

SB0031S04 compared with SB0031

~~{Omitted text}~~ shows text that was in SB0031 but was omitted in SB0031S04

inserted text shows text that was not in SB0031 but was inserted into SB0031S04

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1 **Office of Professional Licensure Review Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Evan J. Vickers
House Sponsor: Jason B. Kyle



2
3 **LONG TITLE**

4 **General Description:**

5 This bill modifies the scope of practice requirements for health professions.

6 **Highlighted Provisions:**

7 This bill:

- 11 ▶ defines terms;
- 12 ▶ provides that a physical therapist may prescribe durable medical equipment;
- 13 ▶ expands the medical imaging a physical therapist may order;
- 14 ▶ allows a physical therapist assistant to perform limited joint mobilization;
- 15 ▶ ~~{provides the conditions under which a physical therapist may order diagnostic lab~~
16 ~~testing;}~~
- 17 ▶ ~~{replaces the certification requirement for a medication aide with a license requirement;}~~
- 18 ▶ provides a certified registered nurse anesthetist prescriptive authority immediately before and
19 after a procedure;
- 19 ▶ extends the amount of time a student may work as a registered nurse apprentice;
- 20 ▶

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requires a minimum level of registered nursing experience before licensure as {a} an advanced practice registered nurse {practitioner} ;

- 17 ▶ permits an advanced practice registered nurse and a physician assistant to perform minor surgical procedures;
- 19 ▶ repeals the authority of an advanced practice registered nurse and a physician assistant to perform minor surgical procedures on July 1, 2028;
- 22 ▶ clarifies collaboration requirements between an athletic trainer and a physician;
- 23 ▶ allows an occupational therapist to prescribe durable medical equipment and adaptive devices;
- 25 ▶ {moves supervision ratios for an} gives the division rulemaking authority for occupational {therapist to rule} therapists;
- 26 ▶ {replaces the license requirement for a hearing instrument specialist with a certification requirement;}
- 28 ▶ {aligns the unprofessional conduct standards of a hearing instrument specialist with the unprofessional conduct standards of audiologists;}
- 30 ▶ directs the division to create and issue a respiratory care apprentice license;
- 31 ▶ reduces the number of hours required for a physician assistant to work without a collaborative agreement;
- 33 ▶ allows an acupuncturist to delegate a low-risk task to an unlicensed aide under specified conditions;
- 35 ▶ changes the training requirements for an acupuncturist performing injection therapy;
- 36 ▶ {expands what} gives the division rulemaking authority to determine additional substances an acupuncturist may inject;
- 37 ▶ clarifies the titles an acupuncturist may use;
- 38 ▶ {provides the conditions under which an acupuncturist may order clinical laboratory testing; and}
- 34 ▶ aligns dry needling for occupational therapists and physical therapists; and
- 40 ▶ makes technical and conforming changes.

36 Money Appropriated in this Bill:

37 None

38 Other Special Clauses:

39 None

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40 **Utah Code Sections Affected:**

41 **AMENDS:**

- 42 **26B-2-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special Session,
Chapter 11
- 44 **26B-4-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392
- 45 **26B-8-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 240
- 46 **58-1-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 404
- 47 **58-1-510 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 324
- 48 **58-1-602 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 317
- 49 **58-1-603 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 2
- 50 **58-24b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219
- 51 **58-24b-402 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 220
- 52 **58-24b-403 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 220
- 53 **58-31b-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 303
- 54 **58-31b-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 277
- 55 **58-31b-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapters 277, 415
- 57 **58-31b-304 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 277
- 58 **58-31b-306.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 173
- 64 ~~**58-31b-401 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 329**~~
- 65 ~~**58-31b-501 (Effective 05/06/26), as last amended by Laws of Utah 2006, Chapter 291**~~
- 66 ~~**58-31b-502 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 392**~~
- 67 ~~**58-31b-601 (Effective 05/06/26), as last amended by Laws of Utah 2022, Chapter 382**~~
- 59 **58-31b-803 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 223
- 60 **58-31d-102 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2022, Chapter 438
- 62 **58-40a-102 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206
- 63 **58-40a-201 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206
- 64 **58-40a-302 (Effective 05/06/26), as last amended by Laws of Utah 2009, Chapter 183**
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- 65 **58-40a-303 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206
- 66 **58-42a-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219
- 67 **58-42a-306 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 432
- 68 **58-42a-307 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 219**
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- 69 **58-44a-302 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 443**
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- 76 ~~{58-46a-102 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah~~
~~2020, Chapter 154}~~
- 78 ~~{58-46a-301 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994,~~
~~Chapter 28}~~
- 80 ~~{58-46a-302 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah~~
~~2020, Chapter 339}~~
- 82 ~~{58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah~~
~~2023, Chapter 303}~~
- 84 ~~{58-46a-303 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah~~
~~2023, Chapter 303}~~
- 86 ~~{58-46a-305 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah~~
~~2019, Chapter 349}~~
- 88 ~~{58-46a-307 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994,~~
~~Chapter 28}~~
- 90 ~~{58-46a-401 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994,~~
~~Chapter 28}~~
- 92 ~~{58-46a-501 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah~~
~~2020, Chapter 154}~~
- 94 ~~{58-46a-502 (Effective 05/06/26) (Repealed 07/01/33), as last amended by Laws of Utah~~
~~2020, Chapter 154}~~
- 96 ~~{58-46a-503 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1998,~~
~~Chapter 249}~~
- 70 **58-47b-201 (Effective 05/06/26) (Repealed 07/01/34), as last amended by Laws of Utah 2024,**
Chapter 507
- 72 **58-54-303 (Effective 05/06/26), as last amended by Laws of Utah 2018, Chapter 242**
- 73 **58-70a-302 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 443**
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- 74 **58-70a-307 (Effective 05/06/26), as enacted by Laws of Utah 2021, Chapter 312 and last amended**
by Coordination Clause, Laws of Utah 2021, Chapters 313, 344
- 76 **58-70a-501 (Effective 05/06/26), as last amended by Laws of Utah 2023, Chapter 301**
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- 77 **58-72-102 (Effective 05/06/26), as last amended by Laws of Utah 2024, Chapter 507**

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78 **58-72-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 339

79 **58-72-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 250

80 **58-72-701 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 485

81 **58-88-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 276

82 **63I-2-258 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 277**

83 REPEALS AND REENACTS:

84 **58-31b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507

85 **58-31b-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443

86 RENUMBERS AND AMENDS:

87 **58-57-101 (Effective 05/06/26)**, (Renumbered from 58-57-2, as last amended by Laws of Utah 2006, Chapter 106)

89 **58-57-102 (Effective 05/06/26)**, (Renumbered from 58-57-3, as last amended by Laws of Utah 1993, Chapter 297)

91 **58-57-103 (Effective 05/06/26)**, (Renumbered from 58-57-4, as last amended by Laws of Utah 2020, Chapter 339)

93 **58-57-104 (Effective 05/06/26)**, (Renumbered from 58-57-5, as last amended by Laws of Utah 2006, Chapter 106)

95 **58-57-105 (Effective 05/06/26)**, (Renumbered from 58-57-6, as repealed and reenacted by Laws of Utah 1993, Chapter 297)

97 **58-57-106 (Effective 05/06/26)**, (Renumbered from 58-57-7, as last amended by Laws of Utah 2024, Chapter 147)

99 **58-57-107 (Effective 05/06/26)**, (Renumbered from 58-57-8, as repealed and reenacted by Laws of Utah 1993, Chapter 297)

101 **58-57-108 (Effective 05/06/26)**, (Renumbered from 58-57-10, as last amended by Laws of Utah 2006, Chapter 106)

103 **58-57-109 (Effective 05/06/26)**, (Renumbered from 58-57-12, as last amended by Laws of Utah 2006, Chapter 106)

105 **58-57-110 (Effective 05/06/26)**, (Renumbered from 58-57-14, as last amended by Laws of Utah 2022, Chapter 415)

107 REPEALS:

108 **58-40a-103 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206

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- 109 **58-41-1 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah 1989,
Chapter 207
- 111 **58-41-3 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah 2020,
Chapter 424
- 138 ~~**58-41-6 (Effective 05/06/26) (Repealed 07/01/29), as last amended by Laws of Utah 1993,
Chapter 297}**~~
- 140 ~~**58-46a-101 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994,
Chapter 28}**~~
- 142 ~~**58-46a-304 (Effective 05/06/26) (Repealed 07/01/33), as enacted by Laws of Utah 1994,
Chapter 28}**~~
- 113 **58-57-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1990, Chapter 208
- 114 **58-57-11 (Effective 05/06/26)**, as last amended by Laws of Utah 2006, Chapter 106
- 115 **58-72-601 (Effective 05/06/26), as last amended by Laws of Utah 2007, Chapter 90**
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Be it enacted by the Legislature of the state of Utah:

117 Section 1. Section **26B-2-801** is amended to read:

118 **26B-2-801. Definitions for part.**

As used in this part:

151 (1) "Adult" means an individual who is:

152 (a) at least 18 years old; or

153 (b) under 18 years old and is emancipated.

154 (2) "APRN" means an individual who is:

155 (a) certified or licensed as an ~~advance~~ advanced practice registered nurse under Subsection
[58-31b-301(2)(e)] 58-31b-301(2);

157 (b) an independent practitioner; and

158 (c) acting within the scope of practice for that individual, as provided by law, rule, and specialized
certification and training in that individual's area of practice.

160 (3) "Capacity" means the same as that term is defined in Section 75A-9-101.

161 (4) "Emergency medical services provider" means a person that is licensed, designated, or certified
under Title 53, Chapter 2d, Emergency Medical Services Act.

163 (5) "Health care" means the same as that term is defined in Section 75A-9-101.

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- 164 (6) "Health care provider" means the same as that term is defined in Section 78B-3-403, except that
"health care provider" does not include an emergency medical services provider.
- 167 (7)
- (a) "Life sustaining care" means any medical intervention, including procedures, administration of
medication, or use of a medical device, that maintains life by sustaining, restoring, or supplanting a
vital function.
- 170 (b) "Life sustaining care" does not include care provided for the purpose of keeping an individual
comfortable.
- 172 (8) "Minor" means an individual who:
- 173 (a) is under 18 years old; and
- 174 (b) is not emancipated.
- 175 (9) "Order for life sustaining treatment" means an order related to life sustaining treatment, on a form
designated by the Department of Health and Human Services under Section 26B-2-802, that gives
direction to health care providers, health care facilities, and emergency medical services providers
regarding the specific health care decisions of the individual to whom the order relates.
- 180 (10) "Parent" means the same as that term is defined in Section 75-1-201.
- 181 (11) "Physician" means a physician and surgeon or osteopathic surgeon licensed under Title 58, Chapter
67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical Practice Act.
- 184 (12) "Physician assistant" means an individual licensed as a physician assistant under Title 58, Chapter
70a, Utah Physician Assistant Act.
- 186 (13) "Sign" means the same as that term is defined in Section 75-1-201.
- 187 (14) "Substituted judgment" means the standard to be applied by a surrogate when making a health care
decision for an adult who previously had the capacity to make health care decisions, which requires
the surrogate to consider:
- 190 (a) specific preferences expressed by the adult:
- 191 (i) when the adult had the capacity to make health care decisions; and
- 192 (ii) at the time the decision is being made;
- 193 (b) the surrogate's understanding of the adult's health care preferences;
- 194 (c) the surrogate's understanding of what the adult would have wanted under the circumstances; and
- 196 (d) to the extent that the preferences described in Subsections (14)(a) through (c) are unknown, the best
interest of the adult.

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- 198 (15) "Surrogate" means the same as that term is defined in Section 75A-9-101.
169 Section 2. Section **26B-4-203** is amended to read:
170 **26B-4-203. Qualifying condition.**
- 201 (1) By designating a particular condition under Subsection (2) for which the use of medical cannabis to
treat symptoms is decriminalized, the Legislature does not conclusively state that:
- 204 (a) current scientific evidence clearly supports the efficacy of a medical cannabis treatment for the
condition; or
- 206 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.
- 207 (2) For the purposes of this part, each of the following conditions is a qualifying condition:
- 208 (a) HIV or acquired immune deficiency syndrome;
- 209 (b) Alzheimer's disease;
- 210 (c) amyotrophic lateral sclerosis;
- 211 (d) cancer;
- 212 (e) cachexia;
- 213 (f) persistent nausea that is not significantly responsive to traditional treatment, except for nausea
related to:
- 215 (i) pregnancy;
- 216 (ii) cannabis-induced cyclical vomiting syndrome; or
- 217 (iii) cannabinoid hyperemesis syndrome;
- 218 (g) Crohn's disease or ulcerative colitis;
- 219 (h) epilepsy or debilitating seizures;
- 220 (i) multiple sclerosis or persistent and debilitating muscle spasms;
- 221 (j) post-traumatic stress disorder that is being treated and monitored by a licensed mental health
therapist, as that term is defined in Section 58-60-102, and that:
- 223 (i) has been diagnosed by a health care provider or mental health provider employed or contracted by
the United States Veterans Administration, evidenced by copies of medical records from the United
States Veterans Administration that are included as part of the recommending medical provider's
pre-treatment assessment and medical record documentation; or
- 228 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of the patient, by a
provider who is:
- 230 (A) a licensed board-eligible or board-certified psychiatrist;

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- 231 (B) a licensed psychologist with a master's-level degree;
- 232 (C) a licensed clinical social worker with a master's-level degree;
- 233 (D) a licensed advanced practice registered nurse who is qualified to practice within the psychiatric
mental health nursing specialty and who has completed the clinical practice requirements in
psychiatric mental health nursing, including in psychotherapy~~[-in accordance with Subsection
58-31b-302(5)(g)]~~; or
- 238 (E) a licensed physician assistant who is qualified to specialize in mental health care under Section
58-70a-501.1;
- 240 (k) autism;
- 241 (l) a terminal illness when the patient's remaining life expectancy is less than six months;
- 242 (m) a condition resulting in the individual receiving hospice care;
- 243 (n) a rare condition or disease that:
- 244 (i) affects less than 200,000 individuals in the United States, as defined in Section 526 of the Federal
Food, Drug, and Cosmetic Act; and
- 246 (ii) is not adequately managed despite treatment attempts using:
- 247 (A) conventional medications other than opioids or opiates; or
- 248 (B) physical interventions;
- 249 (o) pain lasting longer than two weeks that is not adequately managed, in the recommending medical
provider's opinion, despite treatment attempts using:
- 251 (i) conventional medications other than opioids or opiates; or
- 252 (ii) physical interventions;
- 253 (p) pain that is expected to last for two weeks or longer for an acute condition, including a surgical
procedure, for which a medical professional may generally prescribe opioids for a limited duration,
subject to Subsection 26B-4-213(5)(c); and
- 256 (q) a condition that the Compassionate Use Board approves under Section 26B-1-421, on an individual,
case-by-case basis.
- 228 Section 3. Section **26B-8-201** is amended to read:
- 229 **26B-8-201. Definitions.**
- As used in this part:
- 261 (1) "Dead body" means the same as that term is defined in Section 26B-8-101.
- 262 (2)

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- (a) "Death by violence" means death that resulted by the decedent's exposure to physical, mechanical, or chemical forces.
- 264 (b) "Death by violence" includes death that appears to have been due to homicide, death that occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or any attempt to commit any of the foregoing offenses.
- 271 (3) "Health care professional" means any of the following while acting in a professional capacity:
- 243 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 245 (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or
- 247 (c) an advanced practice registered nurse licensed under Subsections 58-31b-301(2)(a) through (c).
- 249 (4) "Immediate relative" means an individual's spouse, child, parent, sibling, grandparent, or grandchild.
- 273 [(4) "Health care professional" means any of the following while acting in a professional capacity:]
- 275 [(a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;]
- 277 [(b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or]
- 279 [(c) an advance practice registered nurse licensed under Subsection {f} 58-31b-301(2) (e){f} 58-31b-301(2)(a) through (e)}:]
- 281 (5) "Medical examiner" means the state medical examiner appointed pursuant to Section 26B-8-202 or a deputy appointed by the medical examiner.
- 283 (6) "Medical examiner record" means:
- 284 (a) all information that the medical examiner obtains regarding a decedent;
- 285 (b) reports that the medical examiner makes regarding a decedent; and
- 286 (c) all administrative forms and correspondence related to a decedent's case.
- 287 (7) "Regional pathologist" means an American Board of Pathology certified pathologist licensed to practice medicine and surgery in the state, appointed by the medical examiner pursuant to Subsection 26B-8-202(3).

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(8) "Sudden death while in apparent good health" means apparently instantaneous death without obvious natural cause, death during or following an unexplained syncope or coma, or death during an acute or unexplained rapidly fatal illness.

293 (9) "Sudden unexpected infant death" means the death of a child who was thought to be in good health
or whose terminal illness appeared to be so mild that the possibility of a fatal outcome was not
anticipated.

296 (10) "Suicide" means death caused by an intentional and voluntary act of an individual who understands
the physical nature of the act and intends by such act to accomplish self-destruction.

299 (11) "Unattended death" means a death that occurs more than 365 days after the day on which a health
care professional examined or treated the deceased individual for any purpose, including writing a
prescription.

302 (12)

(a) "Unavailable for postmortem investigation" means that a dead body is:

303 (i) transported out of state;

304 (ii) buried at sea;

305 (iii) cremated;

306 (iv) processed by alkaline hydrolysis; or

307 (v) otherwise made unavailable to the medical examiner for postmortem investigation or autopsy.

309 (b) "Unavailable for postmortem investigation" does not include embalming or burial of a dead body
pursuant to the requirements of law.

311 (13) "Within the scope of the decedent's employment" means all acts reasonably necessary or incident
to the performance of work, including matters of personal convenience and comfort not in conflict
with specific instructions.

291 Section 4. Section **58-1-401** is amended to read:

292 **58-1-401. Grounds for denial of license -- Disciplinary proceedings -- Time limitations --**
Sanctions.

317 (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke,
suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not
meet the qualifications for licensure under this title.

