

1 **Office of Professional Licensure Review Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Evan J. Vickers**

House Sponsor: Jason B. Kyle

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**LONG TITLE****Committee Note:**

The Business and Labor Interim Committee recommended this bill.

Legislative Vote: 11 voting for 5 voting against 4 absent

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ provides that a physical therapist may prescribe durable medical equipment;
- ▶ expands the medical imaging a physical therapist may order;
- ▶ allows a physical therapist assistant to perform limited joint mobilization;
- ▶ provides the conditions under which a physical therapist may order diagnostic lab testing;
- ▶ replaces the certification requirement for a medication aide with a license requirement;
- ▶ provides a certified registered nurse anesthetist prescriptive authority immediately before and after a procedure;
- ▶ extends the amount of time a student may work as a registered nurse apprentice;
- ▶ requires a minimum level of registered nursing experience before licensure as a nurse practitioner;
- ▶ clarifies collaboration requirements between an athletic trainer and a physician;
- ▶ allows an occupational therapist to prescribe durable medical equipment and adaptive devices;
- ▶ moves supervision ratios for an occupational therapist to rule;
- ▶ replaces the license requirement for a hearing instrument specialist with a certification requirement;
- ▶ aligns the unprofessional conduct standards of a hearing instrument specialist with the unprofessional conduct standards of audiologists;
- ▶ 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  
32 collaborative agreement;

33       ▶ allows an acupuncturist to delegate a low-risk task to an unlicensed aide under specified  
34 conditions;

35       ▶ changes the training requirements for an acupuncturist performing injection therapy;

36       ▶ expands what 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  
39 testing; and

40       ▶ makes technical and conforming changes.

41 **Money Appropriated in this Bill:**

42       None

43 **Other Special Clauses:**

44       None

45 **Utah Code Sections Affected:**

46 **AMENDS:**

47       **26B-2-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special  
48 Session, Chapter 11

49       **26B-4-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392

50       **26B-8-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 240

51       **58-1-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 404

52       **58-1-510 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 324

53       **58-1-602 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 317

54       **58-1-603 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 2

55       **58-24b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219

56       **58-24b-402 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 220

57       **58-24b-403 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 220

58       **58-31b-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 303

59       **58-31b-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 277

60       **58-31b-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapters 277,  
61 415

62       **58-31b-304 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 277

63       **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

**58-31b-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2006, Chapter 291

**58-31b-502 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392

**58-31b-601 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 382

**58-31b-803 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 223

**58-31d-102 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2022, Chapter 438

**58-40a-102 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206

**58-40a-201 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206

**58-40a-303 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206

**58-42a-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219

**58-42a-306 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 432

**58-46a-102 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah 2020, Chapter 154

**58-46a-301 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994, Chapter 28

**58-46a-302 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah 2020, Chapter 339

**58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah 2023, Chapter 303

**58-46a-303 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah 2023, Chapter 303

**58-46a-305 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah 2019, Chapter 349

**58-46a-307 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994, Chapter 28

**58-46a-401 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994, Chapter 28

**58-46a-501 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah 2020, Chapter 154

**58-46a-502 (Effective 05/06/26) (Repealed 07/01/33)**, as last amended by Laws of Utah 2020, Chapter 154

**58-46a-503 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1998, Chapter 249

**58-47b-201 (Effective 05/06/26) (Repealed 07/01/34)**, as last amended by Laws of Utah

99 2024, Chapter 507  
100 **58-54-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 242  
101 **58-70a-307 (Effective 05/06/26)**, as enacted by Laws of Utah 2021, Chapter 312 and last  
102 amended by Coordination Clause, Laws of Utah 2021, Chapters 313, 344  
103 **58-72-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507  
104 **58-72-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 339  
105 **58-72-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 250  
106 **58-72-701 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 485  
107 **58-88-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 276

108 REPEALS AND REENACTS:

109 **58-31b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507  
110 **58-31b-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443

111 RENUMBERS AND AMENDS:

112 **58-57-101 (Effective 05/06/26)**, (Renumbered from 58-57-2, as last amended by Laws  
113 of Utah 2006, Chapter 106)

114 **58-57-102 (Effective 05/06/26)**, (Renumbered from 58-57-3, as last amended by Laws  
115 of Utah 1993, Chapter 297)

116 **58-57-103 (Effective 05/06/26)**, (Renumbered from 58-57-4, as last amended by Laws  
117 of Utah 2020, Chapter 339)

118 **58-57-104 (Effective 05/06/26)**, (Renumbered from 58-57-5, as last amended by Laws  
119 of Utah 2006, Chapter 106)

120 **58-57-105 (Effective 05/06/26)**, (Renumbered from 58-57-6, as repealed and reenacted  
121 by Laws of Utah 1993, Chapter 297)

122 **58-57-106 (Effective 05/06/26)**, (Renumbered from 58-57-7, as last amended by Laws  
123 of Utah 2024, Chapter 147)

124 **58-57-107 (Effective 05/06/26)**, (Renumbered from 58-57-8, as repealed and reenacted  
125 by Laws of Utah 1993, Chapter 297)

126 **58-57-108 (Effective 05/06/26)**, (Renumbered from 58-57-10, as last amended by  
127 Laws of Utah 2006, Chapter 106)

128 **58-57-109 (Effective 05/06/26)**, (Renumbered from 58-57-12, as last amended by  
129 Laws of Utah 2006, Chapter 106)

130 **58-57-110 (Effective 05/06/26)**, (Renumbered from 58-57-14, as last amended by  
131 Laws of Utah 2022, Chapter 415)

132 REPEALS:

133       **58-40a-103 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206  
134       **58-41-1 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
135       1989, Chapter 207  
136       **58-41-3 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
137       2020, Chapter 424  
138       **58-41-6 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah  
139       1993, Chapter 297  
140       **58-46a-101 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
141       Chapter 28  
142       **58-46a-304 (Effective 05/06/26) (Repealed 07/01/33)**, as enacted by Laws of Utah 1994,  
143       Chapter 28  
144       **58-57-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1990, Chapter 208  
145       **58-57-11 (Effective 05/06/26)**, as last amended by Laws of Utah 2006, Chapter 106

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

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

149       **26B-2-801 (Effective 05/06/26). Definitions for part.**

150       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 practice registered nurse under Subsection [

156               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  
159               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  
162               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.

164       (6) "Health care provider" means the same as that term is defined in Section 78B-3-403,  
165               except that "health care provider" does not include an emergency medical services  
166               provider.

167 (7)(a) "Life sustaining care" means any medical intervention, including procedures,  
168 administration of medication, or use of a medical device, that maintains life by  
169 sustaining, restoring, or supplanting a vital function.

170 (b) "Life sustaining care" does not include care provided for the purpose of keeping an  
171 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,  
176 on a form designated by the Department of Health and Human Services under Section  
177 26B-2-802, that gives direction to health care providers, health care facilities, and  
178 emergency medical services providers regarding the specific health care decisions of the  
179 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  
182 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical  
183 Practice Act.

184 (12) "Physician assistant" means an individual licensed as a physician assistant under Title  
185 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  
188 health care decision for an adult who previously had the capacity to make health care  
189 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  
195 circumstances; and  
196 (d) to the extent that the preferences described in Subsections (14)(a) through (c) are  
197 unknown, the best interest of the adult.

198 (15) "Surrogate" means the same as that term is defined in Section 75A-9-101.

199 Section 2. Section **26B-4-203** is amended to read:  
200 **26B-4-203 (Effective 05/06/26). Qualifying condition.**

201 (1) By designating a particular condition under Subsection (2) for which the use of medical  
202 cannabis to treat symptoms is decriminalized, the Legislature does not conclusively state  
203 that:

204 (a) current scientific evidence clearly supports the efficacy of a medical cannabis  
205 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  
214 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  
222 health therapist, as that term is defined in Section 58-60-102, and that:

223 (i) has been diagnosed by a healthcare provider or mental health provider employed  
224 or contracted by the United States Veterans Administration, evidenced by copies  
225 of medical records from the United States Veterans Administration that are  
226 included as part of the recommending medical provider's pre-treatment assessment  
227 and medical record documentation; or

228 (ii) has been diagnosed or confirmed, through face-to-face or telehealth evaluation of  
229 the patient, by a provider who is:

230 (A) a licensed board-eligible or board-certified psychiatrist;

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  
234 within the psychiatric mental health nursing specialty and who has completed

235 the clinical practice requirements in psychiatric mental health nursing,  
236 including in psychotherapy[~~, in accordance with Subsektion 58-31b-302(5)(g)~~];  
237 or  
238 (E) a licensed physician assistant who is qualified to specialize in mental health  
239 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  
245 526 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  
250 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  
254 a surgical procedure, for which a medical professional may generally prescribe  
255 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,  
257 on an individual, case-by-case basis.

258 Section 3. Section **26B-8-201** is amended to read:

259 **26B-8-201 (Effective 05/06/26). Definitions.**

260 As used in this part:

261 (1) "Dead body" means the same as that term is defined in Section 26B-8-101.

262 (2)(a) "Death by violence" means death that resulted by the decedent's exposure to  
263 physical, mechanical, or chemical forces.

264 (b) "Death by violence" includes death that appears to have been due to homicide, death  
265 that occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery,  
266 burglary, housebreaking, extortion, or blackmail accompanied by threats of violence,  
267 assault with a dangerous weapon, assault with intent to commit any offense  
268 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.

(3) "Immediate relative" means an individual's spouse, child, parent, sibling, grandparent, or grandchild.

(4) "Health care professional" means any of the following while acting in a professional capacity:

- (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant Act; or
- (c) an advance practice registered nurse licensed under Subsection [58-31b-301(2)(e)]  
58-31b-301(2)(a) through (c).

(5) "Medical examiner" means the state medical examiner appointed pursuant to Section 26B-8-202 or a deputy appointed by the medical examiner.

(6) "Medical examiner record" means:

- (a) all information that the medical examiner obtains regarding a decedent;
- (b) reports that the medical examiner makes regarding a decedent; and
- (c) all administrative forms and correspondence related to a decedent's case;

(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).

(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.

(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.

(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.

(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.

(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  
308 or autopsy.

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

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

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

315 **58-1-401 (Effective 05/06/26). Grounds for denial of license -- Disciplinary  
316 proceedings -- Time limitations -- Sanctions.**

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

320 (2) The division may refuse to issue a license to an applicant and may refuse to renew or  
321 may revoke, suspend, restrict, place on probation, issue a public reprimand to, or  
322 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  
324 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  
326 this title;

327 (c) the applicant or licensee has been determined to be mentally incompetent by a court  
328 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),  
330 58-67-401(2), 58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or  
331 licensee is unable to practice the occupation or profession with reasonable skill and  
332 safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals,  
333 or other type of material, or as a result of a mental or physical condition, when the  
334 condition demonstrates a threat or potential threat to the public health, safety, or  
335 welfare.

336 (3) A licensee whose license to practice an occupation or profession regulated by this title

337 has been suspended, revoked, placed on probation, or restricted may apply for  
338 reinstatement of the license at reasonable intervals and upon compliance with conditions  
339 imposed upon the licensee by statute, rule, or terms of the license suspension,  
340 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  
344 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  
348 or unlawful conduct under this title, unless the division enters into a stipulated  
349 agreement or initiates an adjudicative proceeding regarding the conduct within four  
350 years after the conduct is reported to the division, except under Subsection (6)(b).

351 (b)(i) The division may not take disciplinary action against a person for  
352 unprofessional or unlawful conduct more than 10 years after the occurrence of the  
353 conduct, unless the proceeding is in response to a civil or criminal judgment or  
354 settlement and the proceeding is initiated within one year following the judgment  
355 or settlement.

356 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license  
357 due to unprofessional or unlawful conduct that occurred more than 10 years before  
358 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  
360 to refuse to renew the license of a licensee, based solely on the criminal conviction of an  
361 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  
364 applicant's or licensee's ability to safely or competently practice the occupation or  
365 profession; and
- 366 (c) consider the applicant's or licensee's current circumstances, which may include any  
367 of the following:
  - 368 (i) the age of the applicant or licensee when the applicant or licensee committed the  
369 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  
372 criminal sentence;  
373 (iv) whether the applicant has completed or is actively participating in rehabilitative  
374 drug or alcohol treatment;  
375 (v) any testimonials or recommendations from other individuals provided by the  
376 applicant or licensee, including a progress report from the applicant's or licensee's  
377 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.

382 Section 5. Section **58-1-510** is amended to read:

383 **58-1-510 (Effective 05/06/26). Anesthesia and sedation requirements --**

384 **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;  
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  
392 has obtained the appropriate permit established by the division under Subsection  
393 58-69-301(4).

