

Evan J. Vickers proposes the following substitute bill:

Office of Professional Licensure Review Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Evan J. Vickers

House Sponsor: Jason B. Kyle

LONG TITLE

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 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 an advanced practice registered nurse;
- permits a physician assistant to perform minor surgical procedures;
- repeals the authority of a physician assistant to perform minor surgical procedures on July 1, 2028;
- clarifies collaboration requirements between an athletic trainer and a physician;
- allows an occupational therapist to prescribe durable medical equipment and adaptive devices;
- gives the division rulemaking authority for occupational therapists;
- directs the division to create and issue a respiratory care apprentice license;
- reduces the number of hours required for a physician assistant to work without a collaborative agreement;
- allows an acupuncturist to delegate a low-risk task to an unlicensed aide under specified conditions;

- 29 ▸ changes the training requirements for an acupuncturist performing injection therapy;
- 30 ▸ gives the division rulemaking authority to determine additional substances an
- 31 acupuncturist may inject;
- 32 ▸ clarifies the titles an acupuncturist may use;
- 33 ▸ aligns dry needling for occupational therapists and physical therapists; and
- 34 ▸ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 None

39 **Utah Code Sections Affected:**

40 AMENDS:

41 **26B-2-801 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, First Special
42 Session, Chapter 11

43 **26B-4-203 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 392

44 **26B-8-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 240

45 **58-1-401 (Effective 05/06/26)**, as last amended by Laws of Utah 2021, Chapter 404

46 **58-1-510 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 324

47 **58-1-602 (Effective 05/06/26)**, as enacted by Laws of Utah 2022, Chapter 317

48 **58-1-603 (Effective 05/06/26)**, as enacted by Laws of Utah 2023, Chapter 2

49 **58-24b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219

50 **58-24b-402 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 220

51 **58-24b-403 (Effective 05/06/26)**, as enacted by Laws of Utah 2009, Chapter 220

52 **58-31b-103 (Effective 05/06/26)**, as last amended by Laws of Utah 2011, Chapter 303

53 **58-31b-301 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 277

54 **58-31b-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapters 277,
55 415

56 **58-31b-304 (Effective 05/06/26)**, as last amended by Laws of Utah 2022, Chapter 277

57 **58-31b-306.1 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 173

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

59 **58-31d-102 (Effective 05/06/26)**, as repealed and reenacted by Laws of Utah 2022,
60 Chapter 438

61 **58-40a-102 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206

62 **58-40a-201 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206

63 **58-40a-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2009, Chapter 183
 64 **58-40a-303 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206
 65 **58-42a-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 219
 66 **58-42a-306 (Effective 05/06/26)**, as last amended by Laws of Utah 2015, Chapter 432
 67 **58-42a-307 (Effective 05/06/26)**, as enacted by Laws of Utah 2025, Chapter 219
 68 **58-44a-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443
 69 **58-47b-201 (Effective 05/06/26) (Repealed 07/01/34)**, as last amended by Laws of Utah
 70 2024, Chapter 507
 71 **58-54-303 (Effective 05/06/26)**, as last amended by Laws of Utah 2018, Chapter 242
 72 **58-70a-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443
 73 **58-70a-307 (Effective 05/06/26)**, as enacted by Laws of Utah 2021, Chapter 312 and last
 74 amended by Coordination Clause, Laws of Utah 2021, Chapters 313, 344
 75 **58-70a-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2023, Chapter 301
 76 **58-72-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507
 77 **58-72-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2020, Chapter 339
 78 **58-72-501 (Effective 05/06/26)**, as last amended by Laws of Utah 2008, Chapter 250
 79 **58-72-701 (Effective 05/06/26)**, as enacted by Laws of Utah 2019, Chapter 485
 80 **58-88-201 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 276
 81 **63I-2-258 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 277

82 REPEALS AND REENACTS:

83 **58-31b-102 (Effective 05/06/26)**, as last amended by Laws of Utah 2024, Chapter 507
 84 **58-31b-302 (Effective 05/06/26)**, as last amended by Laws of Utah 2025, Chapter 443