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- (2) The division may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the license of a licensee for the following reasons:
- 323 (a) subject to the provisions of Subsection (7), the applicant or licensee has engaged in unprofessional
conduct, as defined by statute or rule under this title;
- 325 (b) the applicant or licensee has engaged in unlawful conduct as defined by statute under this title;
- 327 (c) the applicant or licensee has been determined to be mentally incompetent by a court of competent
jurisdiction; or
- 329 (d) subject to Subsections [~~58-31b-401(7)~~] 58-31b-401(6), 58-60-108(2), 58-61-401(2), 58-67-401(2),
58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or licensee is unable to practice
the occupation or profession with reasonable skill and safety because of illness, drunkenness,
excessive use of drugs, narcotics, chemicals, or other type of material, or as a result of a mental or
physical condition, when the condition demonstrates a threat or potential threat to the public health,
safety, or welfare.
- 336 (3) A licensee whose license to practice an occupation or profession regulated by this title has been
suspended, revoked, placed on probation, or restricted may apply for reinstatement of the license
at reasonable intervals and upon compliance with conditions imposed upon the licensee by statute,
rule, or terms of the license suspension, revocation, probation, or restriction.
- 341 (4) The division may issue cease and desist orders to:
- 342 (a) a licensee or applicant who may be disciplined under Subsection (1) or (2);
- 343 (b) a person who engages in or represents that the person is engaged in an occupation or profession
regulated under this title; and
- 345 (c) a person who otherwise violates this title or a rule adopted under this title.
- 346 (5) The division may impose an administrative penalty in accordance with Section 58-1-502.
- 347 (6)
- (a) The division may not take disciplinary action against a person for unprofessional or unlawful
conduct under this title, unless the division enters into a stipulated agreement or initiates an
adjudicative proceeding regarding the conduct within four years after the conduct is reported to the
division, except under Subsection (6)(b).
- 351 (b)

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- (i) The division may not take disciplinary action against a person for unprofessional or unlawful conduct more than 10 years after the occurrence of the conduct, unless the proceeding is in response to a civil or criminal judgment or settlement and the proceeding is initiated within one year following the judgment or settlement.
- 356 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license due to unprofessional or unlawful conduct that occurred more than 10 years before a request or application for licensure is made.
- 359 (7) When the division is determining whether to refuse to issue a license to an applicant, or to refuse to renew the license of a licensee, based solely on the criminal conviction of an applicant or licensee, the division shall:
- 362 (a) provide individualized consideration to the applicant or licensee;
- 363 (b) determine whether the criminal conviction bears a substantial relationship to the applicant's or licensee's ability to safely or competently practice the occupation or profession; and
- 366 (c) consider the applicant's or licensee's current circumstances, which may include any of the following:
- 368 (i) the age of the applicant or licensee when the applicant or licensee committed the offense;
- 370 (ii) the time that has elapsed since the applicant or licensee committed the offense;
- 371 (iii) whether the applicant or licensee has completed the applicant's or licensee's criminal sentence;
- 373 (iv) whether the applicant has completed or is actively participating in rehabilitative drug or alcohol treatment;
- 375 (v) any testimonials or recommendations from other individuals provided by the applicant or licensee, including a progress report from the applicant's or licensee's probation or parole officer;
- 378 (vi) other evidence of rehabilitation provided by the applicant or licensee;
- 379 (vii) the education and training of the applicant or licensee;
- 380 (viii) the employment history of the applicant or licensee; and
- 381 (ix) other relevant information provided by the applicant or licensee.
- 359 Section 5. Section **58-1-510** is amended to read:
- 360 **58-1-510. Anesthesia and sedation requirements -- Unprofessional conduct -- Whistleblower protection.**
- 385 (1) As used in this section:
- 386 (a) "Anesthesia or sedation provider" means an individual who is licensed:
- 387 (i) under Chapter 5a, Podiatric Physician Licensing Act;

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- 388 (ii) under Subsection ~~[58-31b-301(2)(e)]~~ 58-31b-301(2)(b);
- 389 (iii) under Chapter 67, Utah Medical Practice Act;
- 390 (iv) under Chapter 68, Utah Osteopathic Medical Practice Act; or
- 391 (v) as a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act, and who has obtained the appropriate permit established by the division under Subsection 58-69-301(4).
- 394 (b) "Deep sedation" means a drug-induced depression of consciousness where an individual:
- 396 (i) cannot be easily aroused;
- 397 (ii) responds purposefully following repeated or painful stimulation;
- 398 (iii) may not be able to independently maintain ventilatory function;
- 399 (iv) may require assistance in maintaining a patent airway; and
- 400 (v) usually maintains cardiovascular function.
- 401 (c) "General anesthesia" means a drug-induced loss of consciousness where an individual:
- 403 (i) cannot be aroused, even by painful stimulation;
- 404 (ii) is often unable to maintain ventilatory function;
- 405 (iii) often requires assistance in maintaining a patent airway and positive pressure ventilation may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular function; and
- 408 (iv) may not be able to maintain cardiovascular function.
- 409 (d) "General anesthetic" means a drug identified as a general anesthetic by the federal Food and Drug Administration.
- 411 (e) "Minimal sedation" means a drug-induced state where an individual:
- 412 (i) responds normally to verbal commands;
- 413 (ii) may have reduced cognitive function and physical coordination; and
- 414 (iii) maintains airway reflexes, ventilatory function, and cardiovascular function.
- 415 (f) "Moderate sedation" means a drug-induced depression of consciousness where an individual:
- 417 (i) responds purposefully to verbal commands, either alone or accompanied by light tactile stimulation;
- 419 (ii) maintains a patent airway;
- 420 (iii) maintains spontaneous ventilation; and
- 421 (iv) usually maintains cardiovascular function.
- 422 (2) An anesthesia or sedation provider may not cause a patient to undergo moderate sedation, deep sedation, or general anesthesia, in an outpatient setting that is not an emergency department without:

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- 425 (a) first providing the following information in writing and verbally:
- 426 (i) the level of anesthesia or sedation being administered;
- 427 (ii) the identity, type of license, and training of the provider who is performing the procedure for which
the anesthesia or sedation will be administered;
- 429 (iii) the identity, type of license, and a description of the training described in Subsection (4) of the
anesthesia or sedation provider who will be administering the anesthesia or sedation; and
- 432 (iv) a description of the monitoring that will occur during the sedation or anesthesia, including
descriptions related to the monitoring of the patient's oxygenation, ventilation, and circulation;
- 435 (b) after complying with Subsection (2)(a), obtaining the patient's written and verbal consent regarding
the procedure;
- 437 (c) having the training described in Subsection (4);
- 438 (d) directly supervising the patient;
- 439 (e) if the patient is a minor, having a current pediatric advanced life support certification;
- 440 (f) if the patient is an adult, having a current advanced cardiovascular life support certification or
perioperative resuscitation and life support certification;
- 442 (g)
- (i) having at least one individual in the procedure room who has advanced airway training and the
knowledge and skills to recognize and treat airway complications and rescue a patient who entered a
deeper than intended level of sedation; or
- 445 (ii) if the anesthesia or sedation provider is administering ketamine for a non-anesthetic purpose, having
at least one individual on site and available who has advanced airway training and the knowledge
and skills to recognize and treat airway complications and rescue a patient who entered a deeper
than intended level of sedation;
- 450 (h) having access during the procedure to an advanced cardiac life support crash cart in the office with
equipment that:
- 452 (i) is regularly maintained according to guidelines established by the American Heart Association; and
- 454 (ii) includes:
- 455 (A) a defibrillator;
- 456 (B) administrable oxygen;
- 457 (C) age appropriate airway equipment;
- 458 (D) positive pressure ventilation equipment; and

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- 459 (E) unexpired emergency and reversal medications including naloxone for opioid sedation and
flumazenil for benzodiazepine sedation;
- 461 (i) using monitors that meet basic standards set by the American Society of Anesthesiologists and
continually monitoring ventilatory function with capnography unless precluded or invalidated by the
nature of the patient, procedure, or equipment; and
- 465 (j) entering appropriate information into the patient's chart or medical record, which shall include:
- 467 (i) the patient's name;
- 468 (ii) the route and site the anesthesia or sedation was administered;
- 469 (iii) the time of anesthesia or sedation administration and the dosage;
- 470 (iv) the patient's periodic vital signs during the procedure; and
- 471 (v) the name of the individual who monitored the patient's oxygenation and ventilation.
- 473 (3)
- (a) An anesthesia or sedation provider who violates Subsection (2) or ~~[any]~~ a rule ~~[created by the
division]~~ the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, to implement this section commits unprofessional conduct.
- 477 (b) An individual commits unprofessional conduct if the individual administers anesthesia or sedation
for which the individual is not appropriately trained.
- 479 (4)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division shall
make rules to create training and safety standards regarding the inducing of general anesthesia, deep
sedation, and moderate sedation:
- 482 (i) for each license described in Subsection (1)(a);
- 483 (ii) that are based on standards created by nationally recognized organizations, such as the
American Society of Anesthesiologists, the American Dental Association, or the American
Association of Oral and Maxillofacial Surgeons; and
- 486 (iii) that include safety standards for general anesthetic use that are consistent with federal Food and
Drug Administration guidance.
- 488 (b) For making rules described in Subsection (4)(a), the division shall consult with the applicable
licensing boards and a board described in Sections 58-67-201, ~~[58-68-201,]~~ and 58-69-201.
- 491 (5) The requirements of Subsection (2) do not apply to the practice of inducing minimal sedation.
- 493 (6) An employer may not take an adverse employment action against an employee if:

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- 494 (a) the employee notifies the division of:
495 (i) a violation of this section; or
496 (ii) a violation of [~~any rule created by the division to implement this section~~] a rule the division makes
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this
section; and
- 499 (b) the employment action is based on the individual notifying the division of the violation.
- 478 Section 6. Section **58-1-602** is amended to read:
479 **58-1-602. Auricular detoxification certification.**
- 503 (1) As used in this section:
504 (a) "Health care provider" means an individual who is licensed under:
505 (i) Subsection [~~58-31b-301(2)(a), (b), (d), or (e)~~] 58-31b-301(2)(a), (2)(b), (2)(c), (2)(d), (2)(f), or (2)
(g);
507 (ii) Chapter 60, Mental Health Professional Practice Act;
508 (iii) Chapter 61, Part 3, Licensing; or
509 (iv) Chapter 70a, Utah Physician Assistant Act.
- 510 (b)
511 (i) "NADA protocol" means:
512 (A) a protocol developed by the National Acupuncture Detoxification Association; and
513 (B) an adjunctive therapy using one to five invariant ear acupuncture or acupressure points for
the adjunctive treatment and prevention of substance use disorders or to provide support for
individuals who have experienced physical or emotional trauma.
- 517 (ii) "NADA protocol" does not include the stimulation of other auricular or distal acupuncture points.
- 519 (2) A health care provider may perform the NADA protocol if the health care provider:
520 (a) obtains a certification from the National Acupuncture Detoxification Association to perform the
NADA protocol; and
522 (b) provides the division proof of obtaining the certification.
- 523 (3) A health care provider may perform a protocol substantially similar to the NADA protocol if:
525 (a) the division has determined the protocol is substantially similar to the NADA protocol; and
527 (b) the individual has met each requirement the division has created to perform the protocol.
- 529 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may
make rules for implementing Subsection (3).

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508 Section 7. Section **58-1-603** is amended to read:

509 **58-1-603. Hormonal transgender treatment on minors -- Requirements.**

534 (1) As used in this section:

535 (a) "Approved organization" means an organization with expertise regarding transgender health care for
minors that is approved by the division.

537 (b) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct
reproductive roles as manifested by sex and reproductive organ anatomy, chromosomal makeup, and
endogenous hormone profiles.

540 (c) "Disorder of sexual development" means a sexual development disorder where an individual:

542 (i) is born with external biological sex characteristics that are irresolvably ambiguous;

543 (ii) is born with 46, XX chromosomes with virilization;

544 (iii) is born with 46, XY chromosomes with undervirilization;

545 (iv) has both ovarian and testicular tissue; or

546 (v) has been diagnosed by a physician, based on genetic or biochemical testing, with abnormal:

548 (A) sex chromosome structure;

549 (B) sex steroid hormone production; or

550 (C) sex steroid hormone action for a male or female.

551 (d) "Health care provider" means:

552 (i) a physician;

553 (ii) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act; or

554 (iii) an advanced practice registered nurse licensed under [~~Subsection 58-31b-301(2)(e)~~] Subsections
58-31b-301(2)(a) through (c).

556 (e)

(i) "Hormonal transgender treatment" means administering, prescribing, or supplying for effectuating or
facilitating an individual's attempted sex change:

558 (A) to an individual whose biological sex at birth is female, a dose of testosterone or other
androgens at levels above those normally found in an individual whose biological sex at birth is
female;

561 (B) to an individual whose biological sex at birth is male, a dose of estrogen or a synthetic
compound with estrogenic activity or effect at levels above those normally found in an
individual whose biological sex at birth is male; or

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- 564 (C) a puberty inhibition drug.
- 565 (ii) "Hormonal transgender treatment" does not include administering, prescribing, or supplying a
substance described in Subsection (1)(e)(i) to an individual if the treatment is medically necessary as
a treatment for:
- 568 (A) precocious puberty;
- 569 (B) endometriosis;
- 570 (C) a menstrual, ovarian, or uterine disorder;
- 571 (D) a sex-hormone stimulated cancer; or
- 572 (E) a disorder of sexual development.
- 573 (f) "Mental health professional" means any of the following:
- 574 (i) a physician who is board certified for a psychiatry specialization recognized by the American Board
of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists;
- 577 (ii) a psychologist licensed under Chapter 61, Psychologist Licensing Act;
- 578 (iii) a clinical social worker licensed under Chapter 60, Part 2, Social Worker Licensing Act;
- 580 (iv) a marriage and family therapist licensed under Chapter 60, Part 3, Marriage and Family Therapist
Licensing Act; or
- 582 (v) a clinical mental health counselor licensed under Chapter 60, Part 4, Clinical Mental Health
Counselor Licensing Act.
- 584 (g) "Minor" means an individual who is less than 18 years old.
- 585 (h) "Physician" means an individual licensed under:
- 586 (i) Chapter 67, Utah Medical Practice Act; or
- 587 (ii) Chapter 68, Utah Osteopathic Medical Practice Act.
- 588 (i) "Puberty inhibition drug" means any of the following alone or in combination with aromatase
inhibitors:
- 590 (i) gonadotropin-releasing hormone agonists; or
- 591 (ii) androgen receptor inhibitors.
- 592 (j) "Transgender treatment certification" means a certification described in Subsection (2).
- 593 (2)
- (a) The division shall create a transgender treatment certification on or before July 1, 2023.
- 595 (b) The division may issue the transgender treatment certification to an individual if the individual:
- 597 (i) is a health care provider or a mental health professional; and

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- 598 (ii) has completed at least 40 hours of education related to transgender health care for minors from an
approved organization.
- 600 (c) The division may renew a transgender treatment certification:
- 601 (i) at the time an individual renews the individual's license; and
- 602 (ii) if the individual has completed at least 20 hours of continuing education related to transgender
health care for minors from an approved organization during the individual's continuing education
cycle.
- 605 (d) Beginning January 1, 2024, providing a hormonal transgender treatment to a minor without a
transgender treatment certification is unprofessional conduct.
- 607 (3)
- (a) A health care provider may provide a hormonal transgender treatment to a minor only if the health
care provider has been treating the minor for gender dysphoria for at least six months.
- 610 (b) Beginning July 1, 2023, before providing a hormonal transgender treatment to a minor described in
Subsection (3)(a), a health care provider shall:
- 612 (i) determine if the minor has other physical or mental health conditions, identify and document any
condition, and consider whether treating those conditions before treating the gender dysphoria
would provide the minor the best long-term outcome;
- 615 (ii) consider whether an alternative medical treatment or behavioral intervention to treat the minor's
gender dysphoria would provide the minor the best long-term outcome;
- 618 (iii) document in the medical record that:
- 619 (A) the health care provider has complied with Subsections (3)(b)(i) and (ii); and
- 620 (B) providing the hormonal transgender treatment will likely result in the best long-term outcome for
the minor;
- 622 (iv) obtain written consent from:
- 623 (A) the minor; and
- 624 (B) the minor's parent or guardian unless the minor is emancipated;
- 625 (v) discuss with the minor:
- 626 (A) the risks of the hormonal transgender treatment;
- 627 (B) the minor's short-term and long-term expectations regarding the effect that the hormonal
transgender treatment will have on the minor; and

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- (C) the likelihood that the hormonal transgender treatment will meet the short-term and long-term expectations described in Subsection (3)(b)(v)(B);
- 631 (vi) unless the minor is emancipated, discuss with the minor's parent or guardian:
- 632 (A) the risks of the hormonal transgender treatment;
- 633 (B) the minor's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor;
- 635 (C) the parent or guardian's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor; and
- 637 (D) the likelihood that the hormonal transgender treatment will meet the short-term and long-term expectations described in Subsections (3)(b)(vi)(B) and (C);
- 640 (vii) document in the medical record that the health care provider has provided the information described in Subsections (3)(b)(viii) and (ix);
- 642 (viii) provide the minor the following information if providing the minor a puberty inhibition drug:
- 644 (A) puberty inhibition drugs are not approved by the FDA for the treatment of gender dysphoria;
- 646 (B) possible adverse outcomes of puberty blockers are known to include diminished bone density, pseudotumor cerebri and long term adult sexual dysfunction;
- 649 (C) research on the long-term risks to children of prolonged treatment with puberty blockers for the treatment of gender dysphoria has not yet occurred; and
- 652 (D) the full effects of puberty blockers on brain development and cognition are unknown;
- 654 (ix) provide the minor the following information if providing a cross-sex hormone as described in Subsection (1)(e)(i)(A) or (B):
- 656 (A) the use of cross-sex hormones in males is associated with risks that include blood clots, gallstones, coronary artery disease, heart attacks, tumors of the pituitary gland, strokes, elevated levels of triglycerides in the blood, breast cancer, and irreversible infertility; and
- 660 (B) the use of cross-sex hormones in females is associated with risks of erythrocytosis, severe liver dysfunction, coronary artery disease, hypertension, and increased risk of breast and uterine cancers; and
- 663 (x) upon the completion of any relevant information privacy release, obtain a mental health evaluation of the minor as described in Subsection (4).
- 665 (4) The mental health evaluation shall:
- 666 (a) be performed by a mental health professional who:

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- 667 (i) beginning January 1, 2024, has a current transgender treatment certification; and
668 (ii) is not the health care provider that is recommending or providing the hormonal transgender
treatment;
- 670 (b) contain a determination regarding whether the minor suffers from gender dysphoria in accordance
with the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders;
- 673 (c) confirm that the minor and the mental health professional have had at least three therapy sessions;
and
- 675 (d) document all of the minor's mental health diagnoses and any significant life events that may be
contributing to the diagnoses.
- 677 (5) A violation of Subsection (3) is unprofessional conduct.
- 655 Section 8. Section **58-24b-102** is amended to read:
656 **58-24b-102. Definitions.**
As used in this chapter:
- 681 [~~(1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an animal.~~]
683 [~~(2)~~] (1) "Board" means the Physical Therapies Licensing Board, created in Section 58-24b-201.
685 [~~(3)~~] (2) "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~~] means a health care provider
, as that term is defined in Section 58-1-501.8, receiving professional advice through electronic
communication from a physical therapist who is licensed outside of the state.
- 690 (3) "Dry needling" means a skilled intervention using a filiform needle to penetrate the skin and
underlying tissue for the evaluation, management, ~~{and}~~ or prevention of a disability, a movement
impairment, a neuromusculoskeletal condition, or pain.
- 693 ~~{(4) "General supervision" means supervision and oversight of 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 individual.}~~
- 696 ~~{(5)}~~ ~~{(4)}~~ "Licensed physical therapist" means an individual licensed under this chapter to
engage in the practice of physical therapy.
- 698 ~~{(6)}~~ ~~{(5)}~~ "Licensed physical therapist assistant" means 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).

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- 701 ~~{{(7)}{}}~~ ~~{{(6)}{}}~~ "Licensing examination" means a nationally recognized physical therapy examination that ~~[is approved by the division, in consultation with the board]~~ the division approves by rule the division makes in consultation with the board and with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 705 ~~{{(8) "On-site supervision" means supervision and oversight of an individual by a licensed physical therapist or a licensed physical therapist assistant when the licensed physical therapist or licensed physical therapist assistant is:}}~~
- 708 ~~{{(a) continuously present at the facility where the individual is providing services;}}~~
- 709 ~~{{(b) immediately available to assist the individual; and}}~~
- 710 ~~{{(c) regularly involved in the services being provided by the individual.}}~~
- 711 ~~{{(9)}{}}~~ ~~{{(7)}{}}~~ "On-site supervision" means the supervision of a licensed physical therapist or a licensed physical therapist assistant when the supervising licensed physical therapist is:
- 713 ~~{{(a) continuously present at the facility where the licensed physical therapist or licensed physical therapist assistant provides the service;}}~~
- 715 ~~{{(b) immediately available to assist the licensed physical therapist or licensed physical therapist assistant; and}}~~
- 717 ~~{{(c) {regularly involved in the service the supervised licensed physical therapist or licensed physical therapist assistant provides.}}~~
- 719 ~~{{(8)}}~~ "Physical impairment" means:
- 720 ~~[(a) a mechanical impairment;]~~
- 721 ~~[(b) a physiological impairment;]~~
- 722 ~~[(c) a developmental impairment;]~~
- 723 ~~[(d) a functional limitation;]~~
- 724 ~~[(e) a disability;]~~
- 725 ~~[(f) a mobility impairment; or]~~
- 726 ~~[(g) a bodily malfunction.]~~
- 727 (a) a bodily malfunction;
- 728 (b) a developmental impairment;
- 729 (c) a disability;
- 730 (d) a functional limitation;
- 731 (e) a mechanical impairment;

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- 732 (f) a mobility impairment; or
733 (g) a physiological impairment.
734 ~~{(10){}} {9)}~~
- (a) "Physical therapy" [~~or "physiotherapy" means:~~] means examining, evaluating, and testing an individual {client} who has a physical impairment or injury.
736 [~~(i) examining, evaluating, and testing an individual who has a physical impairment or injury]~~
738 (b) "Physical therapy" includes:
739 (i) ordering{:} [imaging in accordance with Section 58-54-303](#)
740 ~~{(A)} {imaging in accordance with Section 58-54-303; and}~~
741 ~~{(B)} laboratory testing in accordance with Section 58-24b-403~~};
742 (ii) identifying or labeling a physical impairment or injury;
743 (iii) formulating a therapeutic intervention plan for the treatment of a physical impairment, injury, or pain;
745 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a physical impairment or injury;
747 (v) treating or alleviating a physical impairment by designing, modifying, or implementing a therapeutic intervention;
749 (vi) reducing the risk of an injury or physical impairment;
750 (vii) providing instruction on the use of physical measures, activities, or devices for preventative and therapeutic purposes;
752 (viii) promoting and maintaining health and fitness;
753 (ix) [~~the administration of~~] administering a prescription drug [pursuant to] [in accordance with Section 58-24b-403](#);
755 (x) applying dry needling to enhance a client's physical performance if the physical therapy practitioner has the necessary training the division requires by rule the division makes in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
759 [~~(x)~~] (xi) subject to Subsection 58-28-307(12)(b), engaging in the functions described in Subsections [\(10\)\(b\)\(i\) through \(ix\)](#) in relation to an animal, in accordance with the requirements of Section 58-24b-405; or