394 (b) "Deep sedation" means a drug-induced depression of consciousness where an  
395 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  
402 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  
406 ventilation may be required because of depressed spontaneous ventilation or  
407 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  
410 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  
416 individual:  
417 (i) responds purposefully to verbal commands, either alone or accompanied by light  
418 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  
423 sedation, deep sedation, or general anesthesia, in an outpatient setting that is not an  
424 emergency department without:  
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  
428 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  
430 Subsection (4) of the anesthesia or sedation provider who will be administering  
431 the anesthesia or sedation; and  
432 (iv) a description of the monitoring that will occur during the sedation or anesthesia,  
433 including descriptions related to the monitoring of the patient's oxygenation,  
434 ventilation, and circulation;  
435 (b) after complying with Subsection (2)(a), obtaining the patient's written and verbal  
436 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
- 441 certification;
- 442 (g)(i) having at least one individual in the procedure room who has advanced airway
- 443 training and the knowledge and skills to recognize and treat airway complications
- 444 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
- 446 non-anesthetic purpose, having at least one individual on site and available who
- 447 has advanced airway training and the knowledge and skills to recognize and treat
- 448 airway complications and rescue a patient who entered a deeper than intended
- 449 level of sedation;
- 450 (h) having access during the procedure to an advanced cardiac life support crash cart in
- 451 the office with equipment that:
  - 452 (i) is regularly maintained according to guidelines established by the American Heart
  - 453 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
    - 459 (E) unexpired emergency and reversal medications including naloxone for opioid
    - 460 sedation and flumazenil for benzodiazepine sedation;
- 461 (i) using monitors that meet basic standards set by the American Society of
- 462 Anesthesiologists and continually monitoring ventilatory function with capnography
- 463 unless precluded or invalidated by the nature of the patient, procedure, or equipment;
- 464 and
- 465 (j) entering appropriate information into the patient's chart or medical record, which
- 466 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
  - 472 ventilation.

473 (3)(a) An anesthesia or sedation provider who violates Subsection (2) or [any] a rule [  
474 ~~created by the division~~] the division makes in accordance with Title 63G, Chapter 3,  
475 Utah Administrative Rulemaking Act, to implement this section commits  
476 unprofessional conduct.

477 (b) An individual commits unprofessional conduct if the individual administers  
478 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,  
480 the division shall make rules to create training and safety standards regarding the  
481 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  
484 as the American Society of Anesthesiologists, the American Dental Association,  
485 or the American Association of Oral and Maxillofacial Surgeons; and  
486 (iii) that include safety standards for general anesthetic use that are consistent with  
487 federal Food and Drug Administration guidance.

488 (b) For making rules described in Subsection (4)(a), the division shall consult with the  
489 applicable licensing boards and a board described in Sections 58-67-201, [58-68-201,]  
490 and 58-69-201.

491 (5) The requirements of Subsection (2) do not apply to the practice of inducing minimal  
492 sedation.

493 (6) An employer may not take an adverse employment action against an employee if:  
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  
497 division makes in accordance with Title 63G, Chapter 3, Utah Administrative  
498 Rulemaking Act, to implement this section; and  
499 (b) the employment action is based on the individual notifying the division of the  
500 violation.

501 Section 6. Section **58-1-602** is amended to read:

502 **58-1-602 (Effective 05/06/26). 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),  
506 (2)(d), (2)(f), or (2)(g);

- (ii) Chapter 60, Mental Health Professional Practice Act;
- (iii) Chapter 61, Part 3, Licensing; or
- (iv) Chapter 70a, Utah Physician Assistant Act.

(b)(i) "NADA protocol" means:

- (A) a protocol developed by the National Acupuncture Detoxification Association; and
- (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.

(ii) "NADA protocol" does not include the stimulation of other auricular or distal acupuncture points.

A health care provider may perform the NADA protocol if the health care provider:

- (a) obtains a certification from the National Acupuncture Detoxification Association to perform the NADA protocol; and
- (b) provides the division proof of obtaining the certification.

A health care provider may perform a protocol substantially similar to the NADA protocol if:

- (a) the division has determined the protocol is substantially similar to the NADA protocol; and
- (b) the individual has met each requirement the division has created to perform the protocol.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the division may make rules for implementing Subsection (3).

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

**58-1-603 (Effective 05/06/26). Hormonal transgender treatment on minors -- requirements.**

As used in this section:

- (a) "Approved organization" means an organization with expertise regarding transgender health care for minors that is approved by the division.
- (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.
- (c) "Disorder of sexual development" means a sexual development disorder where an

541 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  
547 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  
555 58-31b-301(2)(e)] Subsections 58-31b-301(2)(a) through (c).

556 (e)(i) "Hormonal transgender treatment" means administering, prescribing, or  
557 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  
559 or other androgens at levels above those normally found in an individual whose  
560 biological sex at birth is female;  
561 (B) to an individual whose biological sex at birth is male, a dose of estrogen or a  
562 synthetic compound with estrogenic activity or effect at levels above those  
563 normally found in an individual whose biological sex at birth is male; or  
564 (C) a puberty inhibition drug.  
565 (ii) "Hormonal transgender treatment" does not include administering, prescribing, or  
566 supplying a substance described in Subsection (1)(e)(i) to an individual if the  
567 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;

- (ii) a psychologist licensed under Chapter 61, Psychologist Licensing Act;
- (iii) a clinical social worker licensed under Chapter 60, Part 2, Social Worker Licensing Act;
- (iv) a marriage and family therapist licensed under Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; or
- (v) a clinical mental health counselor licensed under Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act.

(g) "Minor" means an individual who is less than 18 years old.

(h) "Physician" means an individual licensed under:

(i) Chapter 67, Utah Medical Practice Act; or

(ii) Chapter 68, Utah Osteopathic Medical Practice Act.

(i) "Puberty inhibition drug" means any of the following alone or in combination with aromatase inhibitors:

(i) gonadotropin-releasing hormone agonists; or

(ii) androgen receptor inhibitors.

(j) "Transgender treatment certification" means a certification described in Subsection (2).

(a) The division shall create a transgender treatment certification on or before July 1, 2023.

(b) The division may issue the transgender treatment certification to an individual if the individual:

(i) is a health care provider or a mental health professional; and

- (ii) has completed at least 40 hours of education related to transgender health care for minors from an approved organization.

(c) The division may renew a transgender treatment certification:

(i) at the time an individual renews the individual's license; and

(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.

(d) Beginning January 1, 2024, providing a hormonal transgender treatment to a minor without a transgender treatment certification is unprofessional conduct.

(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

609 at least six months.

610 (b) Beginning July 1, 2023, before providing a hormonal transgender treatment to a  
611 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  
613 document any condition, and consider whether treating those conditions before  
614 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  
616 treat the minor's gender dysphoria would provide the minor the best long-term  
617 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  
621 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  
628 hormonal transgender treatment will have on the minor; and  
629 (C) the likelihood that the hormonal transgender treatment will meet the  
630 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  
634 hormonal transgender treatment will have on the minor;  
635 (C) the parent or guardian's short-term and long-term expectations regarding the  
636 effect that the hormonal transgender treatment will have on the minor; and  
637 (D) the likelihood that the hormonal transgender treatment will meet the  
638 short-term and long-term expectations described in Subsections (3)(b)(vi)(B)  
639 and (C);

640 (vii) document in the medical record that the health care provider has provided the  
641 information described in Subsections (3)(b)(viii) and (ix);

642 (viii) provide the minor the following information if providing the minor a puberty

643 inhibition drug:

644 (A) puberty inhibition drugs are not approved by the FDA for the treatment of

645 gender dysphoria;

646 (B) possible adverse outcomes of puberty blockers are known to include

647 diminished bone density, pseudotumor cerebri and long term adult sexual

648 dysfunction;

649 (C) research on the long-term risks to children of prolonged treatment with

650 puberty blockers for the treatment of gender dysphoria has not yet occurred;

651 and

652 (D) the full effects of puberty blockers on brain development and cognition are

653 unknown;

654 (ix) provide the minor the following information if providing a cross-sex hormone as

655 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

657 blood clots, gallstones, coronary artery disease, heart attacks, tumors of the

658 pituitary gland, strokes, elevated levels of triglycerides in the blood, breast

659 cancer, and irreversible infertility; and

660 (B) the use of cross-sex hormones in females is associated with risks of

661 erythrocytosis, severe liver dysfunction, coronary artery disease, hypertension,

662 and increased risk of breast and uterine cancers; and

663 (x) upon the completion of any relevant information privacy release, obtain a mental

664 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:

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

669 transgender treatment;

670 (b) contain a determination regarding whether the minor suffers from gender dysphoria

671 in accordance with the fifth edition of the Diagnostic and Statistical Manual of

672 Mental Disorders;

673 (c) confirm that the minor and the mental health professional have had at least three

674 therapy sessions; and

675 (d) document all of the minor's mental health diagnoses and any significant life events

676 that may be contributing to the diagnoses.

677 (5) A violation of Subsection (3) is unprofessional conduct.

678 Section 8. Section **58-24b-102** is amended to read:

679 **58-24b-102 (Effective 05/06/26). Definitions.**

680 As used in this chapter:

681 [(1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an  
682 animal.]

683 [(2)] (1) "Board" means the Physical Therapies Licensing Board, created in Section  
684 58-24b-201.

685 [(3)] (2) "Consultation by telecommunication" [means the provision of expert or  
686 professional advice by a physical therapist who is licensed outside of Utah to a licensed  
687 physical therapist or a health care provider by telecommunication or electronic  
688 communication] means a health care provider receiving professional advice through  
689 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  
691 and underlying tissue for the evaluation, management, and prevention of a disability, a  
692 movement impairment, a neuromusculoskeletal condition, or pain.

693 [(4) "General supervision" means supervision and oversight of an individual by a licensed  
694 physical therapist when the licensed physical therapist is immediately available in  
695 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  
697 engage in the practice of physical therapy.

698 [(6)] (5) "Licensed physical therapist assistant" means an individual licensed under this  
699 chapter to engage in the practice of physical therapy, subject to the provisions of  
700 Subsection 58-24b-401(2)(a).

701 [(7)] (6) "Licensing examination" means a nationally recognized physical therapy  
702 examination that [is approved by the division, in consultation with the board] the division  
703 approves by rule the division makes in consultation with the board and with Title 63G,  
704 Chapter 3, Utah Administrative Rulemaking Act.

705 [(8) "On-site supervision" means supervision and oversight of an individual by a licensed  
706 physical therapist or a licensed physical therapist assistant when the licensed physical  
707 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  
712 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  
714 physical therapist assistant provides the service;  
715 (b) immediately available to assist the licensed physical therapist or licensed physical  
716 therapist assistant; and  
717 (c) regularly involved in the service the supervised licensed physical therapist or  
718 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;
  - 732 (f) a mobility impairment; or
  - 733 (g) a physiological impairment.

734 [({10})] (9)(a) "Physical therapy" [or "physiotherapy" means:] means examining,  
735 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  
737 or injury]

738 (b) "Physical therapy" includes:

- 739 (i) ordering:
  - 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  
744 impairment, injury, or pain;

745 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a  
746 physical impairment or injury;

747 (v) treating or alleviating a physical impairment by designing, modifying, or  
748 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  
751 preventative and therapeutic purposes;

752 (viii) promoting and maintaining health and fitness;

753 (ix) ~~the administration of~~ administering a prescription drug ~~pursuant to~~ in  
754 accordance with Section 58-24b-403;

755 (x) applying dry needling to enhance a client's physical performance if the physical  
756 therapy practitioner has the necessary training the division requires by rule the  
757 division makes in consultation with the board and in accordance with Title 63G,  
758 Chapter 3, Utah Administrative Rulemaking Act;

759 [(x)] (xi) subject to Subsection 58-28-307(12)(b), engaging in the functions described  
760 in Subsections (10)(a)(i) through (ix) in relation to an animal, in accordance with  
761 the requirements of Section 58-24b-405; or

762 [(xi)] (xii) ~~engaging in administration, consultation, education, and research relating~~  
763 ~~to~~ administering, consulting, educating, and researching the practices described in  
764 this Subsection [(10)(a); ~~or~~] (9)(a).

765 [(xii) ~~applying dry needling to enhance an individual's physical performance if the~~  
766 ~~physical therapy practitioner has received the necessary training as determined by~~  
767 ~~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})] (10) "Physical therapy aide" means an individual who:

780 (a) [is trained, on-the-job, by] receives on-the-job training from a licensed physical  
781 therapist; and

782 (b) provides routine assistance to a licensed physical therapist or licensed physical  
783 therapist assistant, while the licensed physical therapist or licensed physical therapist  
784 assistant practices physical therapy[,-within the scope of the licensed physical  
785 therapist's or licensed physical therapist assistant's license].

786 [({12})] (11) "Recognized accreditation agency" means an accreditation agency that[:]the  
787 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})] (12)(a) "Testing" means a standard method or technique used to gather data  
791 regarding a patient that is generally and nationally accepted by physical therapists for  
792 the practice of physical therapy.

793 (b) "Testing" includes measurement or evaluation of:

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  
811 environment at home or work[,-as it relates to physical movement and mobility];  
812 and

813 (xviii) neural muscular responses.

814 [(14)(a) "Trigger point dry needling" means the stimulation of a trigger point using a  
815 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  
817 points.]

818 [(15)] (13) "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  
821 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  
823 physical movement and mobility];

824 (d) manual therapy, including:

825 (i) soft tissue mobilization;

826 (ii) therapeutic massage; or

827 (iii) joint mobilization, as [defined by the division, by rule] the division defines by  
828 rule the division makes in consultation with the board and in accordance with  
829 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

830 (e) [prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic,  
831 protective, or supportive device] prescription, application, fabrication, or training for  
832 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  
834 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  
851 or without an assistive device;  
852 [~~(m)~~] (n) manual or mechanical traction; and  
853 [~~(n)~~] (o) correction of posture, body mechanics, or gait[; and] .  
854 [~~(o)~~] trigger point dry needling, under the conditions described in Section 58-24b-505.]