85 RENUMBERS AND AMENDS:

86 **58-57-101 (Effective 05/06/26)**, (Renumbered from 58-57-2, as last amended by Laws
 87 of Utah 2006, Chapter 106)
 88 **58-57-102 (Effective 05/06/26)**, (Renumbered from 58-57-3, as last amended by Laws
 89 of Utah 1993, Chapter 297)
 90 **58-57-103 (Effective 05/06/26)**, (Renumbered from 58-57-4, as last amended by Laws
 91 of Utah 2020, Chapter 339)
 92 **58-57-104 (Effective 05/06/26)**, (Renumbered from 58-57-5, as last amended by Laws
 93 of Utah 2006, Chapter 106)
 94 **58-57-105 (Effective 05/06/26)**, (Renumbered from 58-57-6, as repealed and reenacted
 95 by Laws of Utah 1993, Chapter 297)
 96 **58-57-106 (Effective 05/06/26)**, (Renumbered from 58-57-7, as last amended by Laws

97 of Utah 2024, Chapter 147)
 98 **58-57-107 (Effective 05/06/26)**, (Renumbered from 58-57-8, as repealed and reenacted
 99 by Laws of Utah 1993, Chapter 297)
 100 **58-57-108 (Effective 05/06/26)**, (Renumbered from 58-57-10, as last amended by
 101 Laws of Utah 2006, Chapter 106)
 102 **58-57-109 (Effective 05/06/26)**, (Renumbered from 58-57-12, as last amended by
 103 Laws of Utah 2006, Chapter 106)
 104 **58-57-110 (Effective 05/06/26)**, (Renumbered from 58-57-14, as last amended by
 105 Laws of Utah 2022, Chapter 415)

106 REPEALS:

107 **58-40a-103 (Effective 05/06/26)**, as enacted by Laws of Utah 2006, Chapter 206
 108 **58-41-1 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
 109 1989, Chapter 207
 110 **58-41-3 (Effective 05/06/26) (Repealed 07/01/29)**, as last amended by Laws of Utah
 111 2020, Chapter 424
 112 **58-57-1 (Effective 05/06/26)**, as enacted by Laws of Utah 1990, Chapter 208
 113 **58-57-11 (Effective 05/06/26)**, as last amended by Laws of Utah 2006, Chapter 106
 114 **58-72-601 (Effective 05/06/26)**, as last amended by Laws of Utah 2007, Chapter 90

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

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

118 **26B-2-801 (Effective 05/06/26). Definitions for part.**

119 As used in this part:

- 120 (1) "Adult" means an individual who is:
 121 (a) at least 18 years old; or
 122 (b) under 18 years old and is emancipated.
 123 (2) "APRN" means an individual who is:
 124 (a) certified or licensed as an [advanee] advanced practice registered nurse under
 125 Subsection [58-31b-301(2)(e)] 58-31b-301(2);
 126 (b) an independent practitioner; and
 127 (c) acting within the scope of practice for that individual, as provided by law, rule, and
 128 specialized certification and training in that individual's area of practice.
 129 (3) "Capacity" means the same as that term is defined in Section 75A-9-101.
 130 (4) "Emergency medical services provider" means a person that is licensed, designated, or

- 131 certified under Title 53, Chapter 2d, Emergency Medical Services Act.
- 132 (5) "Health care" means the same as that term is defined in Section 75A-9-101.
- 133 (6) "Health care provider" means the same as that term is defined in Section 78B-3-403,
134 except that "health care provider" does not include an emergency medical services
135 provider.
- 136 (7)(a) "Life sustaining care" means any medical intervention, including procedures,
137 administration of medication, or use of a medical device, that maintains life by
138 sustaining, restoring, or supplanting a vital function.
- 139 (b) "Life sustaining care" does not include care provided for the purpose of keeping an
140 individual comfortable.
- 141 (8) "Minor" means an individual who:
142 (a) is under 18 years old; and
143 (b) is not emancipated.
- 144 (9) "Order for life sustaining treatment" means an order related to life sustaining treatment,
145 on a form designated by the Department of Health and Human Services under Section
146 26B-2-802, that gives direction to health care providers, health care facilities, and
147 emergency medical services providers regarding the specific health care decisions of the
148 individual to whom the order relates.
- 149 (10) "Parent" means the same as that term is defined in Section 75-1-201.
- 150 (11) "Physician" means a physician and surgeon or osteopathic surgeon licensed under Title
151 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic Medical
152 Practice Act.
- 153 (12) "Physician assistant" means an individual licensed as a physician assistant under Title
154 58, Chapter 70a, Utah Physician Assistant Act.
- 155 (13) "Sign" means the same as that term is defined in Section 75-1-201.
- 156 (14) "Substituted judgment" means the standard to be applied by a surrogate when making a
157 health care decision for an adult who previously had the capacity to make health care
158 decisions, which requires the surrogate to consider:
159 (a) specific preferences expressed by the adult:
160 (i) when the adult had the capacity to make health care decisions; and
161 (ii) at the time the decision is being made;
162 (b) the surrogate's understanding of the adult's health care preferences;
163 (c) the surrogate's understanding of what the adult would have wanted under the
164 circumstances; and

