

HB0188 compared with HB0188S01

19 None

22 AMENDS:

23 **58-24b-102** , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of
Utah 2024, Chapter 507

24 **58-42a-102** , as last amended by Laws of Utah 2024, Chapter 507 , as last amended by Laws of
Utah 2024, Chapter 507

25 **58-42a-301** , as enacted by Laws of Utah 1994, Chapter 240 , as enacted by Laws of Utah 1994,
Chapter 240

26 ENACTS:

27 **58-24b-306** , Utah Code Annotated 1953 , Utah Code Annotated 1953

28 **58-24b-307** , Utah Code Annotated 1953 , Utah Code Annotated 1953

29 **58-42a-307** , Utah Code Annotated 1953 , Utah Code Annotated 1953

30 **58-42a-308** , Utah Code Annotated 1953 , Utah Code Annotated 1953

31 REPEALS:

32 **58-24b-505** , as enacted by Laws of Utah 2014, Chapter 354 , as enacted by Laws of Utah 2014,
Chapter 354

33

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

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

36 **58-24b-102. Definitions.**

As used in this chapter:

39 (1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an animal.

41 (2) "Board" means the Physical Therapies Licensing Board, created in Section 58-24b-201.

42 (3) "Consultation by telecommunication" means the provision of expert or professional advice by a
physical therapist who is licensed outside of Utah to a licensed physical therapist or a health care
provider by telecommunication or electronic communication.

45 (4) "General supervision" means supervision and oversight of [~~a person~~] an individual by a licensed
physical therapist when the licensed physical therapist is immediately available in person, by
telephone, or by electronic communication to assist the [~~person~~] individual.

48 (5) "Licensed physical therapist" means [~~a person~~] an individual licensed under this chapter to engage
in the practice of physical therapy.

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- 50 (6) "Licensed physical therapist assistant" means [~~a person~~] an individual licensed under this chapter to
engage in the practice of physical therapy, subject to the provisions of Subsection 58-24b-401(2)(a).
- 53 (7) "Licensing examination" means a nationally recognized physical therapy examination that is
approved by the division, in consultation with the board.
- 55 (8) "On-site supervision" means supervision and oversight of [~~a person~~] an individual by a licensed
physical therapist or a licensed physical therapist assistant when the licensed physical therapist or
licensed physical therapist assistant is:
- 58 (a) continuously present at the facility where the [~~person~~] individual is providing services;
- 59 (b) immediately available to assist the [~~person~~] individual; and
- 60 (c) regularly involved in the services being provided by the [~~person~~] individual.
- 61 (9) "Physical impairment" means:
- 62 (a) a mechanical impairment;
- 63 (b) a physiological impairment;
- 64 (c) a developmental impairment;
- 65 (d) a functional limitation;
- 66 (e) a disability;
- 67 (f) a mobility impairment; or
- 68 (g) a bodily malfunction.
- 69 (10)
- . (a) "Physical therapy" or "physiotherapy" means:
- 70 (i) examining, evaluating, and testing an individual who has a physical impairment or injury;
- 72 (ii) identifying or labeling a physical impairment or injury;
- 73 (iii) formulating a therapeutic intervention plan for the treatment of a physical impairment, injury,
or pain;
- 75 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a physical
impairment or injury;
- 77 (v) treating or alleviating a physical impairment by designing, modifying, or implementing a
therapeutic intervention;
- 79 (vi) reducing the risk of an injury or physical impairment;
- 80 (vii) providing instruction on the use of physical measures, activities, or devices for preventative
and therapeutic purposes;