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- [(xi)] (xii) [engaging in administration, consultation, education, and research relating to] administering, consulting, educating, and researching the practices described in ~~[this Subsection {f}] (10)(a); or {9(a)} Subsection (10).~~
- 765 [(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.]
- 768 [(b)] (c) "Physical therapy" [or "physiotherapy"] does not include:
- 769 [(i) ~~diagnosing disease;~~
- 770 [(ii) ~~performing surgery;~~
- 771 [(iii) ~~performing acupuncture;~~
- 772 [(iv) ~~taking x-rays; or~~
- 773 [(v) ~~prescribing or dispensing a drug, as defined in Section 58-37-2.~~
- 774 (i) diagnosing a disease;
- 775 (ii) dispensing or prescribing a drug as defined in Section 58-37-2;
- 776 (iii) performing acupuncture;
- 777 (iv) performing surgery; or
- 778 (v) taking x-rays.
- 779 ~~{(11){f}} {(10){f}}~~ "Physical therapy aide" means an individual who:
- 780 (a) [~~is trained, on-the-job, by~~] receives on-the-job training from a licensed physical therapist; and
- 782 (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].
- 786 ~~{(12){f}} {(11){f}}~~ "Recognized accreditation agency" means an accreditation agency that[:] the division approves in consultation with the board.
- 788 [(a) ~~grants accreditation, nationally, in the United States of America; and~~
- 789 [(b) ~~is approved by the division, in consultation with the board.~~
- 790 ~~{(13){f}} {(12){f}}~~
- (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.
- 793 (b) "Testing" includes measurement or evaluation of:

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- 794 (i) muscle strength, force, endurance, or tone;
- 795 (ii) cardiovascular fitness;
- 796 (iii) physical work capacity;
- 797 (iv) joint motion, mobility, or stability;
- 798 (v) reflexes or autonomic reactions;
- 799 (vi) movement skill or accuracy;
- 800 (vii) sensation;
- 801 (viii) perception;
- 802 (ix) peripheral nerve integrity;
- 803 (x) locomotor skills, stability, and endurance;
- 804 (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
- 805 (xii) posture;
- 806 (xiii) body mechanics;
- 807 (xiv) limb length, circumference, and volume;
- 808 (xv) thoracic excursion and breathing patterns;
- 809 (xvi) activities of daily living related to physical movement and mobility;
- 810 (xvii) [functioning] physical movement and mobility functions in the physical environment at home or
work[, as it relates to ~~physical movement and mobility~~]; and
- 813 (xviii) neural muscular responses.
- 814 ~~[(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.]~~
- 816 [(b) ~~"Trigger point dry needling" does not include the stimulation of auricular or distal points.]~~
- 818 ~~[(15)]~~ (13){(14)} "Therapeutic intervention" includes:
- 819 (a) therapeutic exercise, with or without the use of a device;
- 820 (b) ~~[functional training in]~~ physical movement and mobility training for functional self-care[, as it
relates to ~~physical movement and mobility~~];
- 822 (c) physical movement and mobility for community or work integration[, as it relates to ~~physical
movement and mobility~~];
- 824 (d) manual therapy, including:
- 825 (i) soft tissue mobilization;

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- 826 (ii) therapeutic massage; or
- 827 (iii) joint mobilization, as [~~defined by the division, by rule~~] the division defines by rule the division makes in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 830 (e) [~~prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic, protective, or supportive device~~] prescription, application, fabrication, or training for an assistive technology, an adaptive device, an orthotic device, or a prosthetic device;
- 833 (f) prescription of durable medical equipment to a patient with or without requesting a prescription from a licensed physician;
- 835 [~~(f)~~] (g) airway clearance techniques, including postural drainage;
- 836 [~~(g)~~] (h) integumentary protection and repair techniques;
- 837 [~~(h)~~] (i) wound debridement, cleansing, and dressing;
- 838 [~~(i)~~] (j) the application of a physical agent, including:
- 839 (i) light;
- 840 (ii) heat;
- 841 (iii) cold;
- 842 (iv) water;
- 843 (v) air;
- 844 (vi) sound;
- 845 (vii) compression;
- 846 (viii) electricity; and
- 847 (ix) electromagnetic radiation;
- 848 [~~(j)~~] (k) mechanical or electrotherapeutic modalities;
- 849 [~~(k)~~] (l) positioning;
- 850 [~~(l)~~] (m) instructing or training a patient in locomotion or other functional activities, with or without an assistive device;
- 852 [~~(m)~~] (n) manual or mechanical traction;
- 821 [~~(n)~~] (o) { ~~and~~
- 853 { [~~(n)~~] (~~o~~) } correction of posture, body mechanics, or gait { [~~f~~; and { ~~}~~] - }
- 854 [~~(o)~~] (p) { trigger point dry needling, under the conditions described in Section 58-24b-505. }
- 823 Section 9. Section **58-24b-402** is amended to read:

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824 **58-24b-402. Patient care and management.**

- 857 (1) ~~[In practicing physical therapy, a]~~ A licensed physical therapist shall:
- 858 (a) manage ~~[all aspects of]~~ the physical therapy of a patient under the licensed physical therapist's care;
- 860 (b) perform the initial evaluation and documentation for each patient;
- 861 (c) perform periodic reevaluation and documentation for each patient;
- 862 (d) perform a physical therapy [interventions] intervention that ~~[require]~~ requires immediate and continuous ~~[examination and]~~ evaluation throughout the intervention;
- 864 (e) perform on a patient all therapeutic intervention ~~[on a patient]~~ that is outside of the ~~[standard]~~ scope of practice of a licensed physical therapist assistant or a physical therapy aide;
- 867 (f) determine the therapeutic intervention ~~[to be performed by]~~ a licensed physical therapist assistant ~~[under the on-site supervision or general supervision of the licensed physical therapist]~~ performs while under the licensed physical therapist's on-site supervision or while the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to ensure that the therapeutic intervention is safe, effective, efficient, and within the scope of practice of the licensed physical therapist assistant;
- 874 (g) conduct the discharge of each patient and document ~~[for each patient,]~~ each patient's response to therapeutic intervention at the time of discharge~~[- the patient's response to therapeutic intervention];~~ and
- 877 (h) provide accurate documentation of the billing and services provided.
- 878 (2) A licensed physical therapist assistant or a physical therapy aide may not:
- 879 (a) perform a physical therapy evaluation or assessment;
- 880 (b) identify or label a physical impairment or injury;
- 881 (c) design a plan of care for a patient;
- 882 ~~[(d) perform the joint mobilization component of manual therapy; or]~~
- 883 ~~[(e)]~~ (d) perform the sharp selective debridement component of wound management; or
- 884 (e) perform high-velocity thrust joint mobilization.
- 885 ~~[(3) Subsection (2)(d) does not apply to:]~~
- 886 ~~[(a) simple joint distraction techniques or stretching; or]~~
- 887 ~~[(b) a stretch or mobilization that can be given as part of a home exercise program.]~~
- 888 (3) A licensed physical therapy aide may not perform or assist in any joint mobilization component of manual therapy except:

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- 890 (a) a simple joint distraction technique or stretching; or
891 (b) a stretch or a mobilization that is a part of a home exercise program.

860 Section 10. Section **58-24b-403** is amended to read:

861 **58-24b-403. Administration of a prescription drug -- Ordering laboratory testing --
Reporting laboratory results -- Referral.**

- 895 (1) A licensed physical therapist may purchase, store, and administer topical and aerosol medications
that require a prescription~~[-only]~~ as provided in this section.
- 897 (2) A licensed physical therapist may purchase, store, and administer:
- 898 (a) ~~[topically applied medicinal agents, including steroids and analgesics,]~~ a topical medication for
wound care and for musculoskeletal treatment, using iontophoresis or phonophoresis; and
- 901 (b) ~~[aerosols]~~ an aerosol medication for pulmonary hygiene in an institutional setting, if a licensed
respiratory therapist is not available ~~[in, or]~~ within a 10 mile radius of~~;~~ the institution.
- 904 (3) A licensed physical therapist ~~[may only]~~ shall purchase, store, or administer a medication described
in this section ~~[pursuant to]~~ in accordance with a written prescription issued by a practitioner who is
licensed to prescribe that medication.
- 907 (4) This section does not authorize a licensed physical therapist to dispense a prescription drug.
- 909 ~~{(5) A licensed physical therapist may order a laboratory test if the licensed physical therapist:~~
911 ~~{(a) is trained on the best practices for ordering a laboratory test;}~~
912 ~~{(b) is ordering the laboratory test that is relevant to the practice of physical therapy and treatment of a
musculoskeletal disorder; and}~~
- 914 ~~{(c) is in a physical therapist-patient relationship with the patient for whom there is a clinical need for
the order.}~~
- 916 ~~{(6) Within seven days after the day on which a licensed physical therapist receives the results of a test
that the licensed physical therapist orders, the licensed physical therapist shall:}~~
- 919 ~~{(a) report the results to:}~~
920 ~~{(i) the patient's health care provider of record, if designated; or}~~
921 ~~{(ii) the referring health care provider, if designated; or}~~
- 922 ~~{(b) provide the patient a referral to an appropriate health care provider if:}~~
923 ~~{(i) the patient does not provide a health care provider of record or a referring health care provider;
and}~~

925

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{(ii) ~~the licensed physical therapist has reasonable cause to believe that the patient may have a symptom or condition that requires a service beyond the licensed physical therapist's scope of practice.~~}

877 Section 11. Section **58-31b-102** is repealed and reenacted to read:

878 **58-31b-102. Definitions.**

As used in this chapter:

931 (1) "Administrative penalty" means a monetary fine or citation that the division imposes:

932 (a) for an act or an omission that the division determines is unprofessional or unlawful conduct;

934 (b) in accordance with a fine schedule the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

936 (c) as the result of an adjudicative proceeding the division conducts in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

938 (2) "Applicant" means an individual who applies for licensure or certification under this chapter by submitting a completed application for licensure or certification and the required fees to the department.

941 (3) "Approved education program" means a nursing education program that meets the requirements of Section 58-31b-601.

943 (4) "Board" means the Board of Nursing and Certified Nurse Midwives created in Section 58-31b-201.

945 (5) "Diagnosis" means the identification of and discrimination between physical and psychosocial signs and symptoms essential to the effective execution and management of health care.

948 (6) "Examinee" means an individual who applies to take or does take any examination required under this chapter for licensure.

950 (7)

(a) "License" means a license the division issues in accordance with this chapter.

951 (b) "License" includes a certification until the earlier of:

952 (i) the renewal; or

953 (ii) May 6, 2028.

954 (8)

(a) "Licensee" means an individual who is licensed under this chapter.

955 (b) "Licensee" includes an individual who is certified until the earlier of:

956 (i) renewal; or

957 (ii) May 6, 2028.

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- 958 (9) "Long-term care facility" means the following facilities the Department of Health and Human
961 Services licenses under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection:
- 962 (a) a nursing care facility;
 - 963 (b) a small health care facility;
 - 964 (c) an intermediate care facility for people with an intellectual disability;
 - 965 (d) an assisted living facility Type I or II; or
 - 966 (e) a designated swing bed unit in a general hospital.
- 967 (10) "Practice of nurse anesthesia" means:
- 969 (a) in accordance with Section 58-31b-803, prescribing or administering {of} a prescription drug
970 including a Schedule II-V controlled substance;
 - 971 (b) {preanesthesia} pre-anesthesia preparation and evaluation, including:
 - 972 (i) performing a {preanesthetic} pre-anesthetic assessment of the patient; and
 - 973 (ii) ordering and evaluating appropriate lab and other studies to determine the health of the patient;
 - 974 (c) anesthesia induction, maintenance, and emergence, including:
 - 975 (i) selecting and initiating the planned anesthetic technique;
 - 976 (ii) selecting and administering anesthetics and adjunct drugs and fluids; and
 - 977 (iii) administering general, regional, and local anesthesia;
 - 978 (d) post anesthesia follow-up care, including evaluating the patient's response to anesthesia and
979 implementing corrective actions; and
 - 980 (e) other related services related to an activity described in Subsections (10)(a) through (10)(d),
981 including:
 - 982 (i) providing emergency airway management;
 - 983 (ii) providing advanced cardiac life support; and
 - 984 (iii) establishing peripheral, central, and arterial invasive lines.
 - 985 (11) "Practice of nursing" means assisting a patient to maintain or attain optimal health, implementing
986 a strategy of care to accomplish defined goals and evaluating responses to care and treatment, and
987 requires substantial specialized or general knowledge, judgment, and skill based upon principles of
988 the biological, physical, behavioral, and social sciences.
 - 989 (12) "Registered nursing clinical practice experience" means providing nursing care to patients as:
 - 990 (a) a registered nurse; or
 - 991
 - 992

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(b) a student in an approved registered nursing or advanced practice registered nursing education program ~~{ as the division determines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act }~~.

995 (13) "Routine medication" means an established medication that:

996 (a) is administered to a medically stable patient as determined by a licensed health care provider or in
consultation with a licensed health care provider; and

998 (b) is administered by the following routes:

999 (i) buccal;

1000 (ii) ear;

1001 (iii) eye;

1002 (iv) inhalation;

1003 (A) of a premeasured medication delivered by aerosol or nebulizer; or

1004 (B) of a medication delivered by a metered hand-held inhaler;

1005 (v) nasal;

1006 (vi) oral;

1007 (vii) rectal;

1008 (viii) sublingual;

1009 (ix) topical, including a skin ointment or a transdermal patch; or

1010 (x) vaginal.

1011 (14) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-31b-501.

1013 (15) "Unlicensed assistive personnel" means an unlicensed individual, regardless of title, who is
delegated a task by a licensed registered nurse as the division permits by rule the division makes in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the standards of
the profession.

1017 (16) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and
58-31b-502 and as the division may define by rule the division makes in accordance with Title 63G,
Chapter 3, Utah Administrative Rulemaking Act.

968 Section 12. Section **58-31b-103** is amended to read:

969 **58-31b-103. Nurse Education and Enforcement Account.**

1022 (1) There is created a restricted account within the General Fund known as the "Nurse Education and Enforcement Account."

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- 1024 (2) The restricted account shall consist of:
- 1025 (a) administrative penalties imposed under Section 58-31b-503; and
- 1026 (b) interest earned on money in the account.
- 1027 (3) Money in the account may be appropriated by the Legislature for the following purposes:
- 1029 (a) education and training of licensees or potential licensees under this chapter;
- 1030 (b) enforcement of this chapter by:
- 1031 (i) investigating unprofessional or unlawful conduct;
- 1032 (ii) providing legal representation to the division when legal action is taken against a person engaging in unprofessional or unlawful conduct; and
- 1034 (iii) monitoring compliance of renewal requirements;
- 1035 (c) survey nursing education programs throughout the state;
- 1036 (d) education and training of board members; and
- 1037 (e) establish and review [~~and approve nursing education programs and medication aide certified training programs~~] approved education programs.

987 Section 13. Section **58-31b-301** is amended to read:

988 **58-31b-301. License required -- Classifications.**

- 1041 (1) [A] Except as provided in Sections 58-1-307 and 58-31b-308, a license is required to engage in the practice of nursing[~~, except as specifically provided in Sections 58-1-307 and 58-31b-308~~].
- 1044 (2) The division shall issue to an individual who qualifies under this chapter a license{ or certification } in the classification of:
- 1046 [~~(a) licensed practical nurse;~~]
- 1047 [~~(b) registered nurse apprentice;~~]
- 1048 [~~(c) registered nurse;~~]
- 1049 [~~(d) advanced practice registered nurse intern;~~]
- 1050 [~~(e) advanced practice registered nurse;~~]
- 1051 [~~(f) advanced practice registered nurse – CRNA without prescriptive practice; and~~]
- 1052 [~~(g) medication aide certified.~~]
- 1053 (a) advanced practice registered nurse;
- 1054 (b) advanced practice registered nurse - certified registered nurse anesthetist with prescriptive authority;
- 1056 (c) advanced practice registered nurse - without prescriptive practice license;
- 1057 (d) advanced practice registered nurse intern;

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- 1058 (e) medication aidecertified;
- 1059 (f) practical nurse;
- 1060 (g) registered nurse; or
- 1061 (h) registered nurse apprentice.
- 1062 (3)
- (a)
- (i) [~~An individual~~] The division shall issue an advanced practice registered nurse - without prescriptive practice license to an individual holding an advanced practice registered nurse license as of July 1, 1998, and who cannot document the successful completion of advanced course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics[~~, may not prescribe and shall be issued an "APRN - without prescriptive practice" license~~].
- 1068 (b){(ii)} {~~An~~} The division shall issue an advanced practice registered nurse - certified registered nurse anesthetist without prescriptive practice license to an individual {~~who has~~} holding an advanced practice registered nurse - certified registered nurse anesthetist without prescriptive practice license {~~may not prescribe medication~~} as of July 1, 1998, and who cannot document the successful completion of advanced course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics.
- 1022 (b)
- 1070 {~~(4)~~} An individual who has an advanced practice registered nurse - without prescriptive practice license may not prescribe medication.
- 1024 (ii) An individual who has an advanced practice registered nurse - CRNA without prescriptive practice license may not prescribe medication.
- 1026 (4) The division shall grant an advanced practice registered nurse license to [~~any~~] a licensed advanced practice registered nurse currently holding prescriptive authority under [~~any~~] a predecessor act.
- 1073 [~~(5)~~] An individual holding a certified registered nurse anesthetist license as of July 1, 2007, shall be issued an "APRN - CRNA - without prescriptive practice" license.]
- 1031 Section 14. Section **58-31b-302** is repealed and reenacted to read:
- 1032 **58-31b-302. Qualifications for licensure -- Scope of practice -- Criminal background checks.**
- 1078 {~~(4)~~} {~~6~~}
- 1034 (1)
- 1079

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(a) Each applicant for licensure under this chapter, except an applicant under Subsection 58-31b-301(2) (e), shall:

1081 (i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

1083 (ii) meet the standards that the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, related to the criminal background check described in Section 58-1-301.5; and

1086 (iii) disclose the criminal history the division requests on a form the division approves.

1088 (b) If an individual has been charged with a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation, the division shall act upon the license as required under Section 58-1-401.

1093 (c) If an individual has been charged with a felony other than a violent felony, as defined in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in abeyance pending the successful completion of probation, the division shall determine whether the felony disqualifies the individual for licensure under this chapter and act upon the license, as required, in accordance with Section 58-1-401.

1100 (2)

(a) An applicant for licensure as an advanced practice registered nurse shall:

1101 (i) submit to the division an application on a form the division approves;

1102 (ii) pay to the division a fee determined under Section 63J-1-504;

1103 (iii) have the physical and mental health to safely perform the activities described in Subsection (2) (c);

1105 (iv)

(A) receive a graduate degree from an approved education program in advanced practice registered nursing or a related area of specialized knowledge as the division determines appropriate by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

1110 (B) have completed a nurse anesthesia program in accordance with Subsection {~~(2)(v)(B)~~} ~~(2)(a)(v)~~;

1112 (v) have completed:

1113

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- 1115 (A) course work in patient assessment, diagnosis and treatment, and pharmacotherapeutics from an approved education program; or
- 1117 (B) a nurse anesthesia program that is approved by the Council on Accreditation of Nurse Anesthesia Educational Programsor another accrediting body the division approves by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1122 (vi) except as provided in Subsection (2)(b), provide evidence to the division, in a manner the division approves by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, of at least {~~6,000~~} 2,000 hours of registered nursing clinical practice experience;
- 1124 (vii) hold a current registered nurse license in good standing issued by the state or be qualified as a registered nurse;
- 1129 (viii) to practice within the psychiatric mental health nursing specialty, demonstrate, as the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that the applicant is in the process of completing the applicant's clinical practice requirements in psychiatric mental health nursing, including psychotherapy;
- 1132 (ix) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1134 (x) meet with the board, if the board requests, to determine the applicant's qualifications for licensure.
- 1135 (b)
- 1137 (i) Subsection (2)(a)(vi) does not apply to an applicant seeking licensure:
- 1138 (A) as an advanced practice registered nurse - certified registered nurse anesthetist with prescriptive authority; or
- 1138 (B) before July 1, 2028.
- 1098 (ii) The division may grant an exception to the requirements of Subsection (2)(a)(vi) before July 1, 2030, through rules the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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(iii) For purposes of licensure endorsement in accordance with Subsection 58-1-302(6)(a), registered nursing clinical practice experience may include experience working as an advanced practice registered nurse in another jurisdiction.