165 (d) to the extent that the preferences described in Subsections (14)(a) through (c) are
166 unknown, the best interest of the adult.

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

168 Section 2. Section **26B-4-203** is amended to read:

169 **26B-4-203 (Effective 05/06/26). Qualifying condition.**

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

173 (a) current scientific evidence clearly supports the efficacy of a medical cannabis
174 treatment for the condition; or

175 (b) a medical cannabis treatment will treat, cure, or positively affect the condition.

176 (2) For the purposes of this part, each of the following conditions is a qualifying condition:

177 (a) HIV or acquired immune deficiency syndrome;

178 (b) Alzheimer's disease;

179 (c) amyotrophic lateral sclerosis;

180 (d) cancer;

181 (e) cachexia;

182 (f) persistent nausea that is not significantly responsive to traditional treatment, except
183 for nausea related to:

184 (i) pregnancy;

185 (ii) cannabis-induced cyclical vomiting syndrome; or

186 (iii) cannabinoid hyperemesis syndrome;

187 (g) Crohn's disease or ulcerative colitis;

188 (h) epilepsy or debilitating seizures;

189 (i) multiple sclerosis or persistent and debilitating muscle spasms;

190 (j) post-traumatic stress disorder that is being treated and monitored by a licensed mental
191 health therapist, as that term is defined in Section 58-60-102, and that:

192 (i) has been diagnosed by a health_care provider or mental health provider employed
193 or contracted by the United States Veterans Administration, evidenced by copies

194 of medical records from the United States Veterans Administration that are

195 included as part of the recommending medical provider's pre-treatment assessment
196 and medical record documentation; or

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

- 199 (A) a licensed board-eligible or board-certified psychiatrist;
 200 (B) a licensed psychologist with a master's-level degree;
 201 (C) a licensed clinical social worker with a master's-level degree;
 202 (D) a licensed advanced practice registered nurse who is qualified to practice
 203 within the psychiatric mental health nursing specialty and who has completed
 204 the clinical practice requirements in psychiatric mental health nursing,
 205 including in psychotherapy[, in accordance with Subsection 58-31b-302(5)(g)];
 206 or
 207 (E) a licensed physician assistant who is qualified to specialize in mental health
 208 care under Section 58-70a-501.1;
- 209 (k) autism;
- 210 (l) a terminal illness when the patient's remaining life expectancy is less than six months;
- 211 (m) a condition resulting in the individual receiving hospice care;
- 212 (n) a rare condition or disease that:
- 213 (i) affects less than 200,000 individuals in the United States, as defined in Section
 214 526 of the Federal Food, Drug, and Cosmetic Act; and
- 215 (ii) is not adequately managed despite treatment attempts using:
- 216 (A) conventional medications other than opioids or opiates; or
 217 (B) physical interventions;
- 218 (o) pain lasting longer than two weeks that is not adequately managed, in the
 219 recommending medical provider's opinion, despite treatment attempts using:
- 220 (i) conventional medications other than opioids or opiates; or
 221 (ii) physical interventions;
- 222 (p) pain that is expected to last for two weeks or longer for an acute condition, including
 223 a surgical procedure, for which a medical professional may generally prescribe
 224 opioids for a limited duration, subject to Subsection 26B-4-213(5)(c); and
- 225 (q) a condition that the Compassionate Use Board approves under Section 26B-1-421,
 226 on an individual, case-by-case basis.

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

228 **26B-8-201 (Effective 05/06/26). Definitions.**

229 As used in this part:

- 230 (1) "Dead body" means the same as that term is defined in Section 26B-8-101.
 231 (2)(a) "Death by violence" means death that resulted by the decedent's exposure to
 232 physical, mechanical, or chemical forces.