855 Section 9. Section **58-24b-402** is amended to read:

**58-24b-402 (Effective 05/06/26). 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  
859 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  
863 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 [  
865 standard] scope of practice of a licensed physical therapist assistant or a physical  
866 therapy aide;
  - 867 (f) determine the therapeutic intervention [to be performed by] a licensed physical  
868 therapist assistant [~~under the on-site supervision or general supervision of the~~  
869 ~~licensed physical therapist~~] performs while under the licensed physical therapist's  
870 on-site supervision or while the licensed physical therapist is immediately available  
871 in person, by telephone, or by electronic communication to ensure that the  
872 therapeutic intervention is safe, effective, efficient, and within the scope of practice  
873 of the licensed physical therapist assistant;
  - 874 (g) conduct the discharge of each patient and document [for each patient,] each patient's  
875 response to therapeutic intervention at the time of discharge[; the patient's response to  
876 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~~  
889 ~~component of manual therapy except:~~  
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.~~

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

893 **58-24b-403 (Effective 05/06/26). Administration of a prescription drug --**

894 **Ordering laboratory testing -- Reporting laboratory results -- Referral.**

895 (1) A licensed physical therapist may purchase, store, and administer topical and aerosol  
896 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~~  
899 ~~medication for wound care and for musculoskeletal treatment, using iontophoresis or~~  
900 ~~phonophoresis; and~~  
901 (b) ~~[aerosols] an aerosol medication for pulmonary hygiene in an institutional setting, if a~~  
902 ~~licensed respiratory therapist is not available [in, or] within a 10 mile radius of[,] the~~  
903 ~~institution.~~  
904 (3) A licensed physical therapist ~~[may only]~~ shall purchase, store, or administer a  
905 medication described in this section ~~[pursuant to]~~ in accordance with a written  
906 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  
908 drug.  
909 (5) A licensed physical therapist may order a laboratory test if the licensed physical  
910 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  
913 treatment of a musculoskeletal disorder; and  
914 (c) is in a physical therapist-patient relationship with the patient for whom there is a

915                   clinical need for the order.

916       (6) Within seven days after the day on which a licensed physical therapist receives the  
917           results of a test that the licensed physical therapist orders, the licensed physical therapist  
918           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  
924              care provider; and

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

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

929           **58-31b-102 (Effective 05/06/26). Definitions.**

930           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  
933              conduct;

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

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

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

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

943       (4) "Board" means the Board of Nursing and Certified Nurse Midwives created in Section  
944           58-31b-201.

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

948       (6) "Examinee" means an individual who applies to take or does take any examination

949 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.

958 (9) "Long-term care facility" means the following facilities the Department of Health and

959 Human Services licenses under Title 26B, Chapter 2, Part 2, Health Care Facility  
960 Licensing and Inspection:

961 (a) a nursing care facility;

962 (b) a small health care facility;

963 (c) an intermediate care facility for people with an intellectual disability;

964 (d) an assisted living facility Type I or II; or

965 (e) a designated swing bed unit in a general hospital.

966 (10) "Practice of nurse anesthesia" means:

967 (a) in accordance with Section 58-31b-803, prescribing or administering of a Schedule  
968 II-V controlled substance;

969 (b) preanesthesia preparation and evaluation, including:

970 (i) performing a preanesthetic assessment of the patient; and

971 (ii) ordering and evaluating appropriate lab and other studies to determine the health  
972 of the patient;

973 (c) anesthesia induction, maintenance, and emergence, including:

974 (i) selecting and initiating the planned anesthetic technique;

975 (ii) selecting and administering anesthetics and adjunct drugs and fluids; and

976 (iii) administering general, regional, and local anesthesia;

977 (d) post anesthesia follow-up care, including evaluating the patient's response to  
978 anesthesia and implementing corrective actions; and

979 (e) other related services related to an activity described in Subsections (10)(a) through  
980 (10)(d), including:

981 (i) providing emergency airway management;

982 (ii) providing advanced cardiac life support; and

(iii) establishing peripheral, central, and arterial invasive lines.

(11) "Practice of nursing" means assisting a patient to maintain or attain optimal health, implementing a strategy of care to accomplish defined goals and evaluating responses to care and treatment, and requires substantial specialized or general knowledge, judgment, and skill based upon principles of the biological, physical, behavioral, and social sciences.

(12) "Registered nursing clinical practice experience" means providing nursing care to patients as:

(a) a registered nurse; or

(b) a student in an approved education program as the division determines by rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

(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

(b) is administered by the following routes:

(i) buccal;

(ii) ear:

(iii) eye:

#### (iv) inhalation:

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

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

(v) nasal:

(vi) oral:

(vii) rectal:

### (viii) sublingual:

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

(x) vaginal

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

(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  
1018 and 58-31b-502 and as the division may define by rule the division makes in accordance  
1019 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1020 Section 12. Section **58-31b-103** is amended to read:

1021 **58-31b-103 (Effective 05/06/26). Nurse Education and Enforcement Account.**

1022 (1) There is created a restricted account within the General Fund known as the "Nurse  
1023 Education and Enforcement Account."

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  
1028 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  
1033 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  
1038 certified training programs] approved education programs.~~

1039 Section 13. Section **58-31b-301** is amended to read:

1040 **58-31b-301 (Effective 05/06/26). License required -- Classifications.**

1041 (1) ~~[A] Except as provided in Sections 58-1-307 and 58-31b-308, a license is required to~~  
1042 ~~engage in the practice of nursing[, except as specifically provided in Sections 58-1-307~~  
1043 ~~and 58-31b-308].~~

1044 (2) The division shall issue to an individual who qualifies under this chapter a license~~[or  
1045 certification]~~ in the classification of:  
1046 ~~[(a) licensed practical nurse;]~~  
1047 ~~[(b) registered nurse apprentice;]~~  
1048 ~~[(e) 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  
1055 prescriptive authority;  
1056 (c) advanced practice registered nurse - without prescriptive practice license;  
1057 (d) advanced practice registered nurse intern;  
1058 (e) medication aide;  
1059 (f) practical nurse;  
1060 (g) registered nurse; or  
1061 (h) registered nurse apprentice.

1062 (3)(a) [An individual] The division shall issue an advanced practice registered nurse -  
1063 without prescriptive practice license to an individual holding an advanced practice  
1064 registered nurse license as of July 1, 1998, and who cannot document the successful  
1065 completion of advanced course work in patient assessment, diagnosis and treatment,  
1066 and pharmacotherapeutics[, may not prescribe and shall be issued an "APRN -  
1067 without prescriptive practice" license].

1068 (b) An individual who has an advanced practice registered nurse - without prescriptive  
1069 practice license may not prescribe medication.

1070 (4) The division shall grant an advanced practice registered nurse license to [any] a licensed  
1071 advanced practice registered nurse currently holding prescriptive authority under [any] a  
1072 predecessor act.

1073 [(5) An individual holding a certified registered nurse anesthetist license as of July 1, 2007,  
1074 shall be issued an "APRN - CRNA - without prescriptive practice" license.]

1075 Section 14. Section **58-31b-302** is repealed and reenacted to read:

1076 **58-31b-302 (Effective 05/06/26). Qualifications for licensure -- Scope of practice**  
1077 **-- Criminal background checks.**

1078 (1) 6

1079 (a) Each applicant for licensure under this chapter, except an applicant under Subsection  
1080 58-31b-301(2)(e), shall:  
1081 (i) consent to, and complete, a criminal background check, described in Section  
1082 58-1-301.5;  
1083 (ii) meet the standards that the division makes by rule in accordance with Title 63G,  
1084 Chapter 3, Utah Administrative Rulemaking Act, related to the criminal

1085 background check described in Section 58-1-301.5; and

1086 (iii) disclose the criminal history the division requests on a form the division  
1087 approves.

1088 (b) If an individual has been charged with a violent felony, as defined in Subsection  
1089 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of  
1090 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in  
1091 abeyance pending the successful completion of probation, the division shall act upon  
1092 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  
1094 in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted,  
1095 entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo  
1096 contendere held in abeyance pending the successful completion of probation, the  
1097 division shall determine whether the felony disqualifies the individual for licensure  
1098 under this chapter and act upon the license, as required, in accordance with Section  
1099 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  
1104 Subsection (2)(c);

1105 (iv)(A) receive a graduate degree from an approved education program in  
1106 advanced practice registered nursing or a related area of specialized knowledge  
1107 as the division determines appropriate by rule the division makes in  
1108 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
1109 Administrative Rulemaking Act; or

1110 (B) have completed a nurse anesthesia program in accordance with Subsection  
1111 (2)(v)(B);

1112 (v) have completed:

1113 (A) course work in patient assessment, diagnosis and treatment, and  
1114 pharmacotherapeutics from an approved education program; or

1115 (B) a nurse anesthesia program that is approved by the Council on Accreditation  
1116 of Nurse Anesthesia Educational Programs;

1117 (vi) except as provided in Subsection (2)(b), provide evidence to the division, in a  
1118 manner the division approves by rule the division makes in collaboration with the

1119 board and in accordance with Title 63G, Chapter 3, Utah Administrative  
1120 Rulemaking Act, of at least 6,000 hours of registered nursing clinical practice  
1121 experience;

1122 (vii) hold a current registered nurse license in good standing issued by the state or be  
1123 qualified as a registered nurse;  
1124 (viii) to practice within the psychiatric mental health nursing specialty, demonstrate,  
1125 as the division requires by rule the division makes in accordance with Title 63G,  
1126 Chapter 3, Utah Administrative Rulemaking Act, that the applicant is in the  
1127 process of completing the applicant's clinical practice requirements in psychiatric  
1128 mental health nursing, including psychotherapy;  
1129 (ix) have passed the examinations the division requires by rule the division makes in  
1130 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
1131 Administrative Rulemaking Act; and  
1132 (x) meet with the board, if the board requests, to determine the applicant's  
1133 qualifications for licensure.

1134 (b)(i) Subsection (2)(a)(vi) does not apply to an applicant seeking licensure:

1135 (A) as an advanced practice registered nurse - certified registered nurse anesthetist  
1136 with prescriptive authority; or  
1137 (B) before July 1, 2028.

1138 (ii) The division may grant an exception to the requirements of Subsection (2)(a)(vi)  
1139 before July 1, 2030, through rules the division makes in accordance with Title  
1140 63G, Chapter 3, Utah Administrative Rulemaking Act.

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 in accordance with Section 58-31b-803;  
1147 (iv) if a licensed advanced practice registered nurse - certified registered nurse  
1148 anesthetist, engage in the practice of nurse anesthesia; and  
1149 (v) engage in other activities that are within the practice of advanced practice  
1150 registered nursing as the division defines by rule the division makes in accordance  
1151 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
1152 (A) within the generally recognized scope and standards of advanced practice

registered nursing; and

(B) consistent with professionally recognized preparation and education standards of an advanced practice registered nurse.

(d) The division may only define an activity as within the practice of advanced practice registered nursing if the activity is:

(i) within the generally recognized scope of practice for a licensed advanced practice registered nurse; and

(ii) consistent with professionally recognized standards.

(3)(a) An applicant for licensure as a medication aide shall:

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

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

(iii) have a high school diploma or the equivalent;

(iv) have a current certification as a nurse aide, in good standing, from the Department of Health and Human Services;

(v)(A) 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 Act; and

(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:

(vi) obtain 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;

(vii) have the physical and mental health to safely perform the activities described in Subsection (3)(b):

(viii) have completed an approved education program for a medication aide or an equivalent the division determines by rule the division makes in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrat

1187                   Rulemaking Act:

1188                   (ix) have passed the examinations the division requires by rule the division makes in  
1189                   collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
1190                   Administrative Rulemaking Act; and

1191                   (x) meet with the board, if requested, to determine the applicant's qualifications for  
1192                   licensure.

1193                   (b) While under the supervision of a licensed registered nurse, a licensed medication  
1194                   aide may:

1195                   (i) provide routine patient care that requires minimal or limited specialized or general  
1196                   knowledge, judgment, and skill, to a patient who:  
1197                   (A) is ill, injured, infirm, or is physically, mentally, developmentally, or  
1198                   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  
1201                   protocol the division defines by rule the division makes in accordance with Title  
1202                   63G, Chapter 3, Utah Administrative Rulemaking Act; and

1203                   (iii) engage in other activities that are within the practice of a medication aide as the  
1204                   division defines by rule the division makes in accordance with Title 63G, Chapter  
1205                   3, Utah Administrative Rulemaking Act:  
1206                   (A) within the generally recognized scope and standards of a medication aide; and  
1207                   (B) consistent with professionally recognized preparation and education standards  
1208                   of a medication aide.

1209                   (c) The division may only define an activity as within the practice of a medication aide if  
1210                   the activity is:

1211                   (i) within the generally recognized scope of practice for a licensed medication aide;  
1212                   and  
1213                   (ii) consistent with professionally recognized standards.

1214                   (d) A licensed medication aide may not assist a resident of a long-term care facility to  
1215                   self-administer a medication that the Department of Health and Human Services  
1216                   regulates by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1217                   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  
1223 Subsection (4)(b);  
1224 (v) have completed an approved education program for practical nursing or an  
1225 equivalent that the board approves;  
1226 (vi) have passed the examinations the division requires by rule the division makes in  
1227 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
1228 Administrative Rulemaking Act; and  
1229 (vii) meet with the board, if requested, to determine the applicant's qualifications for  
1230 licensure.

1231 (b) A licensed practical nurse may, while under the direction of a licensed registered  
1232 nurse, licensed physician, or other health care professional the division specifies by  
1233 rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative  
1234 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  
1239 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  
1242 of a licensed practical nurse as the division defines by rule the division makes in  
1243 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  
1245 division makes in accordance with Title 63G, Chapter 3, Utah Administrative  
1246 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  
1249 of a practical nurse.