- 1141 (c) A licensed advanced practice registered nurse may:
- 1142 (i) maintain and promote health and prevention of disease;
- 1143 (ii) diagnose, treat, correct, consult, and provide a referral;
- 1144 (iii) prescribe or administer prescription drugs or devices, including:
- 1145 (A) local anesthesia; and
- 1146 (B) ~~{a}~~ Schedule II-V controlled ~~{substance}~~ substances in accordance with Section 58-31b-803;
- 1147 (iv) if a licensed advanced practice registered nurse - certified registered nurse anesthetist, engage in the practice of nurse ~~{anesthesia}~~ anesthesia; ~~{and}~~
- 1149 (v) engage in other activities that are within the practice of advanced practice registered nursing as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 1152 (A) within the generally recognized scope and standards of advanced practice registered nursing; and
- 1154 (B) consistent with professionally recognized preparation and education standards of an advanced practice registered nurse~~{:}~~; and
- 1117 (vi) notwithstanding Sections 58-67-805 and 58-68-805, authorization to treat under this section includes performing minor surgical procedures.
- 1156 (d) The division may only define an activity as within the practice of advanced practice registered nursing if ~~{the activity is}~~ :
- 1121 (i) the activity is:
- 1158 (i){(A)} within the generally recognized scope of practice for a licensed advanced practice registered nurse; and
- 1160 (ii){(B)} consistent with professionally recognized standards~~{:}~~; or
- 1125 (ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.
- 1161 (3)
- (a) An applicant for ~~{licensure}~~ certification as a medication aide certified shall:
- 1162 (i) submit an application to the division on a form the division approves;
- 1163 (ii) pay a fee to the division as determined under Section 63J-1-504;

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- 1164 (iii) have a high school diploma or the equivalent;
- 1165 (iv) have a current certification as a nurse aide, in good standing, from the Department of Health
and Human Services;
- 1167 ~~{(v) }~~
- (A)~~{(v) }~~ have a minimum of 2,000 hours of experience within the two years before the day on which
the applicant submits the application, working as a certified nurse aide in a long-term care facility or
another health care facility that the division designates by rule the division makes in collaboration
with the board and in accordance with Title 63G, Chapter 3, Utah Administrative ~~{Rulemaking-}~~
Rulemaking Act; ~~{and}~~
- 1173 ~~{(B) {have a minimum of 60 hours of classroom training and 40 hours of practical training in~~
~~administering a routine medication to a patient or a resident of a long-term care facility that the~~
~~division or another health care facility that the division designates by rule the division makes in~~
~~collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative~~
~~Rulemaking Act;}~~
- 1179 (vi) ~~{obtain- provide~~ letters of recommendation from a health care facility administrator and a
registered nurse familiar with the applicant's work practices as a certified nurse aide;
- 1182 (vii) have the physical and mental health to safely perform the activities described in Subsection (3)
(b);
- 1184 (viii) have completed an approved education program for a medication aide certified consisting
of at least 60 hours of classroom training and 40 hours of practical training in administering a
routine medication to a patient or a resident of a long-term care facility or an equivalent that the
division determines by rule ~~{the division makes-}~~ made in collaboration with the board and in
accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1188 (ix) have passed the examinations the division requires by rule the division makes in collaboration
with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act; and
- 1191 (x) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- 1193 (b) While under the supervision of a licensed registered nurse, a ~~{licensed-}~~ medication aide certified
may:
- 1195 (i) provide routine patient care that requires minimal or limited specialized or general knowledge,
judgment, and skill, to a patient who:

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- 1197 (A) is ill, injured, infirm, or is physically, mentally, developmentally, or intellectually disabled; and
- 1199 (B) is in a regulated long-term care facility;
- 1200 (ii) administer a routine medication to a patient in accordance with a formulary and protocol the
division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act; and
- 1203 (iii) engage in other activities that are within the practice of a medication aide certified as the division
defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act:
- 1206 (A) within the generally recognized scope and standards of a medication aide certified; and
- 1207 (B) consistent with professionally recognized preparation and education standards of a medication
aide certified.
- 1209 (c) The division may only define an activity as within the practice of a medication aide certified if { the
activity is } :
- 1173 (i) the activity is:
- 1211 (i){ (A) } within the generally recognized scope of practice for a { licensed } medication aide certified;
and
- 1213 (ii){ (B) } consistent with professionally recognized standards{ : } ; or
- 1177 (ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional
Licensure Review.
- 1214 (d) A { licensed } medication aide certified may not assist a resident of a long-term care facility to self-
administer a medication that the Department of Health and Human Services regulates by rule made
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1218 (4)
- (a) An applicant for licensure as a licensed practical nurse shall:
- 1219 (i) submit to the division an application in a form the division approves;
- 1220 (ii) pay to the division a fee determined under Section 63J-1-504;
- 1221 (iii) have a high school diploma or the equivalent;
- 1222 (iv) have the physical and mental health to safely perform the activities described in Subsection (4)
(b);
- 1224 (v) have completed an approved education program for practical nursing or an equivalent that the
board approves;

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- 1226 (vi) have passed the examinations the division requires by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1229 (vii) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- 1231 (b) A licensed practical nurse may, while under the direction of a licensed registered nurse, licensed physician, or other health care professional the division specifies by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 1235 (i) contribute to the assessment of the health status of a patient;
- 1236 (ii) participate in the development and modification of the strategy of care;
- 1237 (iii) implement appropriate aspects of the strategy of care;
- 1238 (iv) maintain safe and effective nursing care rendered to a patient directly or indirectly;
- 1240 (v) participate in the evaluation of responses to interventions;
- 1241 (vi) perform other activities that are within the generally recognized scope of practice of a licensed practical nurse as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1244 (vii) engage in practice of practical nursing, as the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is:
- 1247 (A) within the generally recognized scope and standards of practical nursing; and
- 1248 (B) consistent with professionally recognized preparation and education standards of a practical nurse.
- 1250 (c) The division may only define an activity as within the practice of practical nursing if {the activity is}:
- 1216 (i) the activity is:
- 1252 (i){(A)} within the generally recognized scope of practice for a licensed practical nurse; and
- 1253 (ii){(B)} consistent with professionally recognized standards{-} ; or
- 1220 (ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional Licensure Review.
- 1254 (5)
- (a) An applicant for licensure as a registered nurse shall:
- 1255 (i) submit to the division an application form the division approves;
- 1256 (ii) pay to the division a fee determined under Section 63J-1-504;
- 1257 (iii) have a high school diploma or the equivalent;

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- 1258 (iv) have the physical and mental health to safely perform the activities described in Subsection (5)
1260 (b);
- 1260 (v) complete an approved education program for registered nursing that the division approves;
- 1262 (vi) have passed the examinations the division requires by rule the division makes in collaboration
with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act; and
- 1265 (vii) meet with the board, if the board requests, to determine the applicant's qualifications for
licensure.
- 1267 (b) A licensed registered nurse may:
- 1268 (i) assess the health status of a patient;
- 1269 (ii) identify health care needs;
- 1270 (iii) establish goals to meet identified health care needs;
- 1271 (iv) plan a strategy of care;
- 1272 (v) prescribe nursing interventions to implement the strategy of care;
- 1273 (vi) implement the strategy of care;
- 1274 (vii) render safe and effective nursing care to a patient directly or indirectly;
- 1275 (viii) evaluate responses to nursing interventions;
- 1276 (ix) teach the theory and practice of nursing;
- 1277 (x) manage and supervise the practice of nursing;and
- 1278 (xi) engage in other activities that are within the practice of a licensed registered nurse as the division
defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act, that is:
- 1281 (A) within the generally recognized scope and standards of registered nursing; and
- 1282 (B) consistent with professionally recognized preparation and education standards of a registered nurse.
- 1284 (c) The division may only define an activity as within the practice of a licensed registered nurse if {the
activity is } :
- 1254 (i) the activity is:
- 1286 (i){(A)} within the generally recognized scope of practice for a licensed registered nurse; and
- 1288 (ii){(B)} consistent with professionally recognized standards{-} ; or
- 1258 (ii) the inclusion of the activity is consistent with a recommendation from the Office of Professional
Licensure Review.

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- 1289 (6)
- 1290 (a) An applicant for licensure as a registered nurse apprentice shall:
- 1291 (i) submit to the division an application form the division approves;
- 1292 (ii) pay to the division a fee determined under Section 63J-1-504;
- 1293 (iii) have a high school diploma or the equivalent;
- 1294 (iv) have sufficient physical and mental health to safely perform the activities described in
Subsection (6)(b);
- 1295 (v) as determined by an approved education program, be:
- 1296 (A) in good standing with the approved { ~~edcation~~ education program; and
- 1297 (B) in the last two semesters, quarters, or competency experiences of the program;
- 1298 (vi) have written permission from the program in which the applicant is enrolled; and
- 1299 (vii) meet with the board, if requested, to determine the applicant's qualifications for licensure.
- 1301 (b) A licensed registered nurse apprentice may engage in the practice of a registered nurse that:
- 1302 (i) the division defines by rule the division makes that is:
- 1303 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1304 (B) within the generally recognized scope and standards of registered nursing; and
- 1305 (C) consistent with professionally recognized preparation and education standards of a registered
nurse;and
- 1306 (ii) the registered nurse apprentice performs under the indirect supervision of an individual licensed in
accordance with:
- 1307 (A) Subsection 58-31b-301(2)(a), (2)(b), (2)(c), or (2)(g);
- 1308 (B) Chapter 67, Utah Medical Practice Act; or
- 1309 (C) Chapter 68, Utah Osteopathic Medical Practice Act.
- 1285 Section 15. Section **58-31b-303** is amended to read:
- 1286 **58-31b-303. Qualifications for licensure -- Graduates of nonapproved nursing programs.**
An applicant for licensure as a practical nurse or registered nurse who is a graduate of a
nursing education program not approved by the division in collaboration with the board must
comply with the requirements of this section.
- 1320 (1) An applicant for licensure as a licensed practical nurse shall:
- 1321 (a) meet all requirements of Subsection [~~58-31b-302(2)] 58-31b-302(4), except Subsection
[~~58-31b-302(2)(e)] 58-31b-302(4)(v); and~~~~

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- 1323 (b) produce evidence acceptable to the division and the board that the nursing education program completed by the applicant is equivalent to the minimum standards established by the division in collaboration with the board for an approved licensed practical nursing education program.
- 1327 (2) An applicant for licensure as a registered nurse shall:
- 1328 (a) meet all requirements of Subsection [~~58-31b-302(4)~~] 58-31b-302(5), except Subsection [~~58-31b-302(4)(e)~~] 58-31b-302(5)(iii); and
- 1330 (b)
- (i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS) Examination; or
- 1332 (ii) produce evidence acceptable to the division and the board that the applicant is currently licensed as a registered nurse in one of the states, territories, or the District of Columbia of the United States or in Canada and has passed the NCLEX-RN examination in English.
- 1307 Section 16. Section **58-31b-304** is amended to read:
- 1308 **58-31b-304. Qualifications for admission to the examinations.**
- 1338 (1) To be admitted to the examinations required for {~~certification~~} licensure as a {~~medication aide certified~~} medication aide, an individual shall:
- 1340 (a) submit an application on a form [~~prescribed by the division~~] the division approves;
- 1341 (b) pay a fee as determined by the division under Section 63J-1-504; and
- 1342 (c) meet all requirements of Subsection [~~58-31b-302(1)~~] 58-31b-302(3)(a), except Subsection [(~~1~~) (~~†~~)] (3)(a)(ix).
- 1344 (2) To be admitted to the examinations required for licensure as a practical nurse, an individual shall:
- 1346 (a) [~~submit an application form prescribed by the division~~] submit an application on a form the division approves;
- 1348 (b) pay a fee as determined by the division under Section 63J-1-504; and
- 1349 (c) meet all requirements of Subsection [~~58-31b-302(2)~~] 58-31b-302(4)(a), except Subsection [(~~2~~) (~~†~~)] (4)(a)(vi).
- 1351 (3) To be admitted to the examinations required for licensure as a registered nurse, an individual shall:
- 1353 (a) [~~submit an application form prescribed by the division~~] submit an application on a form the division approves;
- 1355 (b) pay a fee as determined by the division under Section 63J-1-504; and
- 1356 (c) meet all the requirements of Subsection [~~58-31b-302(4)~~] 58-31b-302(5)(a), except Subsection[(~~4~~) (~~†~~)] (5)(a)(vi).

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- 1329 Section 17. Section **58-31b-306.1** is amended to read:
- 1330 **58-31b-306.1. Registered nurse apprentice license.**
- 1360 (1) The division shall issue a registered nurse apprentice license to an individual who meets the
1362 qualifications under Subsection ~~[58-31b-302(3)]~~ 58-31b-302(6).
- 1364 (2) Unless the division extends the license for a specified period of time by written notification
1365 provided to the individual, the license expires on the earlier of:
- 1368 (a) one year from the day on which the license is issued;
- 1369 (b) 75 days after the day on which the division receives notice from the examination agency that
1370 the individual failed to take or pass the examinations described in Subsection ~~[58-31b-302(4)~~
1371 ~~(f)]~~ 58-31b-302(5)(a)(vi); or
- 1372 (c) the day on which the division issues the individual a license as a registered nurse.
- 1373 (3) A license described in Subsection (1) is:
- 1374 (a) valid only in Utah; and
- 1375 (b) not an eligible license under Chapter 31e, Nurse Licensure Compact - Revised.
- 1376 (4) The division may make rules to administer the license described in Subsection (1) in accordance
1377 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1378 ~~{Section 18. Section 58-31b-401 is amended to read: }~~
- 1379 **58-31b-401. Grounds for denial of licensure and disciplinary proceedings.**
- 1380 ~~[(1)]~~
- 1381 ~~(a) As used in this section, "licensed" or "license" includes certified or certification under this chapter.]~~
- 1382 ~~[(b) A term or condition applied to the word "nurse" under this section applies to a medication aide
certified.]~~
- 1383 ~~[(2)]~~ (1) Grounds for refusal to issue a license to an applicant, for refusal to renew the license of a
1384 licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public
or private reprimand to a licensee, and to issue cease and desist orders shall be in accordance with
Section 58-1-401.
- 1385 ~~[(3)]~~ (2)
- (a)
- (i) Subject to Subsection ~~[(7)]~~ (6), if a court ~~[of competent]~~ with jurisdiction determines a
[~~nurse~~] licensee is incapacitated, as defined in Section 75-1-201 or that the [~~nurse~~] licensee has
a mental illness, as defined in Section 26B-5-301, and is unable to safely engage in the practice

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of nursing, the director shall immediately suspend the license of the [nurse] licensee upon the entry of the judgment of the court, without further proceedings under Title 63G, Chapter 4, Administrative Procedures Act, regardless of whether an appeal from the court's ruling is pending.

1392 (ii) The director shall promptly notify the [nurse] licensee in writing of a suspension under Subsection [~~(3)(a)(i)~~] (2)(a)(i).

1394 (b)

(i) Subject to Subsection [~~(7)~~] (6), if the division and the majority of the board find reasonable cause to believe a [nurse] licensee who is not determined judicially to be an incapacitated person or to have a mental illness, is incapable of practicing nursing with reasonable skill regarding the safety of patients, because of illness, excessive use of drugs or alcohol, or as a result of any mental or physical condition, the board shall recommend that the director file a petition with the division, and cause the petition to be served upon the [nurse] licensee with a notice of hearing on the sole issue of the capacity of the [nurse] licensee to competently, safely engage in the practice of nursing.

1403 (ii) Except as provided in Subsection [~~(4)~~] (3), the hearing described in Subsection [~~(3)(b)(i)~~] (4)(a) shall be conducted under Section 58-1-109 and Title 63G, Chapter 4, Administrative Procedures Act.

1406 [~~(4)~~] (3)

(a) Every [nurse] licensee who accepts the privilege of being licensed under this chapter gives consent to:

1408 (i) [~~submitting~~] submit to an immediate mental or physical examination, at the [nurse] licensee's expense and by a division-approved [~~practitioner~~] health care provider selected by the [nurse] licensee when directed in writing by the division and a majority of the board to do so; and

1412 (ii) [~~the admissibility of~~] admit the reports of the examining [~~practitioner~~] health care provider's testimony or examination[;] ; and

1414 (iii) [~~waives~~] waive all objections on the ground the reports constitute a privileged communication.

1416 (b) [~~The examination may be ordered by the~~] The division, with the consent of a majority of the board, may order an examination only upon a finding of reasonable cause to believe:

1419 (i) the [nurse] licensee has a mental illness, is incapacitated, or otherwise is unable to practice nursing with reasonable skill and safety; and

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- 1421 (ii) immediate action by the division and the board is necessary to prevent harm to the [nurse] licensee's patients or the general public.
- 1423 (c)
- (i) ~~[Failure of a nurse to submit to the examination ordered under this section is a ground for the division's immediate suspension of the nurse's license by written order of the director]~~ By written order of the director, the division may immediately suspend a licensee's license if the licensee fails to submit an examination the division requires in accordance with this section.
- 1428 (ii) ~~[The division may enter the order of suspension without further compliance with Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the failure to submit to the examination ordered under this section was due to circumstances beyond the control of the nurse and was not related directly to the illness or incapacity of the nurse]~~ The division may issue an order of suspension without further complying with Title 63G, Chapter 4, Administrative Procedures Act, unless the division determines that the licensee failed to submit to the examination the division requires due to circumstances beyond the licensee's control and unrelated to the licensee's health or capacity.
- 1437 ~~[(5)]~~ (4)
- (a) A [nurse] licensee whose license is suspended under Subsection ~~[(3) or (4)(c)]~~ (2) or (3)(c) has the right to a hearing to appeal the suspension within 10 days after the license is suspended.
- 1440 (b) The hearing held under this Subsection ~~[(5)]~~ (4) shall be conducted in accordance with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient basis exists for the continuance of the order of suspension in order to prevent harm to the [nurse] licensee's patients or the general public.
- 1444 ~~[(6)]~~ (5) A [nurse] licensee whose license is revoked, suspended, or in any way restricted under this section may request the division and the board to consider, at reasonable intervals, evidence presented by the [nurse] licensee, under procedures ~~[established by division rule]~~ the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding any change in the [nurse] licensee's condition, to determine whether:
- 1450 (a) the [nurse] licensee is or is not able to safely and competently engage in the practice of nursing; and
- 1452 (b) the [nurse] licensee is qualified to have the [nurse] licensee's license to practice under this chapter restored completely or in part.

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[~~(7)~~] (6) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

1457 [~~(8)~~] (7) Section 63G-2-206 may not be construed as limiting the authority of the division to report current significant investigative information to the coordinated licensure information system for transmission to party states as required of the division by Article VII of the Nurse Licensure Compact [~~-Revised-~~] revised in Section 58-31e-102.

1461 {~~Section 19. Section 58-31b-501 is amended to read:~~ }

1462 **58-31b-501. Unlawful conduct.**

"Unlawful conduct" includes:

1464 (1) using the following titles, names or initials, if the user is not properly licensed [~~or certified-~~] under this chapter:

1466 (a) nurse;

1467 (b) licensed practical nurse, practical nurse, or L.P.N.;

1468 (c) [~~medication aide certified, or M.A.C.;~~] licensed medication aide, or L.M.A.;

1469 (d) registered nurse or R.N.;

1470 (e) registered nurse practitioner, N.P., or R.N.P.;

1471 (f) registered nurse specialist, N.S., or R.N.S.;

1472 (g) registered psychiatric mental health nurse specialist;

1473 (h) advanced practice registered nurse;

1474 (i) nurse anesthetist, certified nurse anesthetist, certified registered nurse anesthetist, or C.R.N.A.; or

1476 (j) other generally recognized names or titles used in the profession of nursing;

1477 (2)

(a) using any other name, title, or initials that would cause a reasonable person to believe the user is licensed [~~or certified-~~] under this chapter if the user is not properly licensed [~~or certified-~~] under this chapter; and

1480 (b) [~~for purposes of Subsection (2)(a), it is unlawful conduct for a medication aide certified to use the term]~~ using the word "nurse" as a part of a title when licensed as a medication aide; and

1483 (3) conducting a nursing education program in the state for the purpose of qualifying individuals to meet requirements for licensure under this chapter without the program having been approved under Section 58-31b-601.