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- 82 (viii) promoting and maintaining health and fitness;
- 83 (ix) the administration of a prescription drug pursuant to Section 58-24b-403;
- 84 (x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in Subsections
(10)(a)(i) through (ix) in relation to an animal, in accordance with the requirements of Section
58-24b-405; [and]
- 87 (xi) engaging in administration, consultation, education, and research relating to the practices
described in this Subsection (10)(a)[:] ; or
- 89 (xii) applying dry needling to enhance an individual's physical performance if the physical therapy
practitioner has received the necessary training as determined by division rule in collaboration
with the board.
- 92 (b) "Physical therapy" or "physiotherapy" does not include:
- 93 (i) diagnosing disease;
- 94 (ii) performing surgery;
- 95 (iii) performing acupuncture;
- 96 (iv) taking x-rays; or
- 97 (v) prescribing or dispensing a drug, as defined in Section 58-37-2.
- 98 (11) "Physical therapy aide" means [~~a person~~] an individual who:
- 99 (a) is trained, on-the-job, by a licensed physical therapist; and
- 100 (b) provides routine assistance to a licensed physical therapist or licensed physical therapist assistant,
while the licensed physical therapist or licensed physical therapist assistant practices physical
therapy, within the scope of the licensed physical therapist's or licensed physical therapist assistant's
license.
- 104 (12) "Recognized accreditation agency" means an accreditation agency that:
- 105 (a) grants accreditation, nationally, in the United States of America; and
- 106 (b) is approved by the division, in consultation with the board.
- 107 (13)
- . (a) "Testing" means a standard method or technique used to gather data regarding a patient that is
generally and nationally accepted by physical therapists for the practice of physical therapy.
- 110 (b) "Testing" includes measurement or evaluation of:
- 111 (i) muscle strength, force, endurance, or tone;
- 112 (ii) cardiovascular fitness;

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- 113 (iii) physical work capacity;
- 114 (iv) joint motion, mobility, or stability;
- 115 (v) reflexes or autonomic reactions;
- 116 (vi) movement skill or accuracy;
- 117 (vii) sensation;
- 118 (viii) perception;
- 119 (ix) peripheral nerve integrity;
- 120 (x) locomotor skills, stability, and endurance;
- 121 (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
- 122 (xii) posture;
- 123 (xiii) body mechanics;
- 124 (xiv) limb length, circumference, and volume;
- 125 (xv) thoracic excursion and breathing patterns;
- 126 (xvi) activities of daily living related to physical movement and mobility;
- 127 (xvii) functioning in the physical environment at home or work, as it relates to physical movement and mobility; and
- 129 (xviii) neural muscular responses.
- 130 (14)
- . (a) "Trigger point dry needling" means the stimulation of a trigger point using a dry needle to treat neuromuscular pain and functional movement deficits.
- 132 (b) "Trigger point dry needling" does not include the stimulation of auricular or distal points.
- 134 (15) "Therapeutic intervention" includes:
- 135 (a) therapeutic exercise, with or without the use of a device;
- 136 (b) functional training in self-care, as it relates to physical movement and mobility;
- 137 (c) community or work integration, as it relates to physical movement and mobility;
- 138 (d) manual therapy, including:
- 139 (i) soft tissue mobilization;
- 140 (ii) therapeutic massage; or
- 141 (iii) joint mobilization, as defined by the division, by rule;
- 142 (e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic, protective, or supportive device;

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- 144 (f) airway clearance techniques, including postural drainage;
- 145 (g) integumentary protection and repair techniques;
- 146 (h) wound debridement, cleansing, and dressing;
- 147 (i) the application of a physical agent, including:
- 148 (i) light;
- 149 (ii) heat;
- 150 (iii) cold;
- 151 (iv) water;
- 152 (v) air;
- 153 (vi) sound;
- 154 (vii) compression;
- 155 (viii) electricity; and
- 156 (ix) electromagnetic radiation;
- 157 (j) mechanical or electrotherapeutic modalities;
- 158 (k) positioning;
- 159 (l) instructing or training a patient in locomotion or other functional activities, with or without an assistive device;
- 161 (m) manual or mechanical traction;
- 162 (n) correction of posture, body mechanics, or gait; and
- 163 (o) trigger point dry needling, under the conditions described in Section 58-24b-505.