- 233 (b) "Death by violence" includes death that appears to have been due to homicide, death
234 that occurred during or in an attempt to commit rape, mayhem, kidnapping, robbery,
235 burglary, housebreaking, extortion, or blackmail accompanied by threats of violence,
236 assault with a dangerous weapon, assault with intent to commit any offense
237 punishable by imprisonment for more than one year, arson punishable by
238 imprisonment for more than one year, or any attempt to commit any of the foregoing
239 offenses.
- 240 (3) "Health care professional" means any of the following while acting in a professional
241 capacity:
- 242 (a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title
243 58, Chapter 68, Utah Osteopathic Medical Practice Act;
- 244 (b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant
245 Act; or
- 246 (c) an advanced practice registered nurse licensed under Subsections 58-31b-301(2)(a)
247 through (c).
- 248 (4) "Immediate relative" means an individual's spouse, child, parent, sibling, grandparent,
249 or grandchild.
- 250 [~~(4) "Health care professional" means any of the following while acting in a professional~~
251 ~~capacity:]~~
- 252 [~~(a) a physician licensed under Title 58, Chapter 67, Utah Medical Practice Act, or Title~~
253 ~~58, Chapter 68, Utah Osteopathic Medical Practice Act;]~~
- 254 [~~(b) a physician assistant licensed under Title 58, Chapter 70a, Utah Physician Assistant~~
255 ~~Act; or]~~
- 256 [~~(c) an advance practice registered nurse licensed under Subsection 58-31b-301(2)(c).]~~
- 257 (5) "Medical examiner" means the state medical examiner appointed pursuant to Section
258 26B-8-202 or a deputy appointed by the medical examiner.
- 259 (6) "Medical examiner record" means:
- 260 (a) all information that the medical examiner obtains regarding a decedent;
261 (b) reports that the medical examiner makes regarding a decedent; and
262 (c) all administrative forms and correspondence related to a decedent's case.
- 263 (7) "Regional pathologist" means an American Board of Pathology certified pathologist
264 licensed to practice medicine and surgery in the state, appointed by the medical
265 examiner pursuant to Subsection 26B-8-202(3).
- 266 (8) "Sudden death while in apparent good health" means apparently instantaneous death

- 267 without obvious natural cause, death during or following an unexplained syncope or
 268 coma, or death during an acute or unexplained rapidly fatal illness.
- 269 (9) "Sudden unexpected infant death" means the death of a child who was thought to be in
 270 good health or whose terminal illness appeared to be so mild that the possibility of a
 271 fatal outcome was not anticipated.
- 272 (10) "Suicide" means death caused by an intentional and voluntary act of an individual who
 273 understands the physical nature of the act and intends by such act to accomplish
 274 self-destruction.
- 275 (11) "Unattended death" means a death that occurs more than 365 days after the day on
 276 which a health care professional examined or treated the deceased individual for any
 277 purpose, including writing a prescription.
- 278 (12)(a) "Unavailable for postmortem investigation" means that a dead body is:
- 279 (i) transported out of state;
- 280 (ii) buried at sea;
- 281 (iii) cremated;
- 282 (iv) processed by alkaline hydrolysis; or
- 283 (v) otherwise made unavailable to the medical examiner for postmortem investigation
 284 or autopsy.
- 285 (b) "Unavailable for postmortem investigation" does not include embalming or burial of
 286 a dead body pursuant to the requirements of law.
- 287 (13) "Within the scope of the decedent's employment" means all acts reasonably necessary
 288 or incident to the performance of work, including matters of personal convenience and
 289 comfort not in conflict with specific instructions.

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

291 **58-1-401 (Effective 05/06/26). Grounds for denial of license -- Disciplinary**
 292 **proceedings -- Time limitations -- Sanctions.**

- 293 (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or
 294 shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a
 295 licensee who does not meet the qualifications for licensure under this title.
- 296 (2) The division may refuse to issue a license to an applicant and may refuse to renew or
 297 may revoke, suspend, restrict, place on probation, issue a public reprimand to, or
 298 otherwise act upon the license of a licensee for the following reasons:
- 299 (a) subject to the provisions of Subsection (7), the applicant or licensee has engaged in
 300 unprofessional conduct, as defined by statute or rule under this title;