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- 1486 ~~{Section 20. Section 58-31b-502 is amended to read: }~~
- 1487 **58-31b-502. Unprofessional conduct.**
- 1488 (1) "Unprofessional conduct" includes:
- 1489 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition, diagnosis, personal effects, or any other matter about which the licensee is privileged to know because of the licensee's ~~[or person with a certification's]~~position or practice as a ~~[nurse or practice as a medication aide certified]~~ licensee;
- 1493 (b) failure ~~[to provide nursing service or service as a medication aide certified]~~ of a licensee to provide licensed service in a manner that demonstrates respect for the patient's human dignity and unique personal character and needs without regard to the patient's race, religion, ethnic background, socioeconomic status, age, sex, or the nature of the patient's health problem;
- 1498 (c) engaging in sexual relations with a patient during any:
- 1499 (i) period when a generally recognized professional relationship exists between the person licensed or certified under this chapter and the patient; or
- 1501 (ii) extended period when a patient has reasonable cause to believe a professional relationship exists between ~~[the person licensed or certified under the provisions of this chapter]~~ a licensee and the patient;
- 1504 (d)
- (i) as a result of any circumstance ~~[under]~~ described in Subsection (1)(c), exploiting or using information about a patient or exploiting the licensee's ~~[or the person with a certification's]~~ professional relationship between the licensee ~~[or holder of a certification under this chapter]~~ and the patient; or
- 1508 (ii) exploiting the patient by use of the licensee's ~~[or person with a certification's]~~knowledge of the patient obtained while acting as a ~~[nurse or a medication aide certified]~~ licensee;
- 1511 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;
- 1512 (f) unauthorized taking or personal use of nursing supplies from an employer;
- 1513 (g) unauthorized taking or personal use of a patient's personal property;
- 1514 (h) unlawful or inappropriate delegation of nursing care;
- 1515 (i) failure to exercise appropriate supervision of persons providing patient care services under supervision of the licensed nurse;
- 1517

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- (j) employing or aiding and abetting the employment of an unqualified or unlicensed person to practice as a nurse;
- 1519 (k) failure to file or record any medical report as required by law, impeding or obstructing the filing or recording of such a report, or inducing another to fail to file or record such a report;
- 1522 (l) breach of a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a patient, unless ordered by a court;
- 1524 (m) failure to pay a penalty imposed by the division;
- 1525 (n) violating Section 58-31b-801;
- 1526 (o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- 1529 (p) performing or inducing an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether ~~[the person licensed or certified under the provisions of this chapter is]~~ the licensee is found guilty of a crime in connection with the violation;
- 1533 (q) falsely making an entry in, or altering, a medical record with the intent to conceal:
- 1534 (i) a wrongful or negligent act or omission of ~~[an individual licensed under this chapter]~~ a licensee or an individual under the direction or control of ~~[an individual licensed under this chapter]~~ a licensee; or
- 1537 (ii) conduct described in Subsections (1)(a) through (n) or Subsection 58-1-501(1);
- 1538 (r) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
- 1540 (s) for an advance practice registered nurse, designating a child as do not resuscitate without parental consent.
- 1542 (2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when acting as a recommending medical provider, as that term is defined in Section 26B-4-201, recommending the use of medical cannabis.
- 1546 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for an advanced practice registered nurse~~[-described in Subsection (2)].~~

1550 ~~{Section 21. Section 58-31b-601 is amended to read: }~~

1551 **58-31b-601. Minimum standards for nursing programs to qualify graduates -- Temporary approval to qualify graduates for licensure -- Minimum standards for medication aide training to qualify individuals for licensure.**

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- 1554 (1) Except as provided in Subsections (2) and (3), to qualify as an approved education program for the purpose of qualifying graduates for licensure under this chapter, a nursing education program shall be accredited by an accrediting body for nursing education that is recognized by the United States Department of Education.
- 1558 (2)
- (a) The division, in consultation with the board, may approve ~~[a nursing]~~ an education program for up to five years~~[- for the purpose of qualifying graduates for licensure under this chapter,]~~ if the program:
- 1561 (i) holds candidacy or is in the process of applying for candidacy for the accreditation described in Subsection (1);
- 1563 (ii) has been denied initial accreditation after holding candidacy for the accreditation described in Subsection (1); or
- 1565 (iii) is no longer accredited under Subsection (1); and
- 1566 (b) has not previously received a term of approval granted by the division.
- 1567 (3)
- (a) For a nursing education program that has previously received a term of approval granted under Subsection (2), the division may reapprove the nursing education program ~~[for the purpose of qualifying graduates for licensure -]if:~~
- 1570 (i) the reapproval is for a period that does not exceed five years; and
- 1571 (ii) a minimum of 12 months has passed since the day on which the previous term of approval expired.
- 1573 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division, in consultation with the board, shall make rules to implement Subsection (3)(a).
- 1576 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the provisions of this chapter, the division shall make rules defining the minimum standards for a ~~[medication aide certified]~~ medication aide training program to qualify a person for ~~[certification]~~ licensure under this chapter as a ~~[medication aide certified]~~ medication aide.
- 1345 Section 18. Section **58-31b-803** is amended to read:
- 1346 **58-31b-803. Advanced practice registered nurse prescriptive authority.**
- 1583 (1) ~~[Except as provided in -]~~ Subject to Subsection (2), a licensed advanced practice registered nurse may prescribe or administer a prescription drug including, a Schedule II-V controlled substance.

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- 1585 (2) [~~This section does not apply to an~~] A licensed advanced practice registered nurse [~~specializing as~~
1589 a] - certified registered nurse anesthetist [~~under Subsection 58-31b-102(11)(d):~~] in accordance with
1591 Subsection 58-31b-302(2) may prescribe only as follows:
- 1589 (a) {~~prescribe~~} up to a five-day supply of prescription drugs including, Schedule II-V controlled
1591 substances immediately before a procedure performed in a health care facility, as that term is
1593 defined in Section 26B-2-201, a private physician office, or a dental office, if:
- 1591 (i) the licensed advanced practice registered nurse - certified registered nurse anesthetist will participate
1593 in the procedure;
- 1593 (ii) the licensed advanced practice registered nurse - certified registered nurse anesthetist has
1596 established a patient record for the patient receiving the prescription; and
- 1596 (iii) the prescribed {~~controlled substance~~} drug is related to the procedure; or
- 1597 (b) {~~prescribe~~} up to a five-day supply of prescription drugs including, Schedule II-V controlled
1599 substances immediately following a procedure performed in a health care facility, as that term is
1601 defined in Section 26B-2-201, a private physician office, or a dental office, if:
- 1599 (i) the licensed advanced practice registered nurse - certified registered nurse anesthetist participated in
1601 the procedure;
- 1601 (ii) the licensed advanced practice registered nurse - certified registered nurse anesthetist has
1604 established a patient record for the patient receiving the prescription; and
- 1604 (iii) the prescribed {~~controlled substance~~} drug is related to the procedure.
- 1374 Section 19. Section **58-31d-102** is amended to read:
- 1375 **58-31d-102. Division rulemaking.**
- 1607 (1) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative
1609 Rulemaking Act, to implement Section 58-31d-101.
- 1609 (2) For purposes of Section 58-31d-101, "role" as defined in Article II(17) includes an individual who
1611 is:
- 1611 (a) licensed to practice under [~~Subsection 58-31b-301(2)(d) or (e)~~] Subsections 58-31b-301(2)(a)
1613 through (c); or
- 1613 (b) licensed to practice under Section 58-44a-301.
- 1614 (3) Notwithstanding any provision in Section 58-31d-101, Section 58-31d-101 does not supersede state
1616 law related to an individual's scope of practice under this title.

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(4) Once the compact comes into effect as described in Section 58-31d-101, Article X(1), the division shall provide a notice that the compact is in effect:

- 1618 (a) to an individual licensed under:
1619 (i) Subsection 58-31b-301(2)(d) or (e);
1620 (ii) Section 58-44a-301; and
1621 (b) to the Health and Human Services Interim Committee; and
1622 (c) on the division's website with information for potential applicants.

1392 Section 20. Section **58-40a-102** is amended to read:

1393 **58-40a-102. Definitions.**

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

- 1626 (1) "Adequate records" means legible records that contain, at a minimum:
1627 (a) the athletic training service plan or protocol;
1628 (b) an evaluation of objective findings;
1629 (c) the plan of care and the treatment records; [or]and
1630 (d) written orders.
1631 (2) "Athlete" means an individual[, referee, coach, or athletic staff member] who participates [in exercises, sports, or games requiring]in or performs an exercise, a sport, {a game} an occupational activity, or {an occupation} a game that requires physical strength, agility, flexibility, range of motion, speed, or stamina, and the [exercises, sports, or games are]exercise, sport, {game} occupational activity, or {occupation} game is of a type generally conducted in association with an educational institution or professional, amateur, or recreational sports club or organization.
1637 (3) "Athletic injury" means:
1638 (a) an injury [sustained by]an athlete sustains that affects the [individual's]athlete's participation or performance in [sports, games, recreation, or exercise]an exercise, a sport, a game, or an {occupation} occupational activity; or
1641 (b) a condition that is within the scope of practice [{of an athletic trainer identified by a} directing physician or]for athletic training that a {directing} licensed physician, a licensed nurse practitioner, a licensed physician's assistant, or a licensed physical therapist identifies as benefitting from an athletic training [services]service.
1644 (4) "Athletic trainer" means an individual who is licensed under this chapter and [carries out the practice of]performs within the scope of practice for athletic training.

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- 1646 (5) "Board" means the Athletic Trainers Licensing Board created in Section 58-40a-201.
- 1647 (6) ["Directing physician"]"Collaborating physician" means a licensed physician who works in collaboration with an athletic trainer and is:
- 1649 (a) a physician and surgeon licensed under Section 58-67-301[.];
- 1650 (b) an osteopathic physician and surgeon licensed under Section 58-68-301[.];
- 1651 (c) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act[.];
- 1653 (d) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice Act[.]; or
- 1655 {(e)a dentist licensed under Section 58-69-301[established by board rule].}
- 1426 (e) a who, within the licensee's scope of practice and individual competency, is responsible for the athletic training services provided by the athletic trainer and oversees the practice of athletic training by the athletic trainer, as [established by board rule]the board requires by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1659 "Collaboration" means the consultation, correspondence, ~~{or}~~ direction by order, or referral between a licensed athletic trainer and a ~~{licensed physician}~~ collaborating physician working within the collaborating physician's scope of practice and individual competency.
- 1661 {(7) and methods of:}
- 1434 {(7)} (8) [The "practice of athletic training" means the application by a licensed and certified athletic trainer][of principles and methods of:]"Practice of athletic training" means a licensed athletic trainer applying principles and methods of:
- 1663 {(a) prevention of athletic injuries;}
- 1664 {(b) recognition, evaluation, and assessment of athletic injuries and conditions;}
- 1665 {(c) immediate care of athletic injuries, including common emergency medical situations;}
- 1666 {(d) rehabilitation and reconditioning of athletic injuries;}
- 1667 {(e) athletic training services administration and organization; and}
- 1668 {(f) education of athletes.}
- 1443 Section 21. Section **58-40a-201** is amended to read:
- 1444 **58-40a-201. Board composition -- Duties and responsibilities.**
- 1671 (1) There is created the Athletic Trainers Licensing Board consisting of:
- 1672 (a) four licensed athletic trainers[;] ;
- 1673 (b) one member representative of the ~~[directing]~~ collaborating physicians referred to in Subsection 58-40a-102(6)[;] ; and

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- 1675 (c) one member of the general public who has never been authorized to practice a healing art and never
had a substantial personal, business, professional, or pecuniary connection with a healing art or with
a medical education or health care facility, except as a client or potential client.
- 1679 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 1680 (3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and 58-1-203[;] and
shall designate one of [its] the board's members on a permanent or rotating basis to:
- 1683 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a
licensee under this chapter; and
- 1685 (b) advise the division [~~of its~~] in the division's investigation of these complaints.
- 1686 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its] the
complaint's investigation may be disqualified from participating with the board when the board
serves as a presiding officer in an adjudicative proceeding concerning the complaint.
- 1464 Section 22. Section 58-40a-302 is amended to read:
- 1465 **58-40a-302. Qualifications for licensure.**
- The division shall issue a license to practice as an athletic trainer to an applicant who:
- 1467 (1) has obtained a bachelor's or advanced degree from an accredited four-year college or university and
meets the minimum athletic training curriculum requirement established by the board by rule;
- 1470 (2) has successfully completed the certification examination administered by the Board of Certification
Inc. or equivalent examination approved or recognized by the board;
- 1472 (3)
- (a) is in good standing with and provides documentation of current certification by the Board of
Certification Inc. or a nationally recognized credentialing agency [~~approved by the board~~] that the
board approves; and
- 1475 (b) provides documentation of emergency cardiac care certification that includes the following:
- 1477 (i) adult and pediatric cardiopulmonary resuscitation;
- 1478 (ii) airway obstruction;
- 1479 (iii) second rescuer cardiopulmonary resuscitation;
- 1480 (iv) automated external defibrillator;
- 1481 (v) barrier devices; and
- 1482 (vi) in-person or virtual demonstration of skills;
- 1483 (4) submits an application to the division on a form prescribed by the division; and

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- 1484 (5) pays the required licensing fee as determined by the department under Section 63J-1-504.
- 1485 Section 23. Section **58-40a-303** is amended to read:
- 1486 **58-40a-303. Scope of practice.**
- 1692 (1) An athletic trainer may:
- 1693 [(1)] (a) prevent injuries by:
- 1694 [(a)] (i) designing and implementing physical conditioning programs, which may include:
- 1696 [(i)] (A) strength and range of motion testing;
- 1697 [(ii)] (B) nutritional advisement; and
- 1698 [(iii)] (C) psychosocial intervention and referral;
- 1699 [(b)] (ii) performing preparticipation screening;
- 1700 [(e)] (iii) fitting protective equipment;
- 1701 [(d)] (iv) designing and constructing protective products; and
- 1702 [(e)] (v) continuously monitoring changes in the environment;
- 1703 [(2)] (b) recognize and evaluate injuries by:
- 1704 [(a)] (i) obtaining a history of the injury;
- 1705 [(b)] (ii) inspecting an injured body part and associated structures;
- 1706 [(e)] (iii) palpating bony landmarks and soft tissue structures; and
- 1707 [(d)] (iv) performing clinical tests to determine the extent of an injury;
- 1708 [(3)] (c) provide immediate care of injuries by:
- 1709 [(a)] (i) initiating cardiopulmonary resuscitation;
- 1710 [(b)] (ii) administering basic or advanced first aid;
- 1711 [(e)] (iii) removing athletic equipment; and
- 1712 [(d)] (iv) immobilizing and transporting an injured athlete;
- 1713 [(4)] (d) determine whether an athlete may return to participation or, if the injury requires further definitive care, refer the athlete to the appropriate directing licensed physician;
- 1715 [(5)] (e) rehabilitate and recondition an injury by administering therapeutic exercise and therapeutic and physical modalities, including cryotherapy, thermotherapy, and intermittent compression, electrical stimulation, ultra sound, traction devices, or mechanical devices~~[as directed by established, written athletic training service plans or protocols or upon the order of a directing physician]~~;
- 1720 [(6)] (f) provide athletic training services administration, including:
- 1721 [(a)] (i) implementing athletic training service plans or protocols;

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- 1722 [(b)] (ii) writing organizational policies and procedures;
- 1723 [(e)] (iii) complying with governmental and institutional standards; and
- 1724 [(d)] (iv) maintaining records to document services rendered; and
- 1725 [(7)] (g) educate athletes to facilitate physical conditioning and reconditioning by designing and implementing appropriate programs to minimize the risk of injury.
- 1727 (2) A licensed athletic trainer shall collaborate with a licensed physician when {the-} treating an athletic injurythat:
- 1729 (a) is beyond the athletic trainer's scope of practice or expertise;
- 1730 (b) is a suspected head or traumatic brain injury, including a concussion; {or} and
- 1731 (c) is unresponsive to treatment.
- 1732 (3) An athletic trainer shall record collaboration with a physician regarding an athlete or athletic injury.
- 1734 (4) Nothing in this section prevents a physician from employing, directing, supervising, establishing protocols for, or assisting an athletic trainer in performing within the scope of practice for athletic training consistent with the scope of practice and professional standards of each practitioner.
- 1534 Section 24. Section **58-42a-102** is amended to read:
- 1535 **58-42a-102. Definitions.**
- As used in this chapter:
- 1741 (1) "Board" means the Physical Therapies Licensing Board created in Section 58-24b-201.
- 1742 (2)
- (a) "Individual treatment plan" means a written record [~~composed for each client by the individual licensed under this chapter to engage~~] an individual engaging in the practice of occupational therapy composes for each client.
- 1745 (b) "Individual treatment plan" includes:
- 1746 (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~~] client's stage of development;
- 1749 (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;
- 1752 (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

1755

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- (iv) planning and directing specific programs to evaluate and enhance a client's perceptual, motor, and cognitive skills.
- 1757 (3) "Occupational therapist" means an individual licensed under this chapter to practice occupational therapy.
- 1759 (4) "Occupational therapy aide" means an individual who is not licensed under this chapter [~~but who~~] but provides supportive services under the supervision of an occupational therapist or occupational therapy assistant.
- 1762 (5) "Occupational therapy assistant" means 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.
- 1765 (6)
- (a) "Practice of occupational therapy" means the therapeutic use of everyday life activities with [~~an individual~~] a client who:
- 1767 (i) [~~that~~]has or is at risk of developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction; and
- 1769 (ii) [~~to develop or restore the individual's~~] needs assistance developing or restoring the ability to engage in everyday life activities by addressing physical, cognitive, mental wellness, psychosocial, sensory, or other aspects of the [~~individual's~~] client's performance.
- 1773 (b) "Practice of occupational therapy" includes:
- 1774 (i) establishing, remediating, or restoring an undeveloped or impaired skill or ability of [~~an individual~~] a client;
- 1776 (ii) modifying or adapting an activity or environment to enhance [~~an individual's~~] a client's performance;
- 1778 (iii) maintaining and improving [~~an individual's~~] a client's capabilities to avoid declining performance in everyday life activities;
- 1780 (iv) promoting health and wellness to develop or improve [~~an individual's~~] a client's performance in everyday life activities;
- 1782 (v) performance-barrier prevention for [~~an individual~~] a client, including [~~disability prevention~~] preventing a disability;
- 1784 (vi) evaluating factors that affect [~~an individual's~~] a client's activities of daily living in educational, work, play, leisure, and social situations, including:

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- 1786 (A) body functions and structures;
- 1787 (B) habits, routines, roles, and behavioral patterns;
- 1788 (C) cultural, physical, environmental, social, virtual, and spiritual contexts and activity demands that affect performance; and
- 1790 (D) motor, process, communication, interaction, and other performance skills;
- 1791 (vii) providing interventions and procedures to promote or enhance ~~[an individual's]~~ a client's safety and performance in activities of daily living in educational, work, and social situations, including:
- 1794 (A) ~~[the therapeutic use of]~~ using therapeutic occupations and exercises;
- 1795 (B) training in self-care, self-management, home-management, and community and work reintegration;
- 1797 (C) ~~[the development, remediation, or compensation of]~~ developing, remediating, or compensating behavioral skills and physical, cognitive, neuromuscular, and sensory functions;
- 1800 (D) ~~[the education]~~ educating and training of ~~[an individual's]~~ a client's family members and caregivers;
- 1802 (E) ~~[care coordination]~~ coordinating care, case management, and transition services;
- 1804 (F) providing a consulting [services to groups, programs, organizations, or communities,] service to a group, a program, an organization, or a community;
- 1806 (G) modifying the environment and adapting ~~[processes]~~ a process, including the application of ergonomic principles;
- 1808 (H) assessing, designing, fabricating, applying, fitting, and providing training in assistive technology, adaptive devices, orthotic devices, and prosthetic devices;
- 1810 (I) prescribing durable medical equipment or an adaptive device to a patient with or without requesting a prescription from a licensed physician;
- 1812 ~~[(H)]~~ (J) assessing, recommending, and training ~~[an individual]~~ a client in ~~[techniques]~~ a technique to enhance functional mobility, including wheelchair management;
- 1815 ~~[(J)]~~ (K) providing driver rehabilitation and community mobility;
- 1816 ~~[(K)]~~ (L) enhancing eating and feeding performance;
- 1817 ~~[(L)]~~ (M) applying a physical agent [modalities] modality, managing wound care, dry needling, [and] or using a manual therapy [techniques] technique to enhance [an individual's] a client's performance skills, if the occupational therapist has received the necessary training as [determined by] the division determines by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 1823

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~~[(M)]~~ (N) applying dry needling to enhance ~~[an individual's]~~ a client's occupational performance if the occupational therapy practitioner has received the necessary training ~~[as determined by]~~ as the division determines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1828 (7) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-42a-501.

1830 (8) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-42a-502.

1628 Section 25. Section **58-42a-306** is amended to read:

1629 **58-42a-306. Supervision requirements.**

An occupational therapist who is supervising an occupational therapy assistant shall:

1835 (1) write or contribute to an individual treatment plan before referring a client to ~~[a supervised]~~ the occupational therapy assistant for treatment;

1837 (2) approve and cosign on all modifications to the individual treatment plan;

1838 (3) meet face to face with the ~~[supervised]~~ occupational therapy assistant as often as necessary but at least once every two weeks in person or by video conference, and at least one time every month in person, to adequately provide consultation, advice, training, and direction to the occupational therapy assistant;

1842 (4) meet with each client who has been referred to ~~[a supervised]~~ the occupational therapy assistant at least once each month, to further assess the patient, evaluate the treatment, and modify the individual's treatment plan, except that if the interval of client care occurs one time per month or less, the occupational therapist shall meet with the client at least once every four visits;

1847 (5) ~~[supervise no more than two full-time occupational therapy assistants at one time, or four part-time occupational therapy assistants if the combined work hours of the assistants do not exceed 40 hours per week, unless otherwise approved by the division in collaboration with the board]~~ supervise occupational therapy assistants in accordance with rules the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1853 (6) remain responsible for client treatment provided by the occupational therapy assistant; and

1855 (7) fulfill any other supervisory responsibilities as determined by division rule.