1250 (c) The division may only define an activity as within the practice of practical nursing if  
1251 the activity is:

1252 (i) within the generally recognized scope of practice for a licensed practical nurse; and  
1253 (ii) consistent with professionally recognized standards.

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;  
1258 (iv) have the physical and mental health to safely perform the activities described in  
1259 Subsection (5)(b);  
1260 (v) complete an approved education program for registered nursing that the division  
1261 approves;  
1262 (vi) have passed the examinations the division requires by rule the division makes in  
1263 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
1264 Administrative Rulemaking Act; and  
1265 (vii) meet with the board, if the board requests, to determine the applicant's  
1266 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;  
1278 (xi) engage in other activities that are within the practice of a licensed registered  
1279 nurse as the division defines by rule the division makes in accordance with Title  
1280 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  
1283 of a registered nurse.

1284 (c) The division may only define an activity as within the practice of a licensed  
1285 registered nurse if the activity is:

1286 (i) within the generally recognized scope of practice for a licensed registered nurse;  
1287 and  
1288 (ii) consistent with professionally recognized standards.

1289 (6)(a) An applicant for licensure as a registered nurse apprentice shall:

1290 (i) submit to the division an application form the division approves;

1291 (ii) pay to the division a fee determined under Section 63J-1-504;

1292 (iii) have a high school diploma or the equivalent;

1293 (iv) have sufficient physical and mental health to safely perform the activities  
1294 described in Subsection (6)(b);

1295 (v) as determined by an approved education program, be:

1296 (A) in good standing with the approved edcation 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  
1300 licensure.

1301 (b) A licensed registered nurse apprentice may engage in the practice of a registered  
1302 nurse that:

1303 (i) the division defines by rule the division makes that is:

1304 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
1305 Act;

1306 (B) within the generally recognized scope and standards of registered nursing; and

1307 (C) consistent with professionally recognized preparation and education standards  
1308 of a registered nurse;

1309 (ii) the registered nurse apprentice performs under the indirect supervision of an  
1310 individual licensed in accordance with:

1311 (A) Subsection 58-31b-301(2)(a), (2)(b), (2)(c), or (2)(g);

1312 (B) Chapter 67, Utah Medical Practice Act; or

1313 (C) Chapter 68, Utah Osteopathic Medical Practice Act.

1314 Section 15. Section **58-31b-303** is amended to read:

1315 **58-31b-303 (Effective 05/06/26). Qualifications for licensure -- Graduates of**  
1316 **nonapproved nursing programs.**

1317 An applicant for licensure as a practical nurse or registered nurse who is a graduate of a  
1318 nursing education program not approved by the division in collaboration with the board must  
1319 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  
1322 Subsection [58-31b-302(2)(e)] 58-31b-302(4)(v); and

1323 (b) produce evidence acceptable to the division and the board that the nursing education  
1324 program completed by the applicant is equivalent to the minimum standards  
1325 established by the division in collaboration with the board for an approved licensed  
1326 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  
1329 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)  
1331 Examination; or

1332 (ii) produce evidence acceptable to the division and the board that the applicant is  
1333 currently licensed as a registered nurse in one of the states, territories, or the  
1334 District of Columbia of the United States or in Canada and has passed the  
1335 NCLEX-RN examination in English.

1336 Section 16. Section **58-31b-304** is amended to read:

**58-31b-304 (Effective 05/06/26). Qualifications for admission to the examinations.**

1338 (1) To be admitted to the examinations required for [certification] licensure as a [medication  
1339 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  
1343 Subsection [(1)(i)] (3)(a)(ix).

1344 (2) To be admitted to the examinations required for licensure as a practical nurse, an  
1345 individual shall:

1346 (a) [submit an application form prescribed by the division] submit an application on a  
1347 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  
1350 Subsection [(2)(f)] (4)(a)(vi).

1351 (3) To be admitted to the examinations required for licensure as a registered nurse, an  
1352 individual shall:

1353 (a) [submit an application form prescribed by the division] submit an application on a  
1354 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

1357 Subsection[(4)(f).] (5)(a)(vi).

1358 Section 17. Section **58-31b-306.1** is amended to read:

1359 **58-31b-306.1 (Effective 05/06/26). Registered nurse apprentice license.**

1360 (1) The division shall issue a registered nurse apprentice license to an individual who meets  
1361 the qualifications under Subsection [58-31b-302(3)] 58-31b-302(6).

1362 (2) Unless the division extends the license for a specified period of time by written  
1363 notification provided to the individual, the license expires on the earlier of:  
1364 (a) one year from the day on which the license is issued;  
1365 (b) 75 days after the day on which the division receives notice from the examination  
1366 agency that the individual failed to take or pass the examinations described in  
1367 Subsection [58-31b-302(4)(f)] 58-31b-302(5)(a)(vi); or  
1368 (c) the day on which the division issues the individual a license as a registered nurse.

1369 (3) A license described in Subsection (1) is:  
1370 (a) valid only in Utah; and  
1371 (b) not an eligible license under Chapter 31e, Nurse Licensure Compact - Revised.

1372 (4) The division may make rules to administer the license described in Subsection (1) in  
1373 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1374 Section 18. Section **58-31b-401** is amended to read:

1375 **58-31b-401 (Effective 05/06/26). Grounds for denial of licensure and disciplinary  
1376 proceedings.**

1377 [(1)(a) ~~As used in this section, "licensed" or "license" includes certified or certification  
1378 under this chapter.]~~

1379 [(b) ~~A term or condition applied to the word "nurse" under this section applies to a  
1380 medication aide certified.]~~

1381 [(2)] (1) Grounds for refusal to issue a license to an applicant, for refusal to renew the  
1382 license of a licensee, to revoke, suspend, restrict, or place on probation the license of a  
1383 licensee, to issue a public or private reprimand to a licensee, and to issue cease and  
1384 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  
1386 determines a [nurse] licensee is incapacitated, as defined in Section 75-1-201 or  
1387 that the [nurse] licensee has a mental illness, as defined in Section 26B-5-301, and  
1388 is unable to safely engage in the practice of nursing, the director shall immediately  
1389 suspend the license of the [nurse] licensee upon the entry of the judgment of the  
1390 court, without further proceedings under Title 63G, Chapter 4, Administrative

1391 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  
1393 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  
1395 reasonable cause to believe a [nurse] licensee who is not determined judicially to  
1396 be an incapacitated person or to have a mental illness, is incapable of practicing  
1397 nursing with reasonable skill regarding the safety of patients, because of illness,  
1398 excessive use of drugs or alcohol, or as a result of any mental or physical  
1399 condition, the board shall recommend that the director file a petition with the  
1400 division, and cause the petition to be served upon the [nurse] licensee with a notice  
1401 of hearing on the sole issue of the capacity of the [nurse] licensee to competently,  
1402 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  
1404 4, Administrative Procedures Act.

1405 [(4)] (3)(a) Every [nurse] licensee who accepts the privilege of being licensed under this  
1406 chapter gives consent to:

1407 (i) [submitting] submit to an immediate mental or physical examination, at the [nurse]  
1408 licensee's expense and by a division-approved [practitioner] health care provider  
1409 selected by the [nurse] licensee when directed in writing by the division and a  
1410 majority of the board to do so; and

1411 (ii) [the admissibility of] admit the reports of the examining [practitioner] health care  
1412 provider's testimony or examination[,] ; and

1413 (iii) [waives] waive all objections on the ground the reports constitute a privileged  
1414 communication.

1415 (b) [The examination may be ordered by the] The division, with the consent of a  
1416 majority of the board, may order an examination only upon a finding of reasonable  
1417 cause to believe:

1418 (i) the [nurse] licensee has a mental illness, is incapacitated, or otherwise is unable to  
1419 practice nursing with reasonable skill and safety; and

1420 (ii) immediate action by the division and the board is necessary to prevent harm to  
1421 the [nurse] licensee's patients or the general public.

1422 (c)(i) [Failure of a nurse to submit to the examination ordered under this section is a  
1423 ground for the division's immediate suspension of the nurse's license by written

1425 order of the director] By written order of the director, the division may  
1426 immediately suspend a licensee's license if the licensee fails to submit an  
1427 examination the division requires in accordance with this section.

1428 (ii) [The division may enter the order of suspension without further compliance with  
1429 Title 63G, Chapter 4, Administrative Procedures Act, unless the division finds the  
1430 failure to submit to the examination ordered under this section was due to  
1431 circumstances beyond the control of the nurse and was not related directly to the  
1432 illness or incapacity of the nurse] The division may issue an order of suspension  
1433 without further complying with Title 63G, Chapter 4, Administrative Procedures  
1434 Act, unless the division determines that the licensee failed to submit to the  
1435 examination the division requires due to circumstances beyond the licensee's  
1436 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)(e)]  
1438 (2) or (3)(c) has the right to a hearing to appeal the suspension within 10 days after  
1439 the license is suspended.

1440 (b) The hearing held under this Subsection [(5)] (4) shall be conducted in accordance  
1441 with Sections 58-1-108 and 58-1-109 for the sole purpose of determining if sufficient  
1442 basis exists for the continuance of the order of suspension in order to prevent harm to  
1443 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  
1445 under this section may request the division and the board to consider, at reasonable  
1446 intervals, evidence presented by the [nurse] licensee, under procedures [established by  
1447 division rule] the division makes by rule in accordance with Title 63G, Chapter 3, Utah  
1448 Administrative Rulemaking Act, regarding any change in the [nurse] licensee's condition,  
1449 to determine whether:

1450 (a) the [nurse] licensee is or is not able to safely and competently engage in the practice  
1451 of nursing; and  
1452 (b) the [nurse] licensee is qualified to have the [nurse] licensee's license to practice under  
1453 this chapter restored completely or in part.

1454 [(7)] (6) The division may not refuse, revoke, suspend, or in any way restrict an applicant or  
1455 licensee's license under this chapter solely because the applicant or licensee seeks or  
1456 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  
1458 report current significant investigative information to the coordinated licensure

1459 information system for transmission to party states as required of the division by Article  
1460 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 (Effective 05/06/26). Unlawful conduct.**

1463 "Unlawful conduct" includes:

1464 (1) using the following titles, names or initials, if the user is not properly licensed [~~or~~  
1465 ~~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  
1475 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  
1478 believe the user is licensed [~~or certified~~] under this chapter if the user is not properly  
1479 licensed [~~or certified~~] under this chapter; and  
1480 (b) [~~for purposes of Subsection (2)(a), it is unlawful conduct for a medication aide~~  
1481 ~~certified to use the term~~] using the word "nurse" as a part of a title when licensed as a  
1482 medication aide; and  
1483 (3) conducting a nursing education program in the state for the purpose of qualifying  
1484 individuals to meet requirements for licensure under this chapter without the program  
1485 having been approved under Section 58-31b-601.

1486 Section 20. Section **58-31b-502** is amended to read:

1487 **58-31b-502 (Effective 05/06/26). 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,  
1490 diagnosis, personal effects, or any other matter about which the licensee is privileged  
1491 to know because of the licensee's [~~or person with a certification's~~] position or practice  
1492 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  
1494 licensee to provide licensed service in a manner that demonstrates respect for the  
1495 patient's human dignity and unique personal character and needs without regard to  
1496 the patient's race, religion, ethnic background, socioeconomic status, age, sex, or the  
1497 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  
1500 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  
1502 relationship exists between [the person licensed or certified under the provisions  
1503 of this chapter] a licensee and the patient;

1504 (d)(i) as a result of any circumstance [under] described in Subsection (1)(c),  
1505 exploiting or using information about a patient or exploiting the licensee's [or the  
1506 person with a certification's] professional relationship between the licensee [or  
1507 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]  
1509 knowledge of the patient obtained while acting as a [nurse or a medication aide  
1510 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  
1516 under supervision of the licensed nurse;  
1517 (j) employing or aiding and abetting the employment of an unqualified or unlicensed  
1518 person to practice as a nurse;  
1519 (k) failure to file or record any medical report as required by law, impeding or  
1520 obstructing the filing or recording of such a report, or inducing another to fail to file  
1521 or record such a report;  
1522 (l) breach of a statutory, common law, regulatory, or ethical requirement of  
1523 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,

1527 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic  
1528 Pharmacy, if applicable;

1529 (p) performing or inducing an abortion in violation of the requirements of Section  
1530 76-7-302 or Section 76-7a-201, regardless of whether [the person licensed or  
1531 certified under the provisions of this chapter is] the licensee is found guilty of a crime  
1532 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  
1535 chapter] a licensee or an individual under the direction or control of [an individual  
1536 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  
1539 Medical Cannabis; or

1540 (s) for an advance practice registered nurse, designating a child as do not resuscitate  
1541 without parental consent.

1542 (2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4,  
1543 Part 2, Cannabinoid Research and Medical Cannabis, when acting as a recommending  
1544 medical provider, as that term is defined in Section 26B-4-201, recommending the use  
1545 of medical cannabis.

1546 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in  
1547 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall  
1548 define unprofessional conduct for an advanced practice registered nurse[-described in  
1549 Subseetion (2)].

