided in Subsection 58-28-2 (6) (d), any person in this state engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs which must be sold in compliance with state and federal regulations, if the supplies, instruments, and medicines are sold in original packages bearing adequate identification and directions for application and administration and the sale is made in the regular course of, and at the regular place of business;

(9) any person rendering emergency first aid to animals in those areas where a licensed veterinarian is not available, and if suspicious reportable diseases are reported immediately to the state veterinarian;

(10) any person performing or teaching nonsurgical bovine artificial insemination; [~~and~~]

(11) any person affiliated with an institution of higher education who teaches nonsurgical bovine embryo transfer or any technician trained by or approved by an institution of higher education

who performs nonsurgical bovine embryo transfer, but only if any prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah[-]; and

(12) (a) upon written referral by a licensed veterinarian, the practice of animal chiropractic by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who has completed an animal chiropractic course approved by the American Veterinary Chiropractic Association or the division;

(b) upon written referral by a licensed veterinarian, the practice of animal physical therapy by a physical therapist licensed under Chapter 24a, Physical Therapist Practice Act, who has completed at least 100 hours of animal physical therapy training, including quadruped anatomy and hands-on training, approved by the division; and

(c) the practice of animal massage therapy by a massage therapist licensed under Chapter 47b, Massage Therapy Practice Act, who has completed at least 60 hours of animal massage therapy training, including quadruped anatomy and hands-on training, approved by the division.

Section 3. Section **58-47b-102** is amended to read:

58-47b-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Utah Board of Massage Therapy created in Section 58-47b-201.
- (2) "Breast" means the female mammary gland and does not include the muscles, connective tissue, or other soft tissue of the upper chest.
- (3) "Homeostasis" means maintaining, stabilizing, or returning to equilibrium the muscular system.
- (4) "Massage apprentice" means an individual licensed under this chapter as a massage apprentice to work under the direct supervision of a licensed massage therapist.
- (5) "Massage therapist" means an individual licensed under this chapter as a massage therapist.
- (6) "Practice of massage therapy" means:
 - (a) the examination, assessment, and evaluation of the soft tissue structures of the body for

the purpose of devising a treatment plan to promote homeostasis;

(b) the systematic manual or mechanical manipulation of the soft tissue of the body for the therapeutic purpose of:

- (i) promoting the health and well-being of a client;
- (ii) enhancing the circulation of the blood and lymph;
- (iii) relaxing and lengthening muscles;
- (iv) relieving pain;
- (v) restoring metabolic balance; and
- (vi) achieving homeostasis;

(c) the use of the hands or a mechanical or electrical apparatus in connection with this

Subsection (6);

(d) the use of rehabilitative procedures involving the soft tissue of the body;

(e) range of motion or movements without spinal adjustment as set forth in Section 58-73-102;

(f) oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet baths;

(g) manual traction and stretching exercise;

(h) correction of muscular distortion by treatment of the soft tissues of the body;

(i) counseling, education, and other advisory services to reduce the incidence and severity of physical disability, movement dysfunction, and pain; ~~and~~

(j) similar or related activities and modality techniques[-]; and

(k) the practice described in this Subsection (6) on an animal to the extent permitted by:

(i) Subsection 58-28-8(12);

(ii) the provisions of this chapter; and

(iii) division rule.

(7) "Soft tissue" means the muscles and related connective tissue.

(8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-47b-501.

(9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-47b-502 and as may

be further defined by division rule.

Section 4. Section **58-73-102** is amended to read:

58-73-102. Definitions.

(1) "Adjustment of the articulation of the spinal column" means performance by a chiropractic physician by the use of passive movements directed toward the goal of restoring joints to their proper physiological relationship of motion and related function, releasing adhesions, or stimulating joint receptors using one or more of the following techniques:

(a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a nature that the patient cannot prevent the motion, commencing where the motion encounters the elastic barrier of resistance and ends at the limit of anatomical integrity;

(b) instrument adjusting, utilizing instruments specifically designed to deliver sudden, high velocity, short amplitude thrust;

(c) light force adjusting utilizing sustained joint traction or applied directional pressure, or both, which may be combined with passive motion to restore joint mobility; and

(d) long distance lever adjusting utilizing forces delivered at some distance from the dysfunctional site and aimed at transmission through connected structures to accomplish joint mobility.

(2) "Board" means the Chiropractic Physician Licensing Board created in Section 58-73-201.

(3) "Chiropractic assistant" means a person who performs activities related to the practice of chiropractic under the supervision of a licensed chiropractic physician in accordance with division rule established in collaboration with the board.

(4) "Chiropractic physician" means a person who has been licensed under this chapter to practice chiropractic.

(5) "Diagnosis of the articulation of the spinal column" means to examine the articulations of the spinal column of another human to determine the source, nature, kind, or extent of a disease, vertebral subluxation, or other physical condition, and to make a determination of the source, nature, kind, or extent of a disease or other physical condition.

(6) "Elastic barrier" means the point at which the patient cannot move a joint by his own

means and through which movement is obtained or caused by a practitioner's skillful treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion.

(7) "Incisive surgery" means any procedure having the power or quality of cutting of a patient for the purpose of treating disease, injury, or deformity, and includes the use of laser.

(8) (a) "Manipulate the articulation of the spinal column" means use by a practitioner of a skillful treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden, high velocity, short amplitude so the patient cannot prevent the motion. Movement of the joint is by force beyond its active limit of motion.

(b) This manipulation commences where mobilization ends and specifically begins when the elastic barrier of resistance is encountered and ends at the limit of anatomical integrity.

(c) Manipulation as described in this definition is directed to the goal of restoring joints to their proper physiological relationship of motion and related function, releasing adhesions, or stimulating joint receptors.

(9) "Practice of chiropractic" means a practice of a branch of the healing arts:

(a) the purpose of which is to restore or maintain human health, in which patient care or first aid, hygienic, nutritional, or rehabilitative procedures are administered;

(b) which places emphasis upon specific vertebral adjustment, manipulation, and treatment of the articulation and adjacent tissues of the spinal column, musculoskeletal structure of the body, and nervous system;

(c) that involves examining, diagnosing, treating, correcting, or prescribing treatment for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, or the attempt to do so, in accordance with Section 58-73-601; ~~and~~

(d) that involves diagnosing, prescribing treatment, or making a determination of treatment necessity for another person's condition by means of:

(i) a physical examination of the person; or

(ii) a determination based upon or derived from information supplied directly or indirectly by a third person~~[-]; and~~

(e) the practice described in this Subsection (9) on an animal to the extent permitted by:

(i) Subsection 58-28-8(12);

(ii) the provisions of this chapter; and

(iii) division rule.

(10) "Therapeutically position the articulation of the spinal column" means to adjust or manipulate the articulation of the spinal column.