1652 Section 26. Section **58-42a-307** is amended to read:

1653 **58-42a-307. Dry needling -- Experience required -- Registration.**

1655 (1) An occupational therapist may practice ~~[trigger point]~~ dry needling if the occupational therapist:

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- 1657 (a) has a valid license to practice occupational therapy under this chapter;
- 1658 (b) has successfully completed a course in ~~[trigger point]~~dry needling that is:
- 1659 (i) approved by the division; and
- 1660 (ii) at least 304 total course hours, including a minimum of:
- 1661 (A) 54 hours of in-person instruction; and
- 1662 (B) 250 supervised patient treatment hours;
- 1663 (c) files a certificate of completion of the course described in Subsection (1)(b) with the division;
- 1665 (d) registers with the division as a ~~[trigger point]~~dry needling practitioner; and
- 1666 (e) meets any other requirement to practice ~~[trigger point]~~dry needling established by the division.
- 1668 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
- 1670 (a) the criteria for approving a course described in Subsection (1)(b); and
- 1671 (b) the requirements described in Subsection (1)(e).
- 1672 (3) The division may charge, in accordance with Section 63J-1-504, a fee for the registration described in Subsection (1)(d).

1674 Section 27. Section 58-44a-302 is amended to read:

1675 **58-44a-302. Qualifications for licensure.**

- 1676 (1) An applicant for licensure as a nurse midwife shall:
- 1677 (a) submit an application in a form the division approves;
- 1678 (b) pay a fee as determined by the department under Section 63J-1-504;
- 1679 (c) at the time of application for licensure hold a license in good standing as a registered nurse in Utah, or be at that time qualified for a license as a registered nurse under Title 58, Chapter 31b, Nurse Practice Act;
- 1682 (d) have completed:
- 1683 (i) a certified nurse midwifery education program accredited by the Accreditation Commission for Midwifery Education ~~[and approved by the division]~~ or another accrediting body the division approves by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 1688 (ii) a nurse midwifery education program located outside of the United States which is approved by the division and is equivalent to a program accredited by the Accreditation Commission for Midwifery Education, as demonstrated by a graduate's being accepted to sit for the national

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certifying examination administered by the Accreditation Commission for Midwifery Education or its designee;

1694 (e) have passed examinations established by the division rule in collaboration with the board within two
years after completion of the approved education program required under Subsection (1)(d); and

1697 (f)

(i) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

1699 (ii) meet any other standard related to the criminal background check described in Subsection (1)(f)(i),
that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative
Rulemaking Act; and

1702 (iii) disclose any criminal history the division requests on a form the division approves.

1704 (2) For purposes of Subsection (1)(d), as of January 1, 2010, an applicant shall have completed
a graduate degree, including post-master's certificate, in nurse midwifery from the accredited
education program or the accredited education program's equivalent.

1856 ~~{Section 29. Section 58-46a-102 is amended to read: }~~

1857 **58-46a-102. Definitions.**

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

1859 (1)

(a) "Certified individual" means an individual who is:

1860 (i) certified under this chapter; or

1861 (ii) licensed under this chapter before May 6, 2026, if the license is not expired, suspended, or
revoked.

1863 (b) "Certified individual" means the same as a licensed individual for purposes of credentialing,
paneling, insurance, reimbursement, portability, and compacts.

1865 [(1)] (2) "Direct supervision" means [that] supervision where the supervising audiologist or supervising
hearing instrument specialist is present in the same facility as is the [person] individual being
supervised and is available for immediate in person consultation.

1868 [(2) ~~"Hearing instrument" or "hearing aid" means any device designed or offered to be worn on or by
an individual to enhance human hearing, including the device's specialized parts, attachments, or
accessories.~~]

1871 (3)

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- 1873 (a) "Hearing instrument" means a wearable device offered to compensate for human hearing loss, including the device's parts, attachments, or accessories.
- 1875 (b) "Hearing instrument" does not include a device that is surgically implanted in the cochlea or under the skin near the ear.
- 1879 [(3)] (4) "Hearing instrument intern" means [a person licensed] an individual certified under this chapter who is obtaining education and experience in the practice of a hearing instrument specialist under the supervision of a supervising hearing instrument specialist or supervising audiologist.
- 1880 (5) "Hearing instrument specialist" means an individual who:
- 1881 (a) establishes a place of business to practice as a hearing instrument specialist;
- 1885 (b) tests the hearing of a human patient over 17 years old for the sole purpose of determining whether the use of a hearing instrument will improve hearing loss sufficiently to justify prescribing and selling the hearing instrument and whether that hearing instrument will be in the best interest of the patient;
- 1887 (c) provides the patient a written statement of prognosis regarding the need for or usefulness of a hearing instrument for the patient's condition;
- 1888 (d) prescribes an appropriate hearing instrument;
- 1889 (e) makes impressions or ear molds for the fitting of a hearing instrument;
- 1890 (f) sells and professionally places the hearing instrument on a patient;
- 1893 (g) evaluates the hearing loss overcome by the installation of the hearing instrument and evaluates the hearing recovery against the representations the hearing instrument specialist made to the patient;
- 1895 (h) intervening to produce satisfactory hearing recovery results from a hearing instrument; or
- 1896 (i) instructing the patient on the use and care of the hearing instrument.
- 1901 [(4)] (6) "Indirect supervision" means [that] supervision where the supervising hearing instrument specialist or supervising audiologist is not required to be present in the same facility as [is the person] the individual being supervised, but is available for voice to voice contact by telephone, radio, or other means at the initiation of the [person being-]supervised individual.
- 1902 [(5) "Practice of a hearing instrument specialist" means:]
- 1903 [(a) establishing a place of business to practice as a hearing instrument specialist;]
- 1903 [(b) testing the hearing of a human patient over the age of 17 for the sole purpose of determining whether a hearing loss will be sufficiently improved by the use of a hearing instrument to justify

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- prescribing and selling the hearing instrument and whether that hearing instrument will be in the best interest of the patient;]
- 1907 [(e) providing the patient a written statement of prognosis regarding the need for or usefulness of a hearing instrument for the patient's condition;]
- 1909 [(d) prescribing an appropriate hearing instrument;]
- 1910 [(e) making impressions or earmolds for the fitting of a hearing instrument;]
- 1911 [(f) sale and professional placement of the hearing instrument on a patient;]
- 1912 [(g) evaluating the hearing loss overcome by the installation of the hearing instrument and evaluating the hearing recovery against the representations made to the patient by the hearing instrument specialist;]
- 1915 [(h) necessary intervention to produce satisfactory hearing recovery results from a hearing instrument; or]
- 1917 [(i) instructing the patient on the use and care of the hearing instrument.]
- 1918 (7) "Supervising audiologist" means an audiologist who:
- 1919 (a) holds a license and maintains good standing with the division;
- 1920 (b) practices full-time as an audiologist and has done so for at least two years; and
- 1921 (c) submits a request to the division on a form the division approves and receives approval from the division to supervise a hearing instrument intern.
- 1923 [(6)] (8) "Supervising hearing instrument specialist" means a hearing instrument specialist who:
- 1925 [(a) is licensed by and in good standing with the division;]
- 1926 [(b) has practiced full-time as a hearing instrument specialist for not less than two years; and]
- 1928 [(e) is approved as a supervisor by the division.]
- 1929 (a) holds certification and maintains good standing with the division;
- 1930 (b) practices full-time as a hearing instrument specialist and has done so for at least two years; and
- 1932 (c) submits a request to the division on a form the division approves and receives approval from the division to supervise a hearing instrument intern.
- 1934 [(7)] (9) "Unlawful conduct" means the same as that term is defined in Section 58-1-501.
- 1935 [(8)] (10) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-46a-501.
- 1937 {Section 30. ~~Section 58-46a-301 is amended to read: }~~
- 1938 **58-46a-301. Certification required -- Certification classifications.**

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- 1940 (1) A [~~license~~] certificate is required to engage in the practice of hearing instrument specialist or
hearing instrument intern, except as specifically provided in Section 58-1-307 or 58-46a-305.
- 1943 (2) The division shall issue to an individual qualified under the provisions of this chapter a
[~~license~~] certificate in the classification of:
- 1945 (a) hearing instrument specialist; or
- 1946 (b) hearing instrument intern.
- 1947 ~~{Section 31. Section 58-46a-302 is amended to read: }~~
- 1948 **58-46a-302. Qualifications for certification.**
- 1950 (1) Each applicant for [~~license~~] certification as a hearing instrument specialist shall:
- 1951 (a) [~~submit to the division an application in a form prescribed by the division~~] submit an application to
the division on a form the division approves;
- 1953 (b) [~~pay a fee as determined by the division pursuant to Section 63J-1-504~~] pay a fee to the division as
determined under Section 63J-1-504;
- 1955 (c) pass an appropriate entry-level examination the division makes by rule in accordance with Title
63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1957 (d) complete at least six months of training with a supervising hearing instrument specialist or
supervising audiologist;
- 1959 [~~e) have qualified for and currently hold board certification by the National Board for Certification-~~
~~Hearing Instrument Sciences, or an equivalent certification approved by the division;~~]
- 1962 [~~d)~~] (e) [~~have passed~~] pass the [~~Utah Law and Rules Examination for Hearing Instrument~~
~~Specialists~~] Utah Hearing Instrument Specialists Law and Rule Examination; and
- 1964 [~~e)~~] (f) if the applicant holds a hearing instrument intern [~~license~~] certification, surrender the
hearing instrument intern [~~license~~] certification at the time of [~~license~~] certification as a hearing
instrument specialist.
- 1967 (2) Each applicant for [~~license~~] certification as a hearing instrument intern shall:
- 1968 (a) [~~submit to the division an application in a form prescribed by the division~~] submit an application to
the division on a form the division approves;
- 1970 (b) [~~pay a fee as determined by the division pursuant to Section 63J-1-504;~~] pay a fee to the division as
determined under Section 63J-1-504;
- 1972 (c) [~~have passed~~] pass the Utah Law and Rules Examination for Hearing Instrument Specialists; and
- 1974

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(d) present evidence acceptable to the division that the applicant, when [~~licensed~~] certified, will practice as a hearing instrument intern~~[-only]~~ under the supervision of a supervising hearing instrument specialist or supervising audiologist in accordance with~~[:]~~ Section 58-46a-302.5.

1978 [(i) Section 58-46a-302.5; and]

1979 [(ii) the supervision requirements for obtaining board certification by the National Board for Certification – Hearing Instrument Sciences, or an equivalent certification approved by the division.]

1982 {Section 32. Section ~~58-46a-302.5~~ is amended to read: }

1983 **58-46a-302.5. Supervision requirements -- Hearing instrument interns.**

1985 (1) Except as provided in Subsection (2), a hearing instrument intern may~~[-only]~~ practice as a hearing instrument intern only under the direct supervision of a [~~licensed~~] supervising hearing instrument specialist or supervising audiologist.

1988 (2) A hearing instrument intern may practice under the indirect supervision of a [~~licensed~~] supervising hearing instrument specialist if the hearing instrument [~~specialist~~] intern:

1990 (a) receives a passing score on a practical examination demonstrating acceptable skills in the area of hearing testing [~~as approved by the division~~] the division requires by rule [~~made~~] the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1994 (b) completes [~~the National Institute for Hearing instrument studies~~] an education and examination program~~[-]~~ or an equivalent college level program [~~as approved by~~] that the division approves by rule [~~made~~] the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1998 {Section 33. Section ~~58-46a-303~~ is amended to read: }

1999 **58-46a-303. Term of certification -- Expiration -- Renewal of specialist and intern licenses.**

2001 (1)

(a)

(i) [~~The division shall issue a license for a hearing instrument specialist in accordance with a two-year renewal cycle established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] Each certification issued under this chapter shall be issued in accordance with a five-year renewal cycle established by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2007 (ii) The division may extend or shorten the renewal period by as much as one year to maintain established renewal cycles or to change an established renewal cycle.

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- 2009 [(ii) The division may by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, extend or shorten a renewal period by as much as one year to stagger the renewal cycles the division administers.]
- 2012 [(b) At the time of renewal, the licensed hearing instrument specialist shall demonstrate satisfactory evidence of each of the following:]
- 2014 [(i) current certification by the National Board for Certification Hearing Instrument Sciences, or other acceptable certification approved by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;]
- 2017 [(ii) calibration of all appropriate technical instruments used in practice; and]
- 2018 [(iii) completion of continuing professional education required in Section 58-46a-304.]
- 2019 [(e)] (b) As a condition for renewal or reinstatement of certification, the applicant shall attest that the applicant will:
- 2021 (i) maintain competence and safe practices; and
- 2022 (ii) provide evidence as the division determines by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, documenting competence at the division's request.
- 2025 (c) A hearing instrument specialist license automatically expires on the expiration date shown on the [license unless renewed by the licensee in accordance with Section 58-1-308 or surrendered in accordance with Section 58-1-306] certificate.
- 2028 (2)
- (a) The division shall issue a license for a hearing instrument intern for a term of three years.
- 2030 (b) The division may renew a license for a hearing instrument intern for a term of three years for good cause shown, as determined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2033 {Section 34. Section 58-46a-305 is amended to read: }
- 2034 **58-46a-305. Exemptions from certification.**
In addition to the exemptions [from licensure] in Section 58-1-307, the following [persons] individuals may engage in [acts and practices] an act or practice included within the definition of [practice as a] hearing instrument specialist or hearing instrument intern[, subject to their professional licensure authorization and restrictions,] without being [licensed] certified under this chapter:
- 2041

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- (1) an audiologist licensed under the provisions of Chapter 41, Speech-Language Pathology and Audiology Licensing Act;
- 2043 (2) a physician and surgeon licensed under the provisions of Chapter 67, Utah Medical Practice Act, or osteopathic physician licensed under the provisions of Chapter 68, Utah Osteopathic Medical Practice Act; and
- 2046 (3) a physician assistant licensed under the provisions of Chapter 70a, Utah Physician Assistant Act.

2048 ~~{Section 35. Section 58-46a-307 is amended to read: }~~

2049 **58-46a-307. Certified individual required to prove certification to commence or maintain action.**

A person may not commence or maintain an action in any court of the state for collection or compensation in any amount resulting from performance of acts or practices for which [a license] certification is required under this chapter unless that person was properly [licensed] certified under this chapter as a hearing instrument specialist at the time there was an agreement made to perform the regulated acts and practices, when the regulated acts and practices were performed, and when the alleged cause of action arose.

2057 ~~{Section 36. Section 58-46a-401 is amended to read: }~~

2058 **58-46a-401. Grounds for denial of certification -- Disciplinary proceedings.**

[Grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.]

2064 (1) The division may:

2065 (a) refuse to issue a certificate to an applicant;

2066 (b) refuse to renew a certificate;

2067 (c) revoke, suspend, restrict, or place a certificate on probation;

2068 (d) issue a public or private reprimand to a certified individual; or

2069 (e) issue a cease and desist order.

2070 (2) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.

2072 ~~{Section 37. Section 58-46a-501 is amended to read: }~~

2073 **58-46a-501. Unprofessional conduct.**

"Unprofessional conduct" includes:

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- 2075 (1) testing the hearing of a patient for any purpose other than to determine whether a hearing loss will be improved by ~~[the use of]~~ using a hearing instrument;
- 2077 (2) failing to make an appropriate referral to a qualified health care provider with respect to a condition ~~[detected]~~ a certified individual detects in a patient ~~[examined by a licensee under this chapter]~~if the condition is generally recognized in the profession as one ~~[that should be referred]~~ the certified individual should refer;
- 2081 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently improved to justify prescribing and selling ~~[of]~~the hearing instrument;
- 2083 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to practice under this chapter and specifically with respect to the benefits of a hearing instrument or the degree to which a hearing instrument will benefit a patient;
- 2086 (5) failing to exercise caution in providing a patient a prognosis to assure the patient is not led to expect results that cannot be accurately predicted;
- 2088 (6) failing to provide appropriate follow-up care and consultation with respect to a patient to whom a hearing instrument has been prescribed and sold upon being informed by the patient that the hearing instrument does not produce the results ~~[represented by the licensee]~~ the certified individual represented;
- 2092 (7) failing to disclose in writing to the patient the charge for all services and hearing instruments prescribed and sold to a patient ~~[prior to]~~ before providing the services or hearing instrument;
- 2095 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon a determination by the division that the patient has not obtained the recovery of hearing ~~[represented by the licensee]~~ the certified individual represented in writing ~~[prior to designation and-]~~ before the sale of the hearing instrument;
- 2099 (9) paying ~~[any]~~ a professional ~~[person]~~ individual any consideration of any kind for referral of a patient;
- 2101 (10) failing, when acting as a supervising hearing instrument specialist or supervising audiologist, to provide supervision and training in hearing instrument sciences in accordance with Section 58-46a-302.5;
- 2104 (11) engaging in the practice as a hearing instrument intern when not under the supervision of a supervising hearing instrument specialist or supervising audiologist in accordance with Section 58-46a-302.5;

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- 2107 (12) failing to describe [~~the circuitry~~] in any advertisement, presentation, purchase, or trial agreement,
the circuitry of a hearing instrument as being either "digital" or "analog"[;] or other acceptable terms
[~~as determined by the division~~] the division determines;
- 2110 (13) failing to follow the guidelines or policies of the United States Federal Trade Commission in any
advertisement;
- 2112 (14) failing to adhere to the rules and regulations prescribed by the United States Food and Drug
Administration as [~~they~~] the rules and regulations pertain to the hearing instrument specialist;
- 2115 (15) failing to maintain all equipment used in the practice of a hearing instrument specialist properly
calibrated and in good working condition; and
- 2117 (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or 58-46a-503.
- 2119 ~~{Section 38. Section 58-46a-502 is amended to read: }~~
- 2120 **58-46a-502. Additional requirements for practicing as a hearing instrument specialist.**
[~~A person~~] An individual engaging in the practice of a hearing instrument specialist shall:
- 2123 (1) have a regular place or places of business from which the [~~person~~] individual conducts business as
a hearing instrument specialist and the place or places of business shall be represented to a patient
and others with whom business is conducted by the street address at which the place of business is
located;
- 2127 (2) include in all advertising or other representation the street address at which the business is located
and the telephone number of the business at that street address;
- 2129 (3) provide as part of each transaction between a [~~licensee~~] certified individual and a patient related to
testing for hearing loss and selling of a hearing instrument written documentation provided to the
patient that includes:
- 2132 (a) identification of [~~all services and products~~] a service or a product provided to the patient by the
hearing instrument specialist and the charges for each service or product;
- 2135 (b) a statement whether [~~any~~] a hearing instrument provided to a patient is "new," "used," or
"reconditioned" and the terms and conditions of any warranty or guarantee that applies to each
instrument; and
- 2138 (c) the identity and [~~license~~] certification number of each hearing instrument specialist or hearing
instrument intern who provided services or products to the patient;
- 2140 (4) before providing services or products to a patient:
- 2141

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- (a) advise the patient regarding services and products offered to the patient, including the expected results of the services and products;
- 2143 (b) inform each patient who is being offered a hearing instrument about hearing instruments that work with assistive listening systems that are compliant with the ADA Standards for Accessible Design adopted by the United States Department of Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101 et seq.; and
- 2148 (c) obtain written informed consent from the patient regarding offered services, products, and the expected results of the services and products in a form ~~[approved by the division]~~ the division approves;
- 2151 (5) refer ~~[all individuals]~~ an individual under ~~[the age of 18]~~ 18 years old who ~~[seek testing of hearing]~~ seeks a hearing test to a physician~~[-or]~~, surgeon, osteopathic physician, physician assistant, or audiologist, licensed or certified under the provisions of this title, and shall dispense a ~~[hearing aid]~~ hearing instrument to that individual only on prescription ~~[of]~~ from a physician~~[-or]~~, surgeon, osteopathic physician, physician assistant, or audiologist;
- 2157 (6) obtain the patient's informed consent and agreement to purchase the hearing instrument based on that informed consent either by the hearing instrument specialist or the hearing instrument intern, before designating an appropriate hearing instrument; and
- 2160 (7) if a hearing instrument does not substantially enhance the patient's hearing consistent with the representations of the hearing instrument specialist at the time informed consent was given ~~[prior to]~~ before the sale and fitting of the hearing instrument, provide:
- 2163 (a) necessary intervention to produce satisfactory hearing recovery results consistent with representations made; or
- 2165 (b) for the refund of fees paid by the patient for the hearing instrument to the hearing instrument specialist within a reasonable time after finding that the hearing instrument does not substantially enhance the patient's hearing.

2168 ~~{Section 39. Section 58-46a-503 is amended to read: }~~

2169 **58-46a-503. Testing period for a hearing instrument.**

2171 (1)

- (a) ~~[Any person licensed under this chapter who sells a hearing aid]~~ A person that sells a hearing instrument to a consumer shall provide a written receipt or a written contract to the consumer.