1550 Section 21. Section **58-31b-601** is amended to read:

1551 **58-31b-601 (Effective 05/06/26). Minimum standards for nursing programs to  
1552 qualify graduates -- Temporary approval to qualify graduates for licensure -- Minimum  
1553 standards for medication aide training to qualify individuals for licensure.**

1554 (1) Except as provided in Subsections (2) and (3), to qualify as an approved education  
1555 program for the purpose of qualifying graduates for licensure under this chapter, a  
1556 nursing education program shall be accredited by an accrediting body for nursing  
1557 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  
1559 program for up to five years[,-for the purpose of qualifying graduates for licensure  
1560 under this chapter,] if the program:

1561 (i) holds candidacy or is in the process of applying for candidacy for the accreditation  
1562 described in Subsection (1);  
1563 (ii) has been denied initial accreditation after holding candidacy for the accreditation  
1564 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  
1568 granted under Subsection (2), the division may reapprove the nursing education  
1569 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  
1572 approval expired.

1573 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1574 division, in consultation with the board, shall make rules to implement Subsection  
1575 (3)(a).

1576 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and the  
1577 provisions of this chapter, the division shall make rules defining the minimum standards  
1578 for a [medication aide certified] medication aide training program to qualify a person for [  
1579 certification] licensure under this chapter as a [medication aide certified] medication aide.

1580 Section 22. Section **58-31b-803** is amended to read:

1581 **58-31b-803 (Effective 05/06/26). Advanced practice registered nurse prescriptive  
1582 authority.**

1583 (1) [Except as provided in] Subject to Subsection (2), a licensed advanced practice  
1584 registered nurse may prescribe or administer a Schedule II-V controlled substance.

1585 (2) [This section does not apply to an] A licensed advanced practice registered nurse [  
1586 specializing as a] - certified registered nurse anesthetist [under Subsection  
1587 58-31b-102(11)(d).] in accordance with Subsection 58-31b-302(2) may prescribe only as  
1588 follows:

1589 (a) prescribe up to a five-day supply of Schedule II-V controlled substances immediately  
1590 before a procedure if:

1591 (i) the licensed advanced practice registered nurse - certified registered nurse  
1592 anesthetist will participate in the procedure;

1593 (ii) the licensed advanced practice registered nurse - certified registered nurse  
1594 anesthetist has established a patient record for the patient receiving the

prescription; and

(iii) the prescribed controlled substance is related to the procedure; or

(b) prescribe up to a five-day supply of Schedule II-V controlled substances immediately following a procedure if:

(i) the licensed advanced practice registered nurse - certified registered nurse anesthetist participated in the procedure;

(ii) the licensed advanced practice registered nurse - certified registered nurse anesthetist has established a patient record for the patient receiving the prescription; and

(iii) the prescribed controlled substance is related to the procedure.

Section 23. Section **58-31d-102** is amended to read:

(1) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement Section 58-31d-101.

(2) For purposes of Section 58-31d-101, "role" as defined in Article II(17) includes an individual who is:

(a) licensed to practice under [Subsection 58-31b-301(2)(d) or (e)] Subsections 58-31b-301(2)(a) through (c); or

(b) licensed to practice under Section 58-44a-301.

(3) Notwithstanding any provision in Section 58-31d-101, Section 58-31d-101 does not supersede state law related to an individual's scope of practice under this title.

(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:

(a) to an individual licensed under:

(i) Subsection 58-31b-301(2)(d) or (e);

(ii) Section 58-44a-301; and

(b) to the Health and Human Services Interim Committee; and

(c) on the division's website with information for potential applicants.

Section 24. Section **58-40a-102** is amended to read:

**58-40a-102 (Effective 05/06/26). Definitions.**

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

(1) "Adequate records" means legible records that contain, at a minimum:

(a) the athletic training service plan or protocol;

(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  
1632 participates ~~[in exercises, sports, or games requiring]~~ in or performs an exercise, a sport,  
1633 a game, or an occupation that requires physical strength, agility, flexibility, range of  
1634 motion, speed, or stamina, and the ~~[exercises, sports, or games are]~~ exercise, sport,  
1635 game, or occupation is of a type generally conducted in association with an educational  
1636 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  
1639 participation or performance in ~~[sports, games, recreation, or exercise]~~ an exercise, a  
1640 sport, a game, or an occupation; or  
1641 (b) a condition that is within the scope of practice ~~[of an athletic trainer identified by a]~~  
1642 ~~for athletic training that~~ a directing physician or a licensed physical therapist  
1643 identifies as benefitting from an athletic training [servicees] service.

1644 (4) "Athletic trainer" means an individual who is licensed under this chapter and ~~[carries]~~  
1645 ~~out the practice of]~~ performs within the scope of practice for athletic training.

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  
1648 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  
1652 Act~~[,]~~ ;  
1653 (d) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice  
1654 Act~~[,]~~ ; or  
1655 (e) a dentist licensed under Section 58-69-301~~[ who, within the licensee's scope of~~  
1656 ~~practice and individual competency, is responsible for the athletic training services~~  
1657 ~~provided by the athletic trainer and oversees the practice of athletic training by the~~  
1658 ~~athletic trainer, as established by board rule]~~.

1659 (7) "Collaboration" means the consultation, correspondence, or direction by order, or  
1660 referral between a licensed athletic trainer and a licensed physician.

1661 (7) The "practice of athletic training" means the application by a licensed and certified  
1662 ~~athletic trainer of principles and methods of:]~~

1663 [({a}) prevention of athletic injuries;]  
1664 [({b}) recognition, evaluation, and assessment of athletic injuries and conditions;]  
1665 [({e}) 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.]

1669 Section 25. Section **58-40a-201** is amended to read:

1670 **58-40a-201 (Effective 05/06/26). 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  
1674 Subsection 58-40a-102(6)[;]; and  
1675 (c) one member of the general public who has never been authorized to practice a  
1676 healing art and never had a substantial personal, business, professional, or pecuniary  
1677 connection with a healing art or with a medical education or health care facility,  
1678 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  
1681 58-1-203[;] and shall designate one of [its] the board's members on a permanent or  
1682 rotating basis to:  
1683 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional  
1684 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]  
1687 the complaint's investigation may be disqualified from participating with the board when  
1688 the board serves as a presiding officer in an adjudicative proceeding concerning the  
1689 complaint.

1690 Section 26. Section **58-40a-303** is amended to read:

1691 **58-40a-303 (Effective 05/06/26). 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  
1695 include:  
1696 [({f})] (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  
1714 further definitive care, refer the athlete to the appropriate directing physician;  
1715 [ (5) ] (e) rehabilitate and recondition an injury by administering therapeutic exercise and  
1716 therapeutic and physical modalities, including cryotherapy, thermotherapy, and  
1717 intermittent compression, electrical stimulation, ultra sound, traction devices, or  
1718 mechanical devices [ as directed by established, written athletic training service plans  
1719 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;  
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  
1726 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 athletic  
1728 injury:  
1729 (a) is beyond the athletic trainer's scope of practice or expertise;  
1730 (b) is a suspected head or traumatic brain injury, including concussion; or

1731 (c) is unresponsive to treatment.

1732 (3) An athletic trainer shall record collaboration with a physician regarding an athlete or  
1733 athletic injury.

1734 (4) Nothing in this section prevents a physician from employing, directing, supervising,  
1735 establishing protocols for, or assisting an athletic trainer in performing within the scope  
1736 of practice for athletic training consistent with the scope of practice and professional  
1737 standards of each practitioner.

1738 Section 27. Section **58-42a-102** is amended to read:

1739 **58-42a-102 (Effective 05/06/26). Definitions.**

1740 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 [eomposed for each client by  
1743 the individual licensed under this chapter to engage] an individual engaging in the  
1744 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  
1747 integration and motor functioning at the level of performance neurologically  
1748 appropriate for the [individual's] client's stage of development;

1749 (ii) establishing a program of instruction to teach a client skills, behaviors, and  
1750 attitudes necessary for the client's independent productive, emotional, and social  
1751 functioning;

1752 (iii) analyzing, selecting, and adapting functional exercises to achieve and maintain  
1753 the client's optimal functioning in activities of daily living and to prevent further  
1754 disability; and

1755 (iv) planning and directing specific programs to evaluate and enhance a client's  
1756 perceptual, motor, and cognitive skills.

1757 (3) "Occupational therapist" means an individual licensed under this chapter to practice  
1758 occupational therapy.

1759 (4) "Occupational therapy aide" means an individual who is not licensed under this chapter [  
1760 but who] but provides supportive services under the supervision of an occupational  
1761 therapist or occupational therapy assistant.

1762 (5) "Occupational therapy assistant" means an individual licensed under this chapter to  
1763 practice occupational therapy under the supervision of an occupational therapist as  
1764 described in Sections 58-42a-305 and 58-42a-306.

1765 (6)(a) "Practice of occupational therapy" means the therapeutic use of everyday life  
1766 activities with [an individual] a client who:  
1767 (i) [that-]has or is at risk of developing an illness, injury, disease, disorder, condition,  
1768 impairment, disability, activity limitation, or participation restriction; and  
1769 (ii) [to develop or restore the individual's] needs assistance developing or restoring the  
1770 ability to engage in everyday life activities by addressing physical, cognitive,  
1771 mental wellness, psychosocial, sensory, or other aspects of the [individual's]  
1772 client's performance.

1773 (b) "Practice of occupational therapy" includes:  
1774 (i) establishing, remediating, or restoring an undeveloped or impaired skill or ability  
1775 of [an individual] a client;  
1776 (ii) modifying or adapting an activity or environment to enhance [an individual's] a  
1777 client's performance;  
1778 (iii) maintaining and improving [an individual's] a client's capabilities to avoid  
1779 declining performance in everyday life activities;  
1780 (iv) promoting health and wellness to develop or improve [an individual's] a client's  
1781 performance in everyday life activities;  
1782 (v) performance-barrier prevention for [an individual] a client, including [disability  
1783 prevention] preventing a disability;  
1784 (vi) evaluating factors that affect [an individual's] a client's activities of daily living in  
1785 educational, work, play, leisure, and social situations, including:  
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  
1789 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  
1792 client's safety and performance in activities of daily living in educational, work,  
1793 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  
1796 and work reintegration;  
1797 (C) [the development, remediation, or compensation of] developing, remediating,  
1798 or compensating behavioral skills and physical, cognitive, neuromuscular, and

sensory functions;

- (D) [the education] educating and training of [an individual's] a client's family members and caregivers;
- (E) [care coordination] coordinating care, case management, and transition services;
- (F) providing a consulting [services to groups, programs, organizations, or communities,] service to a group, a program, an organization, or a community;
- (G) modifying the environment and adapting [processes] a process, including the application of ergonomic principles;
- (H) assessing, designing, fabricating, applying, fitting, and providing training in assistive technology, adaptive devices, orthotic devices, and prosthetic devices;
- (I) prescribing durable medical equipment or an adaptive device to a patient without requesting a prescription from a licensed physician;
- [J] (J) assessing, recommending, and training [an individual] a client in [techniques] a technique to enhance functional mobility, including wheelchair management;
- [K] (K) providing driver rehabilitation and community mobility;
- [L] (L) enhancing eating and feeding performance;
- [M] (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
- [N] (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.

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

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

Section 28. Section **58-42a-306** is amended to read:

1833        **58-42a-306 (Effective 05/06/26). Supervision requirements.**

1834        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  
1836                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  
1839                necessary but at least once every two weeks in person or by video conference, and at  
1840                least one time every month in person, to adequately provide consultation, advice,  
1841                training, and direction to the occupational therapy assistant;
- 1842        (4) meet with each client who has been referred to [a supervised] the occupational therapy  
1843                assistant at least once each month, to further assess the patient, evaluate the treatment,  
1844                and modify the individual's treatment plan, except that if the interval of client care  
1845                occurs one time per month or less, the occupational therapist shall meet with the client at  
1846                least once every four visits;
- 1847        (5) ~~supervise no more than two full-time occupational therapy assistants at one time, or  
1848                four part-time occupational therapy assistants if the combined work hours of the  
1849                assistants do not exceed 40 hours per week, unless otherwise approved by the division in  
1850                collaboration with the board] supervise occupational therapy assistants in accordance  
1851                with rules the division makes in collaboration with the board and in accordance with  
1852                Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~
- 1853        (6) remain responsible for client treatment provided by the occupational therapy assistant;  
1854                and
- 1855        (7) fulfill any other supervisory responsibilities as determined by division rule.

1856        Section 29. Section **58-46a-102** is amended to read:

1857        **58-46a-102 (Effective 05/06/26) (Repealed 07/01/33). Definitions.**

1858        ~~[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:
  - 1860                (i) certified under this chapter; or
  - 1861                (ii) licensed under this chapter before May 6, 2026, if the license is not expired,  
1862                        suspended, or revoked.
- 1863        (b) "Certified individual" means the same as a licensed individual for purposes of  
1864                        credentialing, paneling, insurance, reimbursement, portability, and compacts.
- 1865        [(1)] (2) "Direct supervision" means [that] supervision where the supervising audiologist or  
1866                        supervising hearing instrument specialist is present in the same facility as is the [person]

1867       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  
1869       on or by an individual to enhance human hearing, including the device's specialized  
1870       parts, attachments, or accessories.]

1871       (3)(a) "Hearing instrument" means a wearable device offered to compensate for human  
1872       hearing loss, including the device's parts, attachments, or accessories.

1873       (b) "Hearing instrument" does not include a device that is surgically implanted in the  
1874       cochlea or under the skin near the ear.

1875       [(3) (4) "Hearing instrument intern" means [a person licensed] an individual certified under  
1876       this chapter who is obtaining education and experience in the practice of a hearing  
1877       instrument specialist under the supervision of a supervising hearing instrument specialist  
1878       or supervising audiologist.

