

NURSE PRACTICE ACT EXEMPTION

AMENDMENT

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Paula F. Julander

This act modifies the Nurse Practices Act. The act modifies the exemptions from licensure to permit a person who is self directing his own personal care in his private residence to employ a person to assist him in his care.

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

AMENDS:

58-31b-308, as last amended by Chapter 290, Laws of Utah 2002

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

Section 1. Section **58-31b-308** is amended to read:

58-31b-308. Exemptions from licensure or registration.

(1) In addition to the exemptions from licensure in Section 58-1-307, the following persons may engage in acts included within the definition of the practice of nursing, subject to the stated circumstances and limitations, without being licensed under this chapter:

(a) friends, family members, foster parents, or legal guardians of a patient performing gratuitous nursing care for the patient;

(b) persons providing care in a medical emergency;

(c) persons engaged in the practice of religious tenets of a church or religious denomination; and

(d) after July 1, 2000, a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensure Compact to the extent permitted by Section 58-31c-102.

(2) Notwithstanding Subsection (1)(d), the division may, in accordance with Section 58-31c-102, limit or revoke practice privileges in this state of a person licensed to practice nursing by a jurisdiction that has joined the Nurse Licensing Compact.

(3) In addition to the exemptions from licensure under Section 58-1-307, the following individuals may engage in acts or practices included in the practice of a health care assistant,

within the stated limitations, without being registered under this chapter:

- (a) an individual providing gratuitous care for another individual;
- (b) a volunteer, whether or not he receives token compensation other than salary or

wages:

- (i) in programs sponsored or authorized by federal Public Law 93-113; or
- (ii) at any regulated facility; and
- (c) individuals providing:
 - (i) services generally considered independent living activities such as preparing meals, shopping for personal items or groceries, managing money, using the telephone, performing housekeeping, and other similar activities not involving direct personal assistance and care as the division may define by rule; and
 - (ii) child day care or baby-sitting, whether or not the services are subject to licensure under Title 26, Chapter 39, Utah Child Care Licensing Act; ~~or~~
 - (d) an individual employed on an intermittent basis to provide a specified limited period of care for an adult or child with disabilities needing regular daily care, in order to allow the relative or other person who is the adult or child's regular and unpaid caretaker respite from his or her caregiver duties regarding the adult or child[-]; or
 - (e) notwithstanding Subsection 58-31b-102(11) an individual employed by another person who is self directing his personal care in his private residence.