2174

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- (b) The written receipt or the written contract shall provide the consumer with a 30-day right to cancel the purchase if ~~[the consumer finds that the hearing aid]~~ the hearing instrument does not function adequately for the consumer~~[-and to]~~ .
- 2177 (c) ~~[obtain]~~ A person that sells a hearing instrument shall provide a refund to the consumer if the consumer returns the ~~[hearing aid]~~ hearing instrument to the ~~[seller]~~ person in the same condition as when purchased, excluding ordinary wear and tear ~~[excluded, as when purchased]~~ within the 30-day right to cancel described in Subsection (1)(b).
- 2182 (d) The written receipt or the written contract shall notify the consumer of the 30-day right to cancel in at least ~~[10]~~ 12 point ~~[type]~~ font.
- 2184 (e) The 30-day right to cancel period shall commence from ~~[either]~~ the later of the day on which:
- 2186 (i) ~~[-the date the hearing aid]~~ the hearing instrument is originally delivered to the consumer~~[-or]~~ ;
- 2188 (ii) ~~[the date]~~ the written receipt is dated; or
- 2189 (iii) the contract is delivered to the consumer~~[-, whichever is later]~~.
- 2190 (f) ~~[The 30-day period shall be tolled for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery]~~ The 30-day period is paused while the hearing instrument specialist possesses or controls the hearing instrument after the hearing instrument's original delivery.
- 2194 (2)
- (a) Upon exercise of the right to cancel a ~~[hearing aid]~~ hearing instrument purchase, the ~~[seller of the hearing aid is entitled to a]~~ hearing instrument specialist may collect from the purchaser a cancellation fee ~~[not to exceed]~~ of up to 15% of all fees charged to the consumer, including testing, fitting, counseling, and the purchase price of the ~~[hearing aid]~~ hearing instrument.
- 2199 (b) ~~[The exact amount of the cancellation fee shall be stated in the]~~ The written receipt or the written contract provided to the consumer shall state the exact amount of the cancellation fee.
- 1707 Section 28. Section **58-47b-201** is amended to read:
- 1708 **58-47b-201. Board.**
- 2204 (1) There is created the Board of Massage Therapy and Acupuncture consisting of:
- 2205 (a) four massage therapists;
- 2206 (b) two ~~[licensed acupuncturists as defined in Section 58-72-102]~~ acupuncturists; and
- 2207 (c) one member of the general public.
- 2208 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

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- 2209 (3)
- (a) The board shall perform the duties and responsibilities described in Sections 58-1-202 and 58-1-203 with respect to this chapter and Chapter 72, Acupuncture Licensing Act.
- 2212 (b) In addition, the board shall designate one of [its] the board's members on a permanent or rotating basis to:
- 2214 (i) assist the division in reviewing complaints concerning the conduct of an individual licensed under this chapter or Chapter 72, Acupuncture Licensing Act; and
- 2217 (ii) advise the division in [its] the division's investigation of these complaints.
- 2218 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its] the complaint's investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
- 1727 Section 29. Section **58-54-303** is amended to read:
- 1728 **58-54-303. Supervision and prescription required -- Imaging ordered by a licensed physical therapist.**
- 2225 [~~(1) The practice of radiologic technology by a radiologic technologist licensed under this chapter shall be under the general supervision of a radiologist or radiology practitioner and may be performed only upon the order of a radiologist or radiology practitioner acting within the scope of the radiologist's or radiology practitioner's license and experience within the scope of practice of a radiology practitioner.~~]
- 2230 (1) A radiologic technologist certified under this chapter may practice radiologic technology only:
- 2232 (a) under the general supervision of a radiologist or radiology practitioner; and
- 2233 (b) upon the order of a radiologist or radiology practitioner acting within the scope of the radiologist's or radiology practitioner's license and experience.
- 2235 (2)
- (a) Notwithstanding Subsection (1), a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act, acting within the scope of the physical therapist's license and experience may order [~~plain radiographs and magnetic resonance~~]imaging if:
- 2239 (i) the licensed physical therapist designates a physician to receive the results of the [~~plain radiographs or magnetic resonance~~]imaging; and
- 2241 (ii) the physician designated in Subsection (2)(a)(i) agrees to receive the results of the [~~plain radiographs or magnetic resonance~~]imaging.

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- 2243 (b) A licensed physical therapist who orders [~~plain radiographs or magnetic resonance~~] imaging under
Subsection (2)(a) shall:
- 2245 (i) communicate with the patient's physician to ensure coordination of care; and
- 2246 (ii) refer a patient to an appropriate provider when the findings of the imaging [~~that was~~] ordered by the
licensed physical therapist indicate that the needed services [~~that are needed~~] exceed the licensed
physical therapist's experience [~~and~~] or scope of practice.
- 2250 (c) A licensed physical therapist is not subject to Subsection (2)(b)(i) if:
- 2251 (i) a radiologist has read the image and has not identified a significant finding;
- 2252 (ii) the patient does not have a primary care physician; and
- 2253 (iii) the patient was not referred to the licensed physical therapist for health care services by another
health care provider.
- 1760 Section 30. Section **58-57-101** is renumbered and amended to read:
- 1762 ~~[58-57-2]~~ **58-57-101. Definitions.**
- [~~In addition to the definitions in Section 58-1-102, as~~] As used in this chapter:
- 2259 (1) "Board" means the Respiratory Care Licensing Board created in Section [~~58-57-3~~] 58-57-102.
- 2261 (2)
- (a) "Health care facility" means [~~any~~] a facility or institution in which health care services are
performed or furnished [~~and~~] .
- 2263 (b) "Health care facility" includes a hospital, a clinic, [~~or~~] and an emergency care center.
- 2264 (3)
- (a) "Limited practice of respiratory care" means the practice of respiratory care on a non-critical care
patient.
- 2266 (b) "Limited practice of respiratory care" does not include:
- 2267 (i) invasive and noninvasive mechanical ventilation;
- 2268 (ii) arterial line placement; or
- 2269 (iii) high-risk procedures the division defines by rule the division makes in collaboration with the board
and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2272 (4) "Non-critical care patient" means a patient who is not receiving a service from an intensive care
unit, an emergency department of a hospital, or an ambulance as that term is defined in Section
53-2d-101.
- 2275 [~~(3)~~] (5)

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- (a) "Practice of respiratory care"[;]
- 2276 [(a)] _means the treatment, operation of equipment, management, diagnostic testing, and care of
[any] a human disease, deficiency, pain, injury, or other physical condition associated with the
cardiopulmonary system under the qualified medical direction or supervision of a practitioner
who has training and knowledge in the diagnosis, treatment, and assessment of respiratory
problems[;] .
- 2281 (b) "Practice of respiratory care" includes:
- 2282 (i) accepting and carrying out a practitioner's written, verbal, or telephonic prescription or order
specifically relating to respiratory care in a hospital or other health care setting and [~~includes~~] in
consultation with [~~licensed nurses~~] a licensed nurse, as appropriate;
- 2286 (ii) administering respiratory care during transportation of a patient and under other circumstances
where an emergency requires immediate respiratory care;
- 2288 (iii) serving as a resource to other health care professionals and hospital administrators in relation to the
technical aspects of, and the safe and effective methods for, administering respiratory care;
- 2291 (iv) functioning in situations of patient contact requiring individual judgment in administering
respiratory care under the general supervision of a qualified practitioner; and
- 2294 (v) supervising, directing, or teaching personnel in the performance of respiratory care modalities
as part of [~~a respiratory care~~] an approved education program{ ~~for respiratory care~~ }[; and] for
respiratory care.
- 2297 (c) "Practice of respiratory care" does not include:
- 2298 (i) [~~a person who delivers, installs, or maintains~~] the delivery, installation, or maintenance of
respiratory related durable medical equipment[~~and~~] ; or
- 2300 (ii) [~~who gives~~] giving instructions regarding the use of [~~that equipment~~] respiratory related durable
medical equipment } as long as { [] that person } respiratory related durable medical equipment if the
individual giving the instruction does not perform clinical evaluation or treatment of the patient.
- 2303 [(4)] (6) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by
the appropriate jurisdiction to prescribe and administer drugs and order respiratory care in the course
of professional practice.
- 2306 [(5) "~~Respiratory care practitioner~~" means any person licensed to practice respiratory care under this
chapter.]
- 2308 [(6)] (7) "Respiratory related durable medical equipment" means:

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- 2309 (a) medical grade oxygen;
- 2310 (b) equipment and supplies related to medical gases;
- 2311 (c) apnea monitors;
- 2312 (d) oximeters;
- 2313 (e) noninvasive positive pressure generators, except those with back-up respiratory rate or when used
invasively;
- 2315 (f) bilirubin lights;
- 2316 (g) suctioning equipment;
- 2317 (h) large volume nebulizers with compressors, except when used invasively in conjunction with an
artificial airway;
- 2319 (i) medication nebulizers;
- 2320 (j) enteral nutrition equipment; and
- 2321 (k) other respiratory related equipment intended for use in the home as ~~[defined by the division by
rule]~~ the division defines by rule the division makes in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act.
- 2324 ~~[(7)]~~ (8) "Unlawful conduct" ~~[is defined in]~~ means the same as that term is defined in Sections
58-1-501 and ~~[58-57-14]~~ 58-57-110.
- 2326 ~~[(8)]~~ (9)
- (a) "Unprofessional conduct" ~~[as defined in]~~ means the same as that term is defined in Section
58-1-501 and as ~~[may be further defined by rule]~~ the division may define by rule the division makes
in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2330 (b) "Unprofessional conduct" includes:
- 2331 ~~[(a)]~~ (i) acting contrary to the instructions of the practitioner responsible for supervising the licensee;
- 2333 ~~[(b)]~~ (ii) knowingly operating ~~[any]~~ respiratory care equipment that is unsafe or not in compliance with
standards of condition or operation consistent with the patient's safety;
- 2336 ~~[(c)]~~ (iii) permitting ~~[any person]~~ an individual to operate respiratory care equipment who is not
competent or not allowed to operate the equipment;
- 2338 ~~[(d)]~~ (iv) revealing to ~~[any unauthorized person]~~ an unauthorized individual confidential or privileged
information about a patient;
- 2340

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[~~(e)~~] (v) using ~~[any]~~ a controlled substance, unless a practitioner prescribes the controlled substance ~~[is prescribed by a practitioner and used]~~ and the respiratory care practitioner uses the controlled substance in accordance with the practitioner's instructions; and

2344 [~~(f)~~] (vi) making ~~[any]~~ a statement that is incorrect due to negligence, willfulness, or intent to provide false information or entry on ~~[any]~~ a patient record or other record that is used for payment of respiratory care services.

1852 Section 31. Section **58-57-102** is renumbered and amended to read:

1854 ~~[58-57-3]~~ **58-57-102. Board created -- Membership -- Duties.**

2350 (1) There is created a five-member Respiratory Care Licensing Board consisting of the following ~~[persons]~~ individuals:

2352 (a) one physician who is a member of either the American Society of Anesthesiologists, the American College of Chest Physicians, the American Thoracic Society, or the American Academy of Pediatrics;

2355 (b) three licensed respiratory care practitioners who have practiced respiratory care for a period of not less than three years immediately ~~[preceeding their]~~ before appointment to the board; and

2358 (c) one member from the general public.

2359 [~~(2) The board shall be appointed and serve in accordance with Section 58-1-201.~~]

2360 (2) The executive director shall appoint the members of the board and the members shall serve in accordance with Section 58-1-201.

2362 [~~(3) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.~~]

2364 (3) The board shall perform the board's duties and responsibilities as provided in Sections 58-1-202 and 58-1-203.

1871 Section 32. Section **58-57-103** is renumbered and amended to read:

1873 ~~[58-57-4]~~ **58-57-103. Qualifications for a license -- Scope of practice.**

2370 (1) [~~The division shall issue a respiratory care practitioner license to an applicant who meets the requirements specified in this section.~~] The division shall issue to an individual who meets the requirements specified in this section a license in the classification of:

2373 (a) respiratory care practitioner; or

2374 (b) respiratory care apprentice.

2375 (2)

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(a) An applicant seeking licensure as a respiratory care practitioner shall:

- 2376 ~~[(a)]~~ (i) ~~[submit an application on a form prescribed by the division]~~ submit to the division an
application on a form the division approves;
- 2378 ~~[(b)]~~ (ii) ~~[pay a fee as determined by the department pursuant to Section 63J-1-504]~~ pay to the
division a fee determined in accordance with Section 63J-1-504;
- 2380 ~~[(c)]~~ (iii) ~~[possess a]~~ have a high school education or [its] the equivalent, as [determined by the
division in] the division determines by rule the division makes in collaboration with the board
and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2384 ~~[(d)]~~ (iv) ~~[have completed]~~ complete a respiratory care practitioner educational program that is
accredited by a nationally accredited organization acceptable to the division as defined by rule
the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
Act; and
- 2388 ~~[(e)]~~ (v) subject to Section 58-57-104, pass an examination [approved by]the division approves in
collaboration with the board.

(b) A respiratory care practitioner may engage in the practice of respiratory care.

(3)

(a) An applicant seeking licensure as a respiratory care apprentice shall:

- 2392 (i) submit to the division an application on a form the division approves;
- 2393 (ii) pay to the division a fee determined under Section 63J-1-504;
- 2394 (iii) have a high school education or the equivalent, as the division determines by rule the division
makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
Administrative Rulemaking Act;
- 2397 (iv) submit to the division evidence that the applicant is:
- 2398 (A) in good standing with an approved education program that the division approves by rule the
division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 2401 (B) in the final year with the approved education program; and
- 2402 (C) has written permission from the education program in which the applicant is enrolled to apply for
licensure.
- 2404 (b) A respiratory care apprentice may perform a service in the **limited** practice of respiratory care if the
respiratory care apprentice has documented evidence of training for the service.

1912

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(c) A respiratory care apprentice shall be under the indirect supervision of a licensed respiratory care practitioner when engaging in the limited practice of respiratory care.

1914 Section 33. Section **58-57-104** is renumbered and amended to read:

1916 ~~[58-57-5]~~ **58-57-104. Licensure by endorsement.**

[If an applicant has completed a respiratory care practitioner education program that is approved by the board and accredited by a nationally accredited organization acceptable to the division, as defined by rule, the board may recommend that the division issue a license without examination to any applicant currently licensed by another state as a respiratory care practitioner or its equivalent, if the requirements for licensing in that state are at least as stringent as the requirements under this chapter.] The board may recommend that the division issue a license without examination to an applicant currently licensed in another state as a respiratory care practitioner, or the equivalent, if that state's licensing requirements are at least as stringent as the requirements under this chapter.

{ Licensure by endorsement shall be in }

accordance with Section 58-1-302.

1924 Section 34. Section **58-57-105** is renumbered and amended to read:

1926 ~~[58-57-6]~~ **58-57-105. Term of license -- Expiration -- Renewal.**

2423 (1)

(a) ~~[Each license issued under this chapter shall be issued]~~ The division shall issue a respiratory care practitioner license in accordance with a two-year renewal cycle [established by rule] the division makes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2427 (b) ~~[A]~~ The division may extend or shorten a renewal period [may be extended or shortened] by as much as one year to maintain established renewal cycles or to change [an established] a renewal cycle.

2430 (2) ~~[Each license]~~ A respiratory care practitioner license automatically expires on the expiration date shown on the license [unless renewed by the licensee in accordance with Section 58-1-308].

2433 (3)

(a) A respiratory care apprentice license shall expire on the day of the earliest of the following events:

2435 (i) the issuance of a respiratory care practitioner license;

2436 (ii) the denial of a respiratory care practitioner license application; or

2437 (iii) the termination of enrollment at an accredited respiratory care practitioner program.

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- 2439 (b) Notwithstanding Subsection (3)(a)(iii), a respiratory care apprentice license is valid for 60 days after the day on which a respiratory care apprentice graduates from an accredited respiratory care practitioner program.
- 1947 Section 35. Section **58-57-106** is renumbered and amended to read:
- 1949 ~~[58-57-7]~~ **58-57-106. Exemptions from licensure.**
- 2445 (1)
- (a) For purposes of Subsection (2)(b), "qualified" means an individual who is a registered polysomnographic technologist or a Diplomate certified by the American Board of Sleep Medicine.
- 2448 (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following will be immediately available for consultation in person or by phone:
- 2450 (i) a practitioner;
- 2451 (ii) a respiratory therapist;
- 2452 (iii) a Diplomate of the American Board of Sleep Medicine; or
- 2453 (iv) a registered polysomnographic technologist.
- 2454 (2) In addition to the exemptions from licensure in Section 58-1-307, the following ~~[persons]~~ individuals may engage in the practice of respiratory therapy subject to the stated circumstances and limitations without being licensed under this chapter:
- 2457 (a) ~~[any person]~~ an individual who provides gratuitous care for ~~[a member of his immediate family]~~ an immediate family member without representing ~~[himself-as]~~ that the individual is a licensed respiratory care practitioner;
- 2460 (b) ~~[any person]~~ an individual who is a licensed or a qualified member of another health care profession, if this practice is consistent with the accepted standards of the profession and if the ~~[person]~~ individual does not represent ~~[himself-as]~~ that the individual is a respiratory care practitioner;
- 2464 (c) ~~[any person]~~ an individual who serves in the Armed Forces of the United States or ~~[any other]~~ another agency of the federal government and is ~~[engaged in the performance of his]~~ performing official duties;
- 2467 (d) ~~[any person]~~ an individual who acts under a certification issued ~~[pursuant to]~~ in accordance with Title 53, Chapter 2d, Emergency Medical Services Act, while providing emergency medical services;
- 2470

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- (e) ~~[any person]~~ except as provided in Subsection (3), an individual who delivers, installs, or maintains respiratory related durable medical equipment ~~[and] or~~ who gives instructions regarding the use of that equipment~~[in accordance with Subsections 58-57-2(3) and (6), except that this exemption does not include any clinical evaluation or treatment of the patient];~~
- 2475 (f) ~~[any person]~~ an individual who ~~[is working]~~ works in a practitioner's office, acting under supervision; and
- 2477 (g) a polysomnographic technician or trainee, acting under supervision, as long as the technician or trainee administers the following only in a sleep lab, sleep center, or sleep facility:
- 2480 (i) oxygen titration; and
- 2481 (ii) positive airway pressure that does not include mechanical ventilation.
- 2482 (3) Subsection (2)(e) does not allow an individual to engage in clinical evaluation or treatment of a patient.
- 2484 ~~[(3)]~~ (4) Nothing in this chapter permits a respiratory care practitioner to engage in the unauthorized practice of other health disciplines.
- 1991 Section 36. Section **58-57-107** is renumbered and amended to read:
- 1993 ~~[58-57-8]~~ **58-57-107. Grounds for denial of license -- Disciplinary proceedings.**
[Grounds for refusal to issue a license to an applicant, for refusal to renew the license of
a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue
a public or private reprimand to a licensee, and to issue cease and desist orders shall be in
accordance with Section 58-1-401.]
- 2494 (1) The division may:
- 2495 (a) refuse to issue a license to an applicant;
- 2496 (b) refuse to renew a license;
- 2497 (c) revoke, suspend, restrict, or place a license on probation;
- 2498 (d) issue a public or private reprimand to a licensee; or
- 2499 (e) issue a cease and desist order.
- 2500 (2) The division shall perform an act listed in Subsection (1) in accordance with Section 58-1-401.
- 2007 Section 37. Section **58-57-108** is renumbered and amended to read:

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- 2009 ~~[58-57-10]~~ **58-57-108. Use of title or designation.**
- 2505 (1) Only a respiratory care practitioner may use the following titles or designations~~[in this state]~~:
- 2507 (a) respiratory care practitioner;
- 2508 (b) respiratory therapist; or
- 2509 (c) respiratory technician.
- 2510 (2) Only a respiratory care apprentice may use the following titles or designations:
- 2511 (a) respiratory care apprentice; or
- 2512 (b) respiratory therapy apprentice.
- 2513 ~~[(2)]~~ (3) ~~[Any person]~~ An individual who violates this section is guilty of a class A misdemeanor.
- 2020 Section 38. Section **58-57-109** is renumbered and amended to read:
- 2022 ~~[58-57-12]~~ **58-57-109. Independent practice prohibited.**
- A respiratory care practitioner may not:
- 2519 (1) practice independently of a practitioner or of a health care facility while under the supervision of a practitioner; or
- 2521 (2) charge a fee~~[for his services]~~ independently of a practitioner or health care facility.
- 2027 Section 39. Section **58-57-110** is renumbered and amended to read:
- 2029 ~~[58-57-14]~~ **58-57-110. Unlawful conduct -- Penalty.**
- 2525 (1) ~~[Beginning January 1, 2007, "unlawful]~~ ~~{ "Unlawful" }~~ As used in this section, "unlawful conduct" includes:
- 2526 (a) using the following titles~~[, names,]~~ or initials~~[,]~~ for the following titles if the user is not properly licensed~~[under this chapter]~~:
- 2528 (i) respiratory care practitioner;
- 2529 (ii) respiratory therapist;~~[{ } and]~~
- 2530 (iii) respiratory technician;~~[{ } and]~~
- 2531 (iv) respiratory care apprentice; and
- 2532 (v) respiratory therapy apprentice; and
- 2533 (b) using ~~[any other]~~ a name, title, or initials that would cause a reasonable person to believe the user is licensed under this chapter if the user is not properly licensed under this chapter.
- 2536 (2) ~~[Any person who]~~ A person that violates ~~[the unlawful conduct provision specifically defined in]~~ Subsection 58-1-501(1)(a) is guilty of a third degree felony.
- 2538

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[~~(3) Any person who violates any of the unlawful conduct provisions specifically defined in Subsections 58-1-501(1)(b) through (f) and Subsection (1) of this section is guilty of a class A misdemeanor.~~]

2541 [~~(4) After a proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act, and Title 58, Chapter 1, Division of Professional Licensing Act, the division may assess administrative penalties for acts of unprofessional or unlawful conduct or any other appropriate administrative action.~~]

2051 Section 40. Section 58-70a-302 is amended to read:

2052 **58-70a-302. Qualifications for licensure.**

Each applicant for licensure as a physician assistant shall:

2054 (1) submit an application in a form the division approves;

2055 (2) pay a fee determined by the department under Section 63J-1-504;

2056 (3) have successfully completed a physician assistant program accredited by:

2057 (a) the Accreditation Review Commission on Education for the Physician Assistant; or

2058 (b) another accrediting body the division approves by rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

2061 [~~(b) if before January 1, 2001, either the:]~~

2062 [~~(i) Committee on Accreditation of Allied Health Education Programs; or]~~

2063 [~~(ii) Committee on Allied Health Education and Accreditation;]~~

2064 (4) have passed the licensing examinations required by division rule made in collaboration with the board;

2066 (5) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and

2068 (6)

(a) consent to, and complete, a criminal background check, described in Section 58-1-301.5;

2070 (b) meet any other standard related to the criminal background check described in Subsection (6)(a), that the division establishes by rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

2073 (c) disclose any criminal history the division requests on a form the division provides.