1879       (5) "Hearing instrument specialist" means an individual who:

1880       (a) establishes a place of business to practice as a hearing instrument specialist;  
1881       (b) tests the hearing of a human patient over 17 years old for the sole purpose of  
1882       determining whether the use of a hearing instrument will improve hearing loss  
1883       sufficiently to justify prescribing and selling the hearing instrument and whether that  
1884       hearing instrument will be in the best interest of the patient;  
1885       (c) provides the patient a written statement of prognosis regarding the need for or  
1886       usefulness of a hearing instrument for the patient's condition;  
1887       (d) prescribes an appropriate hearing instrument;  
1888       (e) makes impressions or ear molds for the fitting of a hearing instrument;  
1889       (f) sells and professionally places the hearing instrument on a patient;  
1890       (g) evaluates the hearing loss overcome by the installation of the hearing instrument and  
1891       evaluates the hearing recovery against the representations the hearing instrument  
1892       specialist made to the patient;  
1893       (h) intervening to produce satisfactory hearing recovery results from a hearing  
1894       instrument; or  
1895       (i) instructing the patient on the use and care of the hearing instrument.

1896       [(4) (6) "Indirect supervision" means [that] supervision where the supervising hearing  
1897       instrument specialist or supervising audiologist is not required to be present in the same  
1898       facility as [is the person] the individual being supervised, but is available for voice to  
1899       voice contact by telephone, radio, or other means at the initiation of the [person being]  
1900       supervised individual.

1901 [({5}) "Practice of a hearing instrument specialist" means:]  
1902 [({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  
1904 determining whether a hearing loss will be sufficiently improved by the use of a  
1905 hearing instrument to justify prescribing and selling the hearing instrument and  
1906 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  
1908 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  
1913 and evaluating the hearing recovery against the representations made to the patient by  
1914 the hearing instrument specialist;]  
1915 [({h}) necessary intervention to produce satisfactory hearing recovery results from a  
1916 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  
1922 approval from the division to supervise a hearing instrument intern.

1923 [({6}) (8) "Supervising hearing instrument specialist" means a hearing instrument specialist  
1924 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;  
1927 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  
1931 years; and  
1932 (c) submits a request to the division on a form the division approves and receives  
1933 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  
1936 58-1-501 and 58-46a-501.

1937 Section 30. Section **58-46a-301** is amended to read:

1938 **58-46a-301 (Effective 05/06/26) (Repealed 07/01/33). Certification required --**

1939 **Certification classifications.**

1940 (1) A [~~license~~] certificate is required to engage in the practice of hearing instrument  
1941 specialist or hearing instrument intern, except as specifically provided in Section  
1942 58-1-307 or 58-46a-305.

1943 (2) The division shall issue to an individual qualified under the provisions of this chapter a [  
1944 ~~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 (Effective 05/06/26) (Repealed 07/01/33). Qualifications for  
1949 certification.**

1950 (1) Each applicant for [~~licensure~~] certification as a hearing instrument specialist shall:  
1951 (a) [~~submit to the division an application in a form prescribed by the division~~] submit an  
1952 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  
1954 the division as determined under Section 63J-1-504;  
1955 (c) pass an appropriate entry-level examination the division makes by rule in accordance  
1956 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;  
1957 (d) complete at least six months of training with a supervising hearing instrument  
1958 specialist or supervising audiologist;  
1959 [({e}) ~~have qualified for and currently hold board certification by the National Board for~~  
1960 ~~Certification - Hearing Instrument Sciences, or an equivalent certification approved~~  
1961 ~~by the division~~;  
1962 [({d})] (e) [~~have passed~~] pass the [~~Utah Law and Rules Examination for Hearing Instrument~~  
1963 ~~Specialists~~] Utah Hearing Instrument Specialists Law and Rule Examination; and  
1964 [({e})] (f) if the applicant holds a hearing instrument intern [~~license~~] certification, surrender  
1965 the hearing instrument intern [~~license~~] certification at the time of [~~licensure~~]  
1966 certification as a hearing instrument specialist.

1967 (2) Each applicant for [~~licensure~~] 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;

- (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;
- (c) [have passed] pass the Utah Law and Rules Examination for Hearing Instrument Specialists; and
- (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.
  - [(i) Section 58-46a-302.5; and]
  - [(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.]

Section 32. Section **58-46a-302.5** is amended to read:

**58-46a-302.5 (Effective 05/06/26) (Repealed 07/01/33). Supervision requirements**

## -- Hearing instrument interns.

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

Section 33. Section **58-46a-303** is amended to read:

**58-46a-303 (Effective 05/06/26) (Repealed 07/01/33). Term of certification --**

## **Expiration -- Renewal of specialist and intern licenses.**

(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

2003 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act] Each  
2004 certification issued under this chapter shall be issued in accordance with a  
2005 five-year renewal cycle established by rule the division makes in accordance with  
2006 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  
2008 maintain established renewal cycles or to change an established renewal cycle.

2009 [(ii) The division may by rule made in accordance with Title 63G, Chapter 3, Utah  
2010 Administrative Rulemaking Act, extend or shorten a renewal period by as much as  
2011 one year to stagger the renewal cycles the division administers.]

2012 [(b) At the time of renewal, the licensed hearing instrument specialist shall demonstrate  
2013 satisfactory evidence of each of the following:]

2014 [(i) current certification by the National Board for Certification Hearing Instrument  
2015 Sciences, or other acceptable certification approved by the division by rule made  
2016 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  
2020 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,  
2023 Chapter 3, Utah Administrative Rulemaking Act, documenting competence at the  
2024 division's request.

2025 (c) A hearing instrument specialist license automatically expires on the expiration date  
2026 shown on the [license unless renewed by the licensee in accordance with Section  
2027 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  
2029 three years.

2030 (b) The division may renew a license for a hearing instrument intern for a term of three  
2031 years for good cause shown, as determined by rule made in accordance with Title  
2032 63G, Chapter 3, Utah Administrative Rulemaking Act.

2033 Section 34. Section **58-46a-305** is amended to read:

2034 **58-46a-305 (Effective 05/06/26) (Repealed 07/01/33). Exemptions from**  
2035 **certification.**

2036 In addition to the exemptions [from licensure] in Section 58-1-307, the following [

-2037 persons] individuals may engage in [acts and practiees] an act or practice included within the  
2038 definition of [practiee as a] hearing instrument specialist or hearing instrument intern[, subject  
-2039 to their professional licensure authorization and restrictions,] without being [licensed] certified  
2040 under this chapter:

2041 (1) an audiologist licensed under the provisions of Chapter 41, Speech-Language Pathology  
2042 and Audiology Licensing Act;  
2043 (2) a physician and surgeon licensed under the provisions of Chapter 67, Utah Medical  
2044 Practice Act, or osteopathic physician licensed under the provisions of Chapter 68, Utah  
2045 Osteopathic Medical Practice Act; and  
2046 (3) a physician assistant licensed under the provisions of Chapter 70a, Utah Physician  
2047 Assistant Act.

2048 Section 35. Section **58-46a-307** is amended to read:

2049 **58-46a-307 (Effective 05/06/26) (Repealed 07/01/33). Certified individual  
2050 required to prove certification to commence or maintain action.**

2051 A person may not commence or maintain an action in any court of the state for  
2052 collection or compensation in any amount resulting from performance of acts or practices for  
2053 which [a license] certification is required under this chapter unless that person was properly [  
-2054 licensed] certified under this chapter as a hearing instrument specialist at the time there was an  
2055 agreement made to perform the regulated acts and practices, when the regulated acts and  
2056 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 (Effective 05/06/26) (Repealed 07/01/33). Grounds for denial of  
2059 certification -- Disciplinary proceedings.**

2060 [Grounds for refusing to issue a license to an applicant, for refusing to renew the license  
-2061 of a licensee, for revoking, suspending, restricting, or placing on probation the license of a  
-2062 licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and  
-2063 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

2071 58-1-401.

2072 Section 37. Section **58-46a-501** is amended to read:

2073 **58-46a-501 (Effective 05/06/26) (Repealed 07/01/33). Unprofessional conduct.**

2074 "Unprofessional conduct" includes:

- 2075 (1) testing the hearing of a patient for any purpose other than to determine whether a  
2076 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  
2078 a condition [detected] a certified individual detects in a patient [examined by a licensee  
2079 under this chapter] if the condition is generally recognized in the profession as one [that  
2080 should be referred] the certified individual should refer;
- 2081 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently  
2082 improved to justify prescribing and selling [of] the hearing instrument;
- 2083 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to  
2084 practice under this chapter and specifically with respect to the benefits of a hearing  
2085 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  
2087 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  
2089 to whom a hearing instrument has been prescribed and sold upon being informed by the  
2090 patient that the hearing instrument does not produce the results [represented by the  
2091 licensee] the certified individual represented;
- 2092 (7) failing to disclose in writing to the patient the charge for all services and hearing  
2093 instruments prescribed and sold to a patient [prior to] before providing the services or  
2094 hearing instrument;
- 2095 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon  
2096 a determination by the division that the patient has not obtained the recovery of hearing [  
2097 represented by the licensee] the certified individual represented in writing [prior to  
2098 designation and] before the sale of the hearing instrument;
- 2099 (9) paying [any] a professional person individual any consideration of any kind for referral  
2100 of a patient;
- 2101 (10) failing, when acting as a supervising hearing instrument specialist or supervising  
2102 audiologist, to provide supervision and training in hearing instrument sciences in  
2103 accordance with Section 58-46a-302.5;
- 2104 (11) engaging in the practice as a hearing instrument intern when not under the supervision

2105 of a supervising hearing instrument specialist or supervising audiologist in accordance  
2106 with Section 58-46a-302.5;

2107 (12) failing to describe [the circuitry] in any advertisement, presentation, purchase, or trial  
2108 agreement, the circuitry of a hearing instrument as being either "digital" or "analog"[:] or  
2109 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  
2111 Commission in any advertisement;

2112 (14) failing to adhere to the rules and regulations prescribed by the United States Food and  
2113 Drug Administration as [they] the rules and regulations pertain to the hearing instrument  
2114 specialist;

2115 (15) failing to maintain all equipment used in the practice of a hearing instrument specialist  
2116 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  
2118 58-46a-503.

2119 Section 38. Section **58-46a-502** is amended to read:

2120 **58-46a-502 (Effective 05/06/26) (Repealed 07/01/33). Additional requirements  
2121 for practicing as a hearing instrument specialist.**

2122 [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  
2124 business as a hearing instrument specialist and the place or places of business shall be  
2125 represented to a patient and others with whom business is conducted by the street  
2126 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  
2128 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  
2130 related to testing for hearing loss and selling of a hearing instrument written  
2131 documentation provided to the patient that includes:

2132 (a) identification of [all services and products] a service or a product provided to the  
2133 patient by the hearing instrument specialist and the charges for each service or  
2134 product;

2135 (b) a statement whether [any] a hearing instrument provided to a patient is "new," "used,"  
2136 or "reconditioned" and the terms and conditions of any warranty or guarantee that  
2137 applies to each instrument; and

2138 (c) the identity and [licensee] certification number of each hearing instrument specialist or

2139 hearing instrument intern who provided services or products to the patient;

2140 (4) before providing services or products to a patient:

2141 (a) advise the patient regarding services and products offered to the patient, including  
2142 the expected results of the services and products;

2143 (b) inform each patient who is being offered a hearing instrument about hearing  
2144 instruments that work with assistive listening systems that are compliant with the  
2145 ADA Standards for Accessible Design adopted by the United States Department of  
2146 Justice in accordance with the Americans with Disabilities Act, 42 U.S.C. Sec. 12101  
2147 et seq.; and

2148 (c) obtain written informed consent from the patient regarding offered services,  
2149 products, and the expected results of the services and products in a form [approved  
2150 by the division] the division approves;

2151 (5) refer [all individuals] an individual under [the age of 18] 18 years old who [seek testing  
2152 of hearing] seeks a hearing test to a physician[-or], surgeon, osteopathic physician,  
2153 physician assistant, or audiologist, licensed or certified under the provisions of this title,  
2154 and shall dispense a [hearing aid] hearing instrument to that individual only on  
2155 prescription [of] from a physician[-or], surgeon, osteopathic physician, physician  
2156 assistant, or audiologist;

2157 (6) obtain the patient's informed consent and agreement to purchase the hearing instrument  
2158 based on that informed consent either by the hearing instrument specialist or the hearing  
2159 instrument intern, before designating an appropriate hearing instrument; and

2160 (7) if a hearing instrument does not substantially enhance the patient's hearing consistent  
2161 with the representations of the hearing instrument specialist at the time informed consent  
2162 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  
2164 with representations made; or

2165 (b) for the refund of fees paid by the patient for the hearing instrument to the hearing  
2166 instrument specialist within a reasonable time after finding that the hearing  
2167 instrument does not substantially enhance the patient's hearing.

2168 Section 39. Section **58-46a-503** is amended to read:

2169 **58-46a-503 (Effective 05/06/26) (Repealed 07/01/33). Testing period for a hearing  
2170 instrument.**

2171 (1)(a) [Any person licensed under this chapter who sells a hearing aid] A person that sells  
2172 a hearing instrument to a consumer shall provide a written receipt or a written

2173 contract to the consumer.

2174 (b) The written receipt or the written contract shall provide the consumer with a 30-day  
2175 right to cancel the purchase if [the consumer finds that the hearing aid] the hearing  
2176 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  
2178 consumer if the consumer returns the [hearing aid] hearing instrument to the [seller]  
2179 person in the same condition as when purchased, excluding ordinary wear and tear [  
2180 excluded, as when purchased] within the 30-day right to cancel described in  
2181 Subsection (1)(b).