163 Section 2. Section 2 is enacted to read:

164 **58-24b-306. Trigger point dry needling -- Experience required -- Registration.**

- 166 (1) A physical therapist may practice trigger point dry needling if the physical therapist:
- 167 (a) has held a license to practice physical therapy under this chapter, and has actively practiced physical therapy, for two years;
 - 169 (b) has successfully completed a course in trigger point dry needling that is:
 - 170 (i) approved by the division; and
 - 171 (ii) at least 304 total course hours, including at a minimum of:
 - 172 (A) 54 hours of in-person instruction; and
 - 173 (B) 250 supervised patient treatment {sessions} hours;
 - 174 (c) files a certificate of completion of the course described in Subsection (1)(b) with the division;

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- 176 (d) registers with the division as a trigger point dry needling practitioner; and
177 (e) meets any other requirement to practice trigger point dry needling established by the division.
- 179 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
- 181 (a) the criteria for approving a course described in Subsection (1)(b); and
182 (b) the requirements described in Subsection (1)(e).
- 183 (3) The division may charge, in accordance with Section 63J-1-504, a fee for the registration described in Subsection (1)(d).
- 184 Section 3. Section 3 is enacted to read:
185 **58-24b-307. No referral required for physical therapy.**
A physical therapist may evaluate, initiate, and provide physical therapy treatment for a client without a referral from another health service provider.
- 188 Section 4. Section **58-42a-102** is amended to read:
189 **58-42a-102. Definitions.**
[In addition to the definitions in Section 58-1-102, as] As used in this chapter:
- 192 (1) "Board" means the Physical Therapies Licensing Board created in Section 58-24b-201.
193 (2)
. (a) "Individual treatment plan" means a written record composed for each client by ~~[a person]~~ the individual licensed under this chapter to engage in the practice of occupational therapy.
- 196 (b) "Individual treatment plan" includes:
197 (i) planning and directing specific exercises and programs to improve sensory integration and motor functioning at the level of performance neurologically appropriate for the individual's stage of development;
200 (ii) establishing a program of instruction to teach a client skills, behaviors, and attitudes necessary for the client's independent productive, emotional, and social functioning;
203 (iii) analyzing, selecting, and adapting functional exercises to achieve and maintain the client's optimal functioning in activities of daily living and to prevent further disability; and
206 (iv) planning and directing specific programs to evaluate and enhance perceptual, motor, and cognitive skills.
- 208 (3) "Occupational therapist" means ~~[a person]~~ an individual licensed under this chapter to practice occupational therapy.

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- 210 (4) "Occupational therapy aide" means [~~a person~~] an individual who is not licensed under this chapter
but who provides supportive services under the supervision of an occupational therapist or
occupational therapy assistant.
- 213 (5) "Occupational therapy assistant" means [~~a person~~] an individual licensed under this chapter to
practice occupational therapy under the supervision of an occupational therapist as described in
Sections 58-42a-305 and 58-42a-306.
- 216 (6)
- . (a) "Practice of occupational therapy" means the therapeutic use of everyday life activities with an
individual:
- 218 (i) that has or is at risk of developing an illness, injury, disease, disorder, condition, impairment,
disability, activity limitation, or participation restriction; and
- 220 (ii) to develop or restore the individual's ability to engage in everyday life activities by addressing
physical, cognitive, mental {health} wellness, psychosocial, sensory, or other aspects of the
individual's performance.
- 223 (b) "Practice of occupational therapy" includes:
- 224 (i) establishing, remediating, or restoring an undeveloped or impaired skill or ability of an individual;
- 226 (ii) modifying or adapting an activity or environment to enhance an individual's performance;
- 228 (iii) maintaining and improving an individual's capabilities to avoid declining performance in everyday
life activities;
- 230 (iv) promoting health and wellness to develop or improve an individual's performance in everyday life
activities;
- 232 (v) performance-barrier prevention for an individual, including disability prevention;
- 233 (vi) evaluating factors that affect an individual's activities of daily living in educational, work, play,
leisure, and social situations, including:
- 235 (A) body functions and structures;
- 236 (B) habits, routines, roles, and behavioral patterns;
- 237 (C) cultural, physical, environmental, social, virtual, and spiritual contexts and activity demands that
affect performance; and
- 239 (D) motor, process, communication, interaction, and other performance skills;
- 240 (vii) providing interventions and procedures to promote or enhance an individual's safety and
performance in activities of daily living in educational, work, and social situations, including:

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- 243 (A) the therapeutic use of occupations and exercises;
- 244 (B) training in self-care, self-management, home-management, and community and work reintegration;
- 246 (C) the development, remediation, or compensation of behavioral skills and physical, cognitive, neuromuscular, and sensory functions;
- 248 (D) the education and training of an individual's family members and caregivers;
- 249 (E) care coordination, case management, and transition services;
- 250 (F) providing consulting services to groups, programs, organizations, or communities,
- 252 (G) modifying the environment and adapting processes, including the application of ergonomic principles;
- 254 (H) assessing, designing, fabricating, applying, fitting, and providing training in assistive technology, adaptive devices, orthotic devices, and prosthetic devices;
- 256 (I) assessing, recommending, and training an individual in techniques to enhance functional mobility, including wheelchair management;
- 258 (J) driver rehabilitation and community mobility;
- 259 (K) enhancing eating and feeding performance; [~~and~~]
- 260 (L) applying physical agent modalities, managing wound care, dry needling, and using manual therapy techniques to enhance an individual's performance skills, if the occupational therapist has received the necessary training as determined by division rule in collaboration with the board[-] ; or
- 264 (M) applying dry needling to enhance an individual's occupational performance if the occupational therapy practitioner has received the necessary training as determined by division rule in collaboration with the board.
- 267 (7) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-42a-501.
- 269 (8) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-42a-502.
- 270 Section 5. Section **58-42a-301** is amended to read:
- 271 **58-42a-301. Licensure required -- License classification.**
- 273 (1) A license is required to engage in the practice of occupational therapy, except as specifically provided in Section 58-1-307 or 58-42a-304.
- 275 (2) The division shall issue to [~~a person~~] an individual who qualifies under this chapter a license in the classification of:
- 277 (a) occupational therapist; or

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278 (b) occupational therapy assistant.

278 (3) Nothing in this chapter shall permit an individual licensed under this chapter to engage in the practice of mental health therapy as defined in Section 58-60-102.

279 [(3) Nothing in this chapter shall permit an individual licensed under this chapter to engage in the practice of mental health therapy.]

282 Section 6. Section 6 is enacted to read:

283 **58-42a-307. Trigger point dry needling -- Experience required -- Registration.**

283 (1) An occupational therapist may practice trigger point dry needling if the occupational therapist:

285 (a) has held a license to practice occupational therapy under this chapter, and has actively practiced occupational therapy, for two years;

287 (b) has successfully completed a course in trigger point dry needling that is:

288 (i) approved by the division; and

289 (ii) at least 304 total course hours, including a minimum of:

290 (A) 54 hours of in-person instruction; and

291 (B) 250 supervised patient treatment {sessions} hours;

292 (c) files a certificate of completion of the course described in Subsection (1)(b) with the division;

294 (d) registers with the division as a trigger point dry needling practitioner; and

295 (e) meets any other requirement to practice trigger point dry needling established by the division.

297 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:

299 (a) the criteria for approving a course described in Subsection (1)(b); and

300 (b) the requirements described in Subsection (1)(e).

301 (3) The division may charge, in accordance with Section 63J-1-504, a fee for the registration described in Subsection (1)(d).

304 Section 7. Section 7 is enacted to read:

305 **58-42a-308. No referral required for occupational therapy.**

(1) An occupational therapist may evaluate, initiate, and provide occupational therapy treatment for a client without a referral from another health service provider.

308 Section 8. **Repealer.**

This Bill Repeals:

309 This bill repeals:

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310 Section **58-24b-505, Trigger point dry needling -- Experience required -- Registration.**

311 Section 9. **Effective date.**

This bill takes effect on May 7, 2025.

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