2074 Section 41. Section 58-70a-307 is amended to read:

2075 **58-70a-307. Collaboration requirements -- Clinical practice experience -- Requirements for independent practice in a new specialty.**

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- 2548 (1) As used in this section, "collaboration" means the interaction and relationship that a physician
assistant has with [~~one or more physicians~~] a physician in which:
- 2550 (a) the physician assistant and physician are cognizant of the physician assistant's qualifications and
limitations in caring for [~~patients~~] a patient;
- 2552 (b) the physician assistant, while responsible for care that the physician assistant provides, consults with
the physician [~~or physicians~~] regarding patient care; and
- 2554 (c) the physician [~~or physicians give~~] gives direction and guidance to the physician assistant.
- 2556 (2) A physician assistant with less than [~~10,000~~] {8,000} 8,500 hours of post-graduate clinical practice
experience shall:
- 2558 (a) practice under written policies and procedures established at a practice level that:
- 2559 (i) describe how collaboration will occur in accordance with this section and Subsections 58-70a-501(2)
and (3); and
- 2561 (ii) describe methods for evaluating the physician assistant's competency, knowledge, and skills;
- 2563 (b) provide a copy of the written policies and procedures and documentation of compliance with this
Subsection (2) to the board upon the board's request; and
- 2565 (c) except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant specializing in mental
health care, engage in collaboration with a physician for the first 4,000 hours of the physician
assistant's post-graduate clinical practice experience.
- 2568 (3)
- (a) Except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant specializing in mental
health care, a physician assistant who has more than 4,000 hours of practice experience and less
than [~~10,000~~] {8,000} 8,500 hours of practice experience shall enter into a written collaborative
agreement with:
- 2572 (i) a physician; or
- 2573 (ii) a licensed physician assistant with more than [~~10,000~~] {8,000} 8,500 hours of practice
experience in the same specialty as the physician assistant.
- 2575 (b) The collaborative agreement described in Subsection (3)(a) shall:
- 2576 (i) describe how collaboration under this section and Subsections 58-70a-501(2) and (3) will occur;
- 2578 (ii) be kept on file at the physician assistant's practice location; and
- 2579 (iii) be provided by the physician assistant to the board upon the board's request.
- 2580

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- (4) A physician assistant who wishes to change specialties to another specialty in which the [PA] physician assistant has less than 4,000 hours of experience shall engage in collaboration for a minimum of 4,000 hours with a physician who is trained and experienced in the specialty to which the physician assistant is changing.

2113 Section 42. Section 58-70a-501 is amended to read:

2114 **58-70a-501. Scope of practice.**

2115 (1)

(a) A physician assistant may provide any medical services that are not specifically prohibited under this chapter or rules adopted under this chapter, and that are within the physician assistant's skills and scope of competence.

2118 (b) Notwithstanding Sections 58-67-805 and 58-68-805, a physician assistant authorization to provide medical services under Subsection (1) includes performing minor surgical procedures.

2121 (2) A physician assistant shall consult, collaborate with, and refer to appropriate members of the health care team:

2123 (a) as indicated by the patient's condition;

2124 (b) based on the physician assistant's education, experience, and competencies;

2125 (c) the applicable standard of care; and

2126 (d) if applicable, in accordance with the requirements described in Section 58-70a-307.

2127 (3) Subject to Section 58-70a-307, the degree of collaboration under Subsection (2):

2128 (a) shall be determined at the physician assistant's practice, including decisions made by the physician assistant's:

2130 (i) employer;

2131 (ii) group;

2132 (iii) hospital service; or

2133 (iv) health care facility credentialing and privileging system; and

2134 (b) may also be determined by a managed care organization with whom the physician assistant is a network provider.

2136 (4) A physician assistant may only provide health_care services:

2137 (a) for which the physician assistant has been trained and credentialed, privileged, or authorized to perform; and

2139 (b) that are within the physician assistant's practice specialty.

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- 2140 (5) A physician assistant may authenticate through a signature, certification, stamp, verification, affidavit, or endorsement any document that may be authenticated by a physician and that is within the physician assistant's scope of practice.
- 2143 (6) A physician assistant is responsible for the care that the physician assistant provides.
- 2144 (7)
- (a) As used in this Subsection (7):
- 2145 (i) "ALS/ACLS certification" means a certification:
- 2146 (A) in advanced life support by the American Red Cross;
- 2147 (B) in advanced cardiac life support by the American Heart Association; or
- 2148 (C) that is equivalent to a certification described in Subsection (7)(a)(i)(A) or (B).
- 2149 (ii) "Minimal sedation anxiolysis" means creating a drug induced state:
- 2150 (A) during which a patient responds normally to verbal commands;
- 2151 (B) which may impair cognitive function and physical coordination; and
- 2152 (C) which does not affect airway, reflexes, or ventilatory and cardiovascular function.
- 2154 (b) Except as provided in Subsections (7)(c) through (7)(e), a physician assistant may not administer general anesthetics.
- 2156 (c) A physician assistant may perform minimal sedation anxiolysis if the procedure is within the physician assistant's scope of practice.
- 2158 (d) A physician assistant may perform rapid sequence induction for intubation of a patient if:
- 2160 (i) the procedure is within the physician assistant's scope of practice;
- 2161 (ii) the physician assistant holds a valid ALS/ACLS certification and is credentialed and privileged at the hospital where the procedure is performed; and
- 2163 (iii)
- (A) a qualified physician is not available and able to perform the procedure; or
- 2164 (B) the procedure is performed by the physician assistant under supervision of or delegation by a physician.
- 2166 (e) Subsection (7)(b) does not apply to anesthetics administered by a physician assistant:
- 2167 (i) in an intensive care unit of a hospital;
- 2168 (ii) for the purpose of enabling a patient to tolerate ventilator support or intubation; and
- 2170 (iii) under supervision of or delegation by a physician whose usual scope of practice includes the procedure.

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- 2172 (8)
- (a) A physician assistant may prescribe or administer an appropriate controlled substance that is within the physician assistant's scope of practice if the physician assistant holds a Utah controlled substance license and a [DEA] Drug Enforcement Administration registration.
- 2176 (b) A physician assistant may prescribe, order, administer, and procure a drug or medical device that is within the physician assistant's scope of practice.
- 2178 (c) A physician assistant may dispense a drug if dispensing the drug:
- 2179 (i) is permitted under Title 58, Chapter 17b, Pharmacy Practice Act; and
- 2180 (ii) is within the physician assistant's scope of practice.
- 2181 (9) A physician assistant may not perform or induce an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the physician assistant is found guilty of a crime in connection with the violation.
- 2184 (10) A physician assistant practicing independently may only perform or provide a health care service that:
- 2186 (a) is appropriate to perform or provide outside of a health care facility; and
- 2187 (b) the physician assistant has been trained and credentialed or authorized to provide or perform independently without physician supervision.
- 2189 (11) A physician assistant, while practicing as a physician assistant:
- 2190 (a) shall wear an identification badge showing the physician assistant's license classification as a physician assistant;
- 2192 (b) shall identify themselves to a patient as a physician assistant; and
- 2193 (c) may not identify themselves to any person in connection with activities allowed under this chapter other than as a physician assistant or PA.

2195 Section 43. Section **58-72-102** is amended to read:

2196 **58-72-102. Acupuncture licensing -- Definitions.**

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

2587 (1) "Acupuncture aide" means:

2588 (a) an individual who is not licensed under this chapter but provides a supportive service under the indirect supervision of a licensed acupuncturist who is physically present and available during the performance of a delegated supportive service; and

2591 (b)

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- (i) an individual who holds a certification in clean needle technique from the Council of Colleges of Acupuncture and Herbal Medicine; {or}
- 2593 (ii) an individual who completes a course using the Council of Colleges of Acupuncture and Herbal
2596 Medicine clean needle technique that the division approves by rule; or
2597 (c) {(iii)} meets the qualifications the division makes by rule.
2599 (2) "Board" means the Board of Massage Therapy and Acupuncture created in Section 58-47b-201.
[~~(2)~~] (3)
- (a) "Injection therapy" means the use of a hypodermic needle, by a licensed acupuncturist [~~who has obtained a clean needle technique certificate from the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM);~~] who satisfies the coursework and supervised experience requirements that the division makes by rule to inject any of the following sterile substances in liquid form into acupuncture points on the body subcutaneously or intramuscularly:
- 2605 (i) a nutritional substance;
- 2606 (ii) a local anesthetic;
- 2607 (iii) autologous blood, if the licensee holds a current phlebotomy certification to draw blood;
- 2609 (iv) sterile water;
- 2610 (v) dextrose;
- 2611 (vi) sodium bicarbonate; ~~[{ } and]~~
- 2612 (vii) sterile saline[-] ;and
- 2613 ~~{(viii) {sterile herbs;}}~~
- 2614 ~~{(ix) {vitamins;}}~~
- 2615 ~~{(x) {homeopathies; and}}~~
- 2616 (xi) (viii) other substances as defined by the division in rule.
- 2617 (b) "Injection therapy" includes using ultrasound guidance to ensure that an injection is only a subcutaneous injection or an intramuscular injection.
- 2619 (c) "Injection therapy" does not include injecting a substance into a vein, [~~joint,~~]artery, blood vessel, nerve, [~~tendon,~~]deep organ, or the spine.
- 2621 [~~(d) "Injection therapy" may not be performed on a pregnant woman or a child under the age of eight.]~~
- 2623 [~~(3) "Licensed acupuncturist," designated as "L.Ac.," means a person who has been licensed under this chapter to practice acupuncture.]~~
- 2625 (4) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture points of the body.

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- 2627 (5)
- (a) "Practice of acupuncture" means the insertion of acupuncture needles, the use of injection therapy, and the application of moxibustion to specific areas of the body based on traditional oriental medical diagnosis and modern research as a primary mode of therapy.
- 2631 (b) ~~[Adjunctive therapies within the scope of the practice]~~ "Practice of acupuncture" may include the following adjunctive therapies:
- 2633 (i) applying manual, mechanical, thermal, electrical, light, and electromagnetic treatments based on traditional oriental medical diagnosis and modern research;
- 2635 (ii) ~~[the recommendation, administration, or provision of]~~ recommending, administering, or provisioning dietary guidelines, herbs, supplements, homeopathics, and therapeutic exercise based on traditional oriental medical diagnosis and modern research according to practitioner training; ~~[f]~~ and]
- 2639 (iii) ~~[the practice]~~ performing ~~{an adjunctive therapy}~~ a practice described in Subsections (5)(a) and ~~[(b)] (5)(b)~~ on an animal to the extent permitted by:
- 2641 (A) Subsection 58-28-307(12);
- 2642 (B) the provisions of this chapter; and
- 2643 (C) division rule~~[-]~~; and
- 2644 (iv) delegating a task to an acupuncture aide and supervising the performance of the task ~~[-; and]~~.
- 2254 (c) ~~{ordering clinical laboratory test to determine the nature of care or to form a basis for referral to other licensed health care professionals.}~~
- 2648 ~~{(e)}~~ "Practice of acupuncture" does not include:
- 2649 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic barrier; or
- 2651 (ii) the "manipulation of the articulation of the spinal column" as defined in Section 58-73-102.
- 2653 (6)
- (a) "Supportive services" means the acts that the division defines in rule for which the acupuncture aide is trained.
- 2655 (b) "Supportive services" does not include providing:
- 2656 (i) a diagnosis;
- 2657 (ii) point location;
- 2658 (iii) needle insertion;
- 2659 (iv) electrical stimulation;

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- 2660 (v) advice to a patient; or
- 2661 (vi) a procedure requiring a similar degree of judgment or skill, or an additional act the department defines by rule.
- 2663 ~~[(6)]~~ (7) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as ~~[may be further defined by division]~~ the division may define by rule.
- 2271 Section 44. Section **58-72-302** is amended to read:
- 2272 **58-72-302. Qualifications for licensure.**
- 2667 ~~{(1)}~~
- An applicant for licensure as ~~[a-licensed]~~ an acupuncturist shall:
- 2274 (1)
- 2668 ~~{(1)}(a)~~ [submit an application in a form prescribed by the division] submit an application to the division on a form the division approves;
- 2670 ~~{(2)}(1) {(b)}~~ [pay a fee determined by the department under Section 63J-1-504] pay a fee to the division as determined under Section 63J-1-504;
- 2672 ~~{(3)}(1) {(e)}~~ meet the requirements for current active certification in acupuncture under guidelines ~~[established by the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM)]~~ the National Certification {Commission} Board for Acupuncture and {Oriental} Herbal Medicine establishes as demonstrated through a current certificate or other appropriate documentation;
- 2677 ~~{(4)}(1) {(d)}~~ pass the examination ~~[required by the division]~~ the division requires by rule;
- 2678 ~~{(5)}(1) {(e)}~~ establish procedures, as ~~[defined]~~ the division defines by rule, which shall enable patients to give informed consent to treatment; and
- 2680 ~~{(6)}(1) {(f)}~~ meet with the board, if requested, for the purpose of evaluating the applicant's qualifications for licensure.
- 2682 ~~{(2) A licensed acupuncturist may order clinical laboratory testing if the licensed acupuncturist:}~~
- 2684 ~~{(a) passes the National Commission for the Certification of Acupuncture and Oriental Medicine biomedicine exam; or}~~
- 2686 ~~{(b) completes training that incorporates the safe and beneficial use of laboratory test findings in the practice of acupuncture and oriental medicine that the division determines by rule.}~~
- 2288 Section 45. Section **58-72-501** is amended to read:
- 2289 **58-72-501. Acupuncture licensee -- Restriction on titles used.**

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- 2691 (1)
- (a) ~~[A person practicing as a] [-] A licensed acupuncturist may not display or [in any way use any] use a title, [words] a word, or an insignia in conjunction with the [person's] licensed acupuncturist's name or practice except [the words]"licensed acupuncturist" or "L.Ac."[-]~~
- 2695 (b) Only an acupuncturist licensed under this chapter may use the title "licensed acupuncturist" or "L.Ac."
- 2697 ~~[(b)]~~ (c) When used in conjunction with the [person's] licensed acupuncturist's practice, the term "licensed acupuncturist" or "L.Ac." shall be displayed next to the name of the licensed acupuncturist.
- 2700 (2)
- (a) A licensed acupuncturist may not use the term "physician," "physician or surgeon," or "doctor" in conjunction with the acupuncturist's name or practice.
- 2702 (b) A licensed acupuncturist may use the terms "Doctor of acupuncture["], "Doctor of Oriental Medicine," "Doctor of Acupuncture and Oriental Medicine," "D.O.M.," "D.A.O.M.," or "oriental medical doctor" [may be used-]if the term is commensurate with the degree in acupuncture [received by the practitioner] the practitioner holds.
- 2706 (3)
- (a) ~~[Medical doctors or chiropractic physicians who choose to practice acupuncture shall represent themselves as medical doctors or chiropractic physicians practicing acupuncture and not as licensed acupuncturists.] A medical doctor or a chiropractic physician who chooses to practice acupuncture shall provide acupuncture as a medical doctor or chiropractic physician practicing acupuncture.~~
- 2711 (b) A medical doctor or a chiropractic physician who chooses to practice acupuncture may not represent that the medical doctor or a chiropractic physician is a licensed acupuncturist.
- 2313 Section 46. Section **58-72-701** is amended to read:
- 2314 **58-72-701. Procurement and administration authority.**
- 2716 (1)
- (a) A licensee who has received the necessary training, the division requires by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to practice injection therapy[-, including having obtained a clean needle technique certificate from the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM):-] as defined in Section 58-72-102:

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- 2721 [(a)] (i) has authority to procure and administer prescriptive substances described in Subsections
[58-72-102(2)(a) and (b)] 58-72-102(3)(a) and (b) for in-office administration only; and
- 2724 [(b)] (ii) may obtain substances described in Subsection [58-72-102(2)] 58-72-102(3)(a) from a
registered prescription drug outlet, registered manufacturer, or registered wholesaler.
- 2727 (b) A licensee who has received the necessary training to practice injection therapy as defined in
Section 58-72-102, may not perform injection therapy on a pregnant woman or a child under eight
years old.
- 2730 (2) An entity that provides any substance to a licensee in accordance with this chapter, and relies in
good faith on license information provided by the licensee, is not liable for providing the substance.
- 2332 Section 47. Section **58-88-201** is amended to read:
- 2333 **58-88-201. Definitions.**
- As used in this part:
- 2736 (1)
- (a) "Dispense" means the delivery by a prescriber of a prescription drug or device to a patient, including
the packaging, labeling, and security necessary to prepare and safeguard the drug or device for
supplying to a patient.
- 2739 (b) "Dispense" does not include:
- 2740 (i) prescribing or administering a drug or device; or
- 2741 (ii) delivering to a patient a sample packaged for individual use by a licensed manufacturer or re-
packager of a drug or device.
- 2743 (2) "Dispensing practitioner" means an individual who:
- 2744 (a) is currently licensed as:
- 2745 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;
- 2746 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical Practice Act;
- 2748 (iii) an advanced practice registered nurse under [~~Subsection 58-31b-301(2)(d)~~] Subsections
58-31b-301(2)(a) through (b);
- 2750 (iv) a physician assistant under Chapter 70a, Utah Physician Assistant Act; or
- 2751 (v) a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act;
- 2752 (b) is authorized by state law to prescribe and administer drugs in the course of professional practice;
and
- 2754 (c) practices at a licensed dispensing practice.

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- 2755 (3) "Drug" means the same as that term is defined in Section 58-17b-102.
- 2756 (4) "Health care practice" means:
- 2757 (a) a health care facility as defined in Section 26B-2-201; or
- 2758 (b) the offices of one or more private prescribers, whether for individual or group practice.
- 2760 (5) "Licensed dispensing practice" means a health care practice that is licensed as a dispensing practice under Section 58-88-202.

2361 Section 48. Section 63I-2-258 is amended to read:

2362 **63I-2-258. Repeal dates: Title 58.**

[Reserved]

2364 (1) Subsection 58-31b-302(2)(c)(vi), regarding a licensed advanced practice registered nurse's authority to perform minor surgical procedures, is repealed July 1, 2028.

2366 (2) Subsection 58-70a-501(1)(b), regarding a licensed physician assistant's authority to perform minor surgical procedures, is repealed July 1, 2028.

2368 Section 49. **Repealer.**

This Bill Repeals:

2369 This bill repeals:

2767 Section **58-41-6, Board.**

2768 Section **58-46a-101, Title.**

2370 Section **58-40a-103, Duties of directing physician.**

2769 Section **58-46a-304, Continuing professional education.**

2371 Section **58-41-1, Title of chapter.**

2372 Section **58-41-3, Scope of licenses -- Practicing without license prohibited.**

2373 Section **58-57-1, Short title.**

2374 Section **58-57-11, Provision for current practitioners.**

2375 Section **58-72-601, Acupuncture license not authorizing medical practice -- Insurance**

2376 **payments.**

2377 Section 50. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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