2182 (d) The written receipt or the written contract shall notify the consumer of the 30-day  
2183 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  
2185 which:

2186 (i) [the date the hearing aid] the hearing instrument is originally delivered to the  
2187 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,  
2191 dealer, or fitter has possession or control of the hearing aid after its original delivery]  
2192 The 30-day period is paused while the hearing instrument specialist possesses or  
2193 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,  
2195 the [seller of the hearing aid is entitled to a] hearing instrument specialist may collect  
2196 from the purchaser a cancellation fee [not to exceed] of up to 15% of all fees charged  
2197 to the consumer, including testing, fitting, counseling, and the purchase price of the [  
2198 hearing aid] hearing instrument.

2199 (b) [The exact amount of the cancellation fee shall be stated in the] The written receipt or  
2200 the written contract provided to the consumer shall state the exact amount of the  
2201 cancellation fee.

2202 Section 40. Section **58-47b-201** is amended to read:

2203 **58-47b-201 (Effective 05/06/26) (Repealed 07/01/34). 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.

2209 (3)(a) The board shall perform the duties and responsibilities described in Sections

2210 58-1-202 and 58-1-203 with respect to this chapter and Chapter 72, Acupuncture

2211 Licensing Act.

2212 (b) In addition, the board shall designate one of [its] the board's members on a permanent

2213 or rotating basis to:

2214 (i) assist the division in reviewing complaints concerning the conduct of an

2215 individual licensed under this chapter or Chapter 72, Acupuncture Licensing Act;

2216 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]

2219 the complaint's investigation may be disqualified from participating with the board when

2220 the board serves as a presiding officer in an adjudicative proceeding concerning the

2221 complaint.

2222 Section 41. Section **58-54-303** is amended to read:

2223 **58-54-303 (Effective 05/06/26). Supervision and prescription required -- Imaging**

2224 **ordered by a licensed physical therapist.**

2225 [~~(1) The practice of radiologic technology by a radiologic technologist licensed under this~~

2226 ~~chapter shall be under the general supervision of a radiologist or radiology practitioner~~

2227 ~~and may be performed only upon the order of a radiologist or radiology practitioner~~

2228 ~~acting within the scope of the radiologist's or radiology practitioner's license and~~

2229 ~~experience within the scope of practice of a radiology practitioner.]~~

2230 (1) A radiologic technologist certified under this chapter may practice radiologic

2231 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

2234 the radiologist's or radiology practitioner's license and experience.

2235 (2)(a) Notwithstanding Subsection (1), a physical therapist licensed under Chapter 24b,

2236 Physical Therapy Practice Act, acting within the scope of the physical therapist's

2237 license and experience may order [plain radiographs and magnetic resonance ]

2238 imaging if:

2239 (i) the licensed physical therapist designates a physician to receive the results of the [

2240 plain radiographs or magnetic resonance ]imaging; and

2241 (ii) the physician designated in Subsection (2)(a)(i) agrees to receive the results of the [  
2242 ~~plain radiographs or magnetic resonance~~]imaging.

2243 (b) A licensed physical therapist who orders [~~plain radiographs or magnetic resonance~~]  
2244 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~~  
2247 ~~was~~]ordered by the licensed physical therapist indicate that the needed services [  
2248 ~~that are needed~~]exceed the licensed physical therapist's experience [and] or scope  
2249 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  
2254 services by another health care provider.

2255 Section 42. Section **58-57-101**, which is renumbered from Section 58-57-2 is renumbered  
2256 and amended to read:

2257 **[58-57-2] 58-57-101 (Effective 05/06/26). Definitions.**

2258 [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]  
2260 58-57-102.

2261 (2)(a) "Health care facility" means [any] a facility or institution in which health care  
2262 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  
2265 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  
2270 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah  
2271 Administrative Rulemaking Act.

2272 (4) "Non-critical care patient" means a patient who is not receiving a service from an  
2273 intensive care unit, an emergency department of a hospital, or an ambulance as that term  
2274 is defined in Section 53-2d-101.

2275 [({3})] (5)(a) "Practice of respiratory care"[:]

2276 [({a})] \_means the treatment, operation of equipment, management, diagnostic testing, and  
2277 care of [any] a human disease, deficiency, pain, injury, or other physical condition  
2278 associated with the cardiopulmonary system under the qualified medical direction or  
2279 supervision of a practitioner who has training and knowledge in the diagnosis,  
2280 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  
2283 prescription or order specifically relating to respiratory care in a hospital or other  
2284 health care setting and [includes] in consultation with [licensed nurses] a licensed  
2285 nurse, as appropriate;

2286 (ii) administering respiratory care during transportation of a patient and under other  
2287 circumstances where an emergency requires immediate respiratory care;

2288 (iii) serving as a resource to other health care professionals and hospital  
2289 administrators in relation to the technical aspects of, and the safe and effective  
2290 methods for, administering respiratory care;

2291 (iv) functioning in situations of patient contact requiring individual judgment in  
2292 administering respiratory care under the general supervision of a qualified  
2293 practitioner; and

2294 (v) supervising, directing, or teaching personnel in the performance of respiratory  
2295 care modalities as part of [a respiratory care] an approved education program for  
2296 respiratory care[: and] .

2297 (c) "Practice of respiratory care" does not include:

2298 (i) [a person who delivers, installs, or maintains] the delivery, installation, or  
2299 maintenance of respiratory related durable medical equipment[: and] ; or  
2300 (ii) [who gives] giving instructions regarding the use of [that equipment] respiratory  
2301 related durable medical equipment as long as [that person] the individual giving  
2302 the instruction does not perform clinical evaluation or treatment of the patient.

2303 [({4})] (6) "Practitioner" means an individual currently licensed, registered, or otherwise  
2304 authorized by the appropriate jurisdiction to prescribe and administer drugs and order  
2305 respiratory care in the course of professional practice.

2306 [({5})] "Respiratory care practitioner" means any person licensed to practice respiratory care  
2307 under this chapter.]

2308 [({6})] (7) "Respiratory related durable medical equipment" means:

- 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  
2314 or when used invasively;
- 2315 (f) bilirubin lights;
- 2316 (g) suctioning equipment;
- 2317 (h) large volume nebulizers with compressors, except when used invasively in  
2318 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~~  
2322 ~~division by rule~~ ~~the division defines by rule~~ ~~the division makes in accordance with~~  
2323 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  
2325 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  
2327 ~~defined in~~ Section 58-1-501 and as ~~[may be further defined by rule]~~ ~~the division may~~  
2328 ~~define by rule~~ the division makes in accordance with Title 63G, Chapter 3, Utah  
2329 Administrative Rulemaking Act.

2330 (b) "Unprofessional conduct" includes:

- 2331 [(a)] (i) acting contrary to the instructions of the practitioner responsible for  
2332 supervising the licensee;
- 2333 [(b)] (ii) knowingly operating ~~[any ]~~respiratory care equipment that is unsafe or not in  
2334 compliance with standards of condition or operation consistent with the patient's  
2335 safety;
- 2336 [(c)] (iii) permitting ~~[any person]~~ an individual to operate respiratory care equipment  
2337 who is not competent or not allowed to operate the equipment;
- 2338 [(d)] (iv) revealing to ~~[any unauthorized person]~~ an unauthorized individual  
2339 confidential or privileged information about a patient;
- 2340 [(e)] (v) using ~~[any ]~~ a controlled substance, unless a practitioner prescribes the  
2341 controlled substance ~~[is prescribed by a practitioner and used ]~~ and the respiratory  
2342 care practitioner uses the controlled substance in accordance with the practitioner's

2343                   instructions; and

2344                   [(f)] (vi) making [any] a statement that is incorrect due to negligence, willfulness, or  
2345                   intent to provide false information or entry on [any] a patient record or other  
2346                   record that is used for payment of respiratory care services.

2347                   Section 43. Section **58-57-102**, which is renumbered from Section 58-57-3 is renumbered  
2348                   and amended to read:

2349                   **[58-57-3] 58-57-102 (Effective 05/06/26). Board created -- Membership -- Duties.**

2350                   (1) There is created a five-member Respiratory Care Licensing Board consisting of the  
2351                   following [persons] individuals:

2352                   (a) one physician who is a member of either the American Society of Anesthesiologists,  
2353                   the American College of Chest Physicians, the American Thoracic Society, or the  
2354                   American Academy of Pediatrics;

2355                   (b) three licensed respiratory care practitioners who have practiced respiratory care for a  
2356                   period of not less than three years immediately [preceding their] before appointment  
2357                   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  
2361                   serve in accordance with Section 58-1-201.

2362                   [(3) The duties and responsibilities of the board shall be in accordance with Sections  
2363                   58-1-202 and 58-1-203.]

2364                   (3) The board shall perform the board's duties and responsibilities as provided in Sections  
2365                   58-1-202 and 58-1-203.

2366                   Section 44. Section **58-57-103**, which is renumbered from Section 58-57-4 is renumbered  
2367                   and amended to read:

2368                   **[58-57-4] 58-57-103 (Effective 05/06/26). Qualifications for a license -- Scope of**  
2369                   **practice.**

2370                   (1) [The division shall issue a respiratory care practitioner license to an applicant who  
2371                   meets the requirements specified in this section.] The division shall issue to an individual  
2372                   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)(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

2377 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]~~  
2379 ~~pay to the division a fee determined in accordance with Section 63J-1-504;~~  
2380 [~~(e)~~] ~~(iii) [possess a] have a high school education or [its] the equivalent, as [~~  
2381 ~~determined by the division in] the division determines by rule the division makes in~~  
2382 ~~collaboration with the board and in accordance with Title 63G, Chapter 3, Utah~~  
2383 ~~Administrative Rulemaking Act;~~  
2384 [~~(d)~~] ~~(iv) [have completed] complete a respiratory care practitioner educational~~  
2385 ~~program that is accredited by a nationally accredited organization acceptable to~~  
2386 ~~the division as defined by rule the division makes in accordance with Title 63G,~~  
2387 ~~Chapter 3, Utah Administrative Rulemaking Act; and~~  
2388 [~~(e)~~] ~~(v) subject to Section 58-57-104, pass an examination [approved by] the division~~  
2389 ~~approves in collaboration with the board.~~

2390 (b) A respiratory care practitioner may engage in the practice of respiratory care.

2391 (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  
2395 the division makes in collaboration with the board and in accordance with Title  
2396 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  
2399 approves by rule the division makes in accordance with Title 63G, Chapter 3,  
2400 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  
2403 enrolled to apply for licensure.

2404 (b) A respiratory care apprentice may perform a service in the practice of respiratory  
2405 care if the respiratory care apprentice has documented evidence of training for the  
2406 service.

2407 Section 45. Section **58-57-104**, which is renumbered from Section 58-57-5 is renumbered  
2408 and amended to read:

2409 **[58-57-5] 58-57-104 (Effective 05/06/26). Licensure by endorsement.**

2410 [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.

Section 46. Section **58-57-105**, which is renumbered from Section 58-57-6 is renumbered and amended to read:

**[58-57-6] 58-57-105 (Effective 05/06/26). Term of license -- Expiration -- Renewal.**

(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.

(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.

(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].

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

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

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

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

(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.

Section 47. Section **58-57-106**, which is renumbered from Section 58-57-7 is renumbered and amended to read:

**[58-57-7] 58-57-106 (Effective 05/06/26). Exemptions from licensure.**

2445 (1)(a) For purposes of Subsection (2)(b), "qualified" means an individual who is a  
2446 registered polysomnographic technologist or a Diplomate certified by the American  
2447 Board of Sleep Medicine.

2448 (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following  
2449 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]  
2455 individuals may engage in the practice of respiratory therapy subject to the stated  
2456 circumstances and limitations without being licensed under this chapter:  
2457 (a) [any person] an individual who provides gratuitous care for [a member of his  
2458 immediate family] an immediate family member without representing [himself as] that  
2459 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  
2461 care profession, if this practice is consistent with the accepted standards of the  
2462 profession and if the [person] individual does not represent [himself as] that the  
2463 individual is a respiratory care practitioner;  
2464 (c) [any person] an individual who serves in the Armed Forces of the United States or [  
2465 any other] another agency of the federal government and is [engaged in the  
2466 performance of his] performing official duties;  
2467 (d) [any person] an individual who acts under a certification issued [pursuant to] in  
2468 accordance with Title 53, Chapter 2d, Emergency Medical Services Act, while  
2469 providing emergency medical services;  
2470 (e) [any person] except as provided in Subsection (3), an individual who delivers,  
2471 installs, or maintains respiratory related durable medical equipment [and] or who  
2472 gives instructions regarding the use of that equipment[ in accordance with  
2473 Subsections 58-57-2(3) and (6), except that this exemption does not include any  
2474 clinical evaluation or treatment of the patient];  
2475 (f) [any person] an individual who [is working] works in a practitioner's office, acting  
2476 under supervision; and  
2477 (g) a polysomnographic technician or trainee, acting under supervision, as long as the  
2478 technician or trainee administers the following only in a sleep lab, sleep center, or

2479                   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  
2483                   treatment of a patient.

2484                   [~~(3)~~] (4) Nothing in this chapter permits a respiratory care practitioner to engage in the  
2485                   unauthorized practice of other health disciplines.

2486                   Section 48. Section **58-57-107**, which is renumbered from Section 58-57-8 is renumbered  
2487                   and amended to read:

2488                   **[58-57-8] 58-57-107 (Effective 05/06/26). Grounds for denial of license --**

2489                   **Disciplinary proceedings.**

2490                   [~~Grounds for refusal to issue a license to an applicant, for refusal to renew the license of~~  
2491                   ~~a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue~~  
2492                   ~~a public or private reprimand to a licensee, and to issue cease and desist orders shall be in~~  
2493                   ~~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  
2501                   58-1-401.

2502                   Section 49. Section **58-57-108**, which is renumbered from Section 58-57-10 is renumbered  
2503                   and amended to read:

2504                   **[58-57-10] 58-57-108 (Effective 05/06/26). Use of title or designation.**

2505                   (1) Only a respiratory care practitioner may use the following titles or designations[ in this  
2506                   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  
2514 misdemeanor.

2515 Section 50. Section **58-57-109**, which is renumbered from Section 58-57-12 is renumbered  
2516 and amended to read:

2517 **[58-57-12] 58-57-109 (Effective 05/06/26). Independent practice prohibited.**

2518 A respiratory care practitioner may not:

2519 (1) practice independently of a practitioner or of a health care facility while under the  
2520 supervision of a practitioner; or  
2521 (2) charge a fee[ for his services] independently of a practitioner or health care facility.

2522 Section 51. Section **58-57-110**, which is renumbered from Section 58-57-14 is renumbered  
2523 and amended to read:

2524 **[58-57-14] 58-57-110 (Effective 05/06/26). Unlawful conduct -- Penalty.**

2525 (1) [Beginning January 1, 2007, "unlawful] "Unlawful conduct" includes:  
2526 (a) using the following titles[, names,] or initials[;] for the following titles if the user is  
2527 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  
2534 believe the user is licensed under this chapter if the user is not properly licensed  
2535 under this chapter.  
2536 (2) [Any person who] A person that violates [the unlawful conduct provision specifically  
2537 defined in] Subsection 58-1-501(1)(a) is guilty of a third degree felony.  
2538 [(3) Any person who violates any of the unlawful conduct provisions specifically defined in  
2539 Subsections 58-1-501(1)(b) through (f) and Subsection (1) of this section is guilty of a  
2540 class A misdemeanor.]  
2541 [(4) After a proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act,  
2542 and Title 58, Chapter 1, Division of Professional Licensing Act, the division may assess  
2543 administrative penalties for acts of unprofessional or unlawful conduct or any other  
2544 appropriate administrative action.]

2545 Section 52. Section **58-70a-307** is amended to read:  
2546 **58-70a-307 (Effective 05/06/26). Collaboration requirements -- Clinical practice**

2547 **experience -- Requirements for independent practice in a new specialty.**

2548 (1) As used in this section, "collaboration" means the interaction and relationship that a  
2549 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  
2551 qualifications and limitations in caring for [patients] a patient;  
2552 (b) the physician assistant, while responsible for care that the physician assistant  
2553 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  
2555 assistant.

2556 (2) A physician assistant with less than [10,000] 8,000 hours of post-graduate clinical  
2557 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  
2560 Subsections 58-70a-501(2) and (3); and  
2561 (ii) describe methods for evaluating the physician assistant's competency, knowledge,  
2562 and skills;  
2563 (b) provide a copy of the written policies and procedures and documentation of  
2564 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  
2566 specializing in mental health care, engage in collaboration with a physician for the  
2567 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  
2569 specializing in mental health care, a physician assistant who has more than 4,000  
2570 hours of practice experience and less than [10,000] 8,000 hours of practice experience  
2571 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 hours of practice  
2574 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  
2577 (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 (4) A physician assistant who wishes to change specialties to another specialty in which the [

2581 PA] physician assistant has less than 4,000 hours of experience shall engage in  
2582 collaboration for a minimum of 4,000 hours with a physician who is trained and  
2583 experienced in the specialty to which the physician assistant is changing.

2584 Section 53. Section **58-72-102** is amended to read:

2585 **58-72-102 (Effective 05/06/26). Acupuncture licensing -- Definitions.**

2586 [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  
2589 under the indirect supervision of a licensed acupuncturist who is physically present  
2590 and available during the performance of a delegated supportive service; and

2591 (b)(i) an individual who holds a certification in clean needle technique from the  
2592 Council of Colleges of Acupuncture and Herbal Medicine; or  
2593 (ii) an individual who completes a course using the Council of Colleges of  
2594 Acupuncture and Herbal Medicine clean needle technique that the division  
2595 approves by rule; or

2596 (c) meets the qualifications the division makes by rule.

2597 (2) "Board" means the Board of Massage Therapy and Acupuncture created in Section  
2598 58-47b-201.

2599 [(2)] (3)(a) "Injection therapy" means the use of a hypodermic needle, by a licensed  
2600 acupuncturist [who has obtained a clean needle technique certificate from the  
2601 National Commission for the Certification of Acupuncture and Oriental Medicine  
2602 (NCCAOM),] who satisfies the coursework and supervised experience requirements  
2603 that the division makes by rule to inject any of the following sterile substances in  
2604 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  
2608 blood;
- 2609 (iv) sterile water;
- 2610 (v) dextrose;
- 2611 (vi) sodium bicarbonate; [and]
- 2612 (vii) sterile saline[.];
- 2613 (viii) sterile herbs;
- 2614 (ix) vitamins;

2615 (x) homeopathics; and  
2616 (xi) other substances as defined by the division in rule.  
2617 (b) "Injection therapy" includes using ultrasound guidance to ensure that an injection is  
2618 only a subcutaneous injection or an intramuscular injection.  
2619 (c) "Injection therapy" does not include injecting a substance into a vein, [joint,]artery,  
2620 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  
2622 age of eight.]  
2623 [(3) "Licensed acupuncturist," designated as "L.Ae.," means a person who has been  
2624 licensed under this chapter to practice acupuncture.]  
2625 (4) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture points  
2626 of the body.  
2627 (5)(a) "Practice of acupuncture" means the insertion of acupuncture needles, the use of  
2628 injection therapy, and the application of moxibustion to specific areas of the body  
2629 based on traditional oriental medical diagnosis and modern research as a primary  
2630 mode of therapy.  
2631 (b) [Adjunctive therapies within the scope of the practice] "Practice of acupuncture" may  
2632 include the following adjunctive therapies:  
2633 (i) applying manual, mechanical, thermal, electrical, light, and electromagnetic  
2634 treatments based on traditional oriental medical diagnosis and modern research;  
2635 (ii) [the recommendation, administration, or provision of] recommending,  
2636 administering, or provisioning dietary guidelines, herbs, supplements,  
2637 homeopathics, and therapeutic exercise based on traditional oriental medical  
2638 diagnosis and modern research according to practitioner training; [and]  
2639 (iii) [the practitioner] performing an adjunctive therapy described in Subsections (5)(a)  
2640 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[.];  
2644 (iv) delegating a task to an acupuncture aide and supervising the performance of the  
2645 task; and  
2646 (v) ordering clinical laboratory test to determine the nature of care or to form a basis  
2647 for referral to other licensed health care professionals.  
2648 (c) "Practice of acupuncture" does not include:

2649 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic  
2650 barrier; or  
2651 (ii) the "manipulation of the articulation of the spinal column" as defined in Section  
2652 58-73-102.

2653 (6)(a) "Supportive services" means the acts that the division defines in rule for which the  
2654 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;  
2660 (v) advice to a patient; or  
2661 (vi) a procedure requiring a similar degree of judgment or skill, or an additional act  
2662 the department defines by rule.

2663 [(6)] (7) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as [  
2664 ~~may be further defined by division~~] the division may define by rule.

2665 Section 54. Section **58-72-302** is amended to read:

2666 **58-72-302 (Effective 05/06/26). Qualifications for licensure.**

2667 (1) An applicant for licensure as ~~[a-licensed]~~ an acupuncturist shall:

2668 [(1)] (a) ~~[submit an application in a form prescribed by the division]~~ submit an application  
2669 to the division on a form the division approves;

2670 [(2)] (b) ~~[pay a fee determined by the department under Section 63J-1-504]~~ pay a fee to  
2671 the division as determined under Section 63J-1-504;

2672 [(3)] (c) meet the requirements for current active certification in acupuncture under  
2673 guidelines [established by the National Commission for the Certification of  
2674 Acupuncture and Oriental Medicine (NCCAOM)] the National Certification  
2675 Commission for Acupuncture and Oriental Medicine establishes as demonstrated  
2676 through a current certificate or other appropriate documentation;

2677 [(4)] (d) pass the examination [required by the division] the division requires by rule;

2678 [(5)] (e) establish procedures, as [defined] the division defines by rule, which shall enable  
2679 patients to give informed consent to treatment; and

2680 [(6)] (f) meet with the board, if requested, for the purpose of evaluating the applicant's  
2681 qualifications for licensure.

2682 (2) A licensed acupuncturist may order clinical laboratory testing if the licensed

2683 acupuncturist:  
2684 (a) passes the National Commission for the Certification of Acupuncture and Oriental  
2685 Medicine biomedicine exam; or  
2686 (b) completes training that incorporates the safe and beneficial use of laboratory test  
2687 findings in the practice of acupuncture and oriental medicine that the division  
2688 determines by rule.

2689 Section 55. Section **58-72-501** is amended to read:

2690 **58-72-501 (Effective 05/06/26). Acupuncture licensee -- Restriction on titles used.**

2691 (1)(a) ~~[A person practicing as a]~~ A licensed acupuncturist may not display or ~~[in any~~  
2692 ~~way use any]~~ use a title, ~~[words]~~ a word, or ~~an~~ insignia in conjunction with the ~~[~~  
2693 ~~person's]~~ licensed acupuncturist's name or practice except ~~[the words]~~ "licensed  
2694 acupuncturist" or "L.Ac."~~[.]~~  
2695 (b) Only an acupuncturist licensed under this chapter may use the title "licensed  
2696 acupuncturist" or "L.Ac."  
2697 [(b)] (c) When used in conjunction with the ~~[person's]~~ licensed acupuncturist's practice,  
2698 the term "licensed acupuncturist" or "L.Ac." shall be displayed next to the name of  
2699 the licensed acupuncturist.  
2700 (2)(a) A licensed acupuncturist may not use the term "physician," "physician or  
2701 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  
2703 Oriental Medicine," "Doctor of Acupuncture and Oriental Medicine," "D.O.M.,"  
2704 "D.A.O.M.," or "oriental medical doctor" [may be used] if the term is commensurate  
2705 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~~  
2707 ~~shall represent themselves as medical doctors or chiropractic physicians practicing~~  
2708 ~~acupuncture and not as licensed acupuncturists.]~~ A medical doctor or a chiropractic  
2709 physician who chooses to practice acupuncture shall provide acupuncture as a  
2710 medical doctor or chiropractic physician practicing acupuncture.  
2711 (b) A medical doctor or a chiropractic physician who chooses to practice acupuncture  
2712 may not represent that the medical doctor or a chiropractic physician is a licensed  
2713 acupuncturist.  
2714 Section 56. Section **58-72-701** is amended to read:  
2715 **58-72-701 (Effective 05/06/26). Procurement and administration authority.**  
2716 (1)(a) A licensee who has received the necessary training, the division requires by rule

2717 the division makes in accordance with Title 63G, Chapter 3, Utah Administrative  
2718 Rulemaking Act, to practice injection therapy[~~, including having obtained a clean~~  
2719 needle technique certificate from the National Commission for the Certification of  
2720 Acupuncture and Oriental Medicine (NCCAOM):] as defined in Section 58-72-102:  
2721     [(a)] (i) has authority to procure and administer prescriptive substances described in  
2722         Subsections [58-72-102(2)(a) and (b)] 58-72-102(3)(a) and (b) for in-office  
2723         administration only; and  
2724     [(b)] (ii) may obtain substances described in Subsection [58-72-102(2)]  
2725         58-72-102(3)(a) from a registered prescription drug outlet, registered  
2726         manufacturer, or registered wholesaler.

2727 (b) A licensee who has received the necessary training to practice injection therapy as  
2728 defined in Section 58-72-102, may not perform injection therapy on a pregnant  
2729 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  
2731         relies in good faith on license information provided by the licensee, is not liable for  
2732         providing the substance.

2733         Section 57. Section **58-88-201** is amended to read:

2734         **58-88-201 (Effective 05/06/26). Definitions.**

2735         As used in this part:

2736 (1)(a) "Dispense" means the delivery by a prescriber of a prescription drug or device to a  
2737         patient, including the packaging, labeling, and security necessary to prepare and  
2738         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  
2742         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  
2747         Medical Practice Act;  
2748         (iii) an advanced practice registered nurse under [Subsektion 58-31b-301(2)(d)]  
2749         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  
2753 professional practice; and  
2754 (c) practices at a licensed dispensing practice.

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  
2759 practice.

2760 (5) "Licensed dispensing practice" means a health care practice that is licensed as a  
2761 dispensing practice under Section 58-88-202.

2762 **Section 58. Repealer.**

2763 This bill repeals:

2764 **Section 58-40a-103, Duties of directing physician.**

2765 **Section 58-41-1, Title of chapter.**

2766 **Section 58-41-3, Scope of licenses -- Practicing without license prohibited.**

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

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

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

2770 **Section 58-57-1, Short title.**

2771 **Section 58-57-11, Provision for current practitioners.**

2772 **Section 59. Effective Date.**

2773 This bill takes effect on May 6, 2026.