- 301 (b) the applicant or licensee has engaged in unlawful conduct as defined by statute under
302 this title;
- 303 (c) the applicant or licensee has been determined to be mentally incompetent by a court
304 of competent jurisdiction; or
- 305 (d) subject to Subsections [~~58-31b-401(7)~~] 58-31b-401(6), 58-60-108(2), 58-61-401(2),
306 58-67-401(2), 58-68-401(2), 58-70a-401(2), and Section 58-81-105, the applicant or
307 licensee is unable to practice the occupation or profession with reasonable skill and
308 safety because of illness, drunkenness, excessive use of drugs, narcotics, chemicals,
309 or other type of material, or as a result of a mental or physical condition, when the
310 condition demonstrates a threat or potential threat to the public health, safety, or
311 welfare.
- 312 (3) A licensee whose license to practice an occupation or profession regulated by this title
313 has been suspended, revoked, placed on probation, or restricted may apply for
314 reinstatement of the license at reasonable intervals and upon compliance with conditions
315 imposed upon the licensee by statute, rule, or terms of the license suspension,
316 revocation, probation, or restriction.
- 317 (4) The division may issue cease and desist orders to:
- 318 (a) a licensee or applicant who may be disciplined under Subsection (1) or (2);
- 319 (b) a person who engages in or represents that the person is engaged in an occupation or
320 profession regulated under this title; and
- 321 (c) a person who otherwise violates this title or a rule adopted under this title.
- 322 (5) The division may impose an administrative penalty in accordance with Section 58-1-502.
- 323 (6)(a) The division may not take disciplinary action against a person for unprofessional
324 or unlawful conduct under this title, unless the division enters into a stipulated
325 agreement or initiates an adjudicative proceeding regarding the conduct within four
326 years after the conduct is reported to the division, except under Subsection (6)(b).
- 327 (b)(i) The division may not take disciplinary action against a person for
328 unprofessional or unlawful conduct more than 10 years after the occurrence of the
329 conduct, unless the proceeding is in response to a civil or criminal judgment or
330 settlement and the proceeding is initiated within one year following the judgment
331 or settlement.
- 332 (ii) Notwithstanding Subsection (6)(b)(i), the division may refuse to issue a license
333 due to unprofessional or unlawful conduct that occurred more than 10 years before
334 a request or application for licensure is made.

- 335 (7) When the division is determining whether to refuse to issue a license to an applicant, or
 336 to refuse to renew the license of a licensee, based solely on the criminal conviction of an
 337 applicant or licensee, the division shall:
- 338 (a) provide individualized consideration to the applicant or licensee;
 - 339 (b) determine whether the criminal conviction bears a substantial relationship to the
 340 applicant's or licensee's ability to safely or competently practice the occupation or
 341 profession; and
 - 342 (c) consider the applicant's or licensee's current circumstances, which may include any
 343 of the following:
 - 344 (i) the age of the applicant or licensee when the applicant or licensee committed the
 345 offense;
 - 346 (ii) the time that has elapsed since the applicant or licensee committed the offense;
 - 347 (iii) whether the applicant or licensee has completed the applicant's or licensee's
 348 criminal sentence;
 - 349 (iv) whether the applicant has completed or is actively participating in rehabilitative
 350 drug or alcohol treatment;
 - 351 (v) any testimonials or recommendations from other individuals provided by the
 352 applicant or licensee, including a progress report from the applicant's or licensee's
 353 probation or parole officer;
 - 354 (vi) other evidence of rehabilitation provided by the applicant or licensee;
 - 355 (vii) the education and training of the applicant or licensee;
 - 356 (viii) the employment history of the applicant or licensee; and
 - 357 (ix) other relevant information provided by the applicant or licensee.

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

359 **58-1-510 (Effective 05/06/26). Anesthesia and sedation requirements --**

360 **Unprofessional conduct -- Whistleblower protection.**

361 (1) As used in this section:

- 362 (a) "Anesthesia or sedation provider" means an individual who is licensed:
 - 363 (i) under Chapter 5a, Podiatric Physician Licensing Act;
 - 364 (ii) under Subsection [58-31b-301(2)(e)] 58-31b-301(2)(b);
 - 365 (iii) under Chapter 67, Utah Medical Practice Act;
 - 366 (iv) under Chapter 68, Utah Osteopathic Medical Practice Act; or
 - 367 (v) as a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act, and who
 368 has obtained the appropriate permit established by the division under Subsection

- 369 58-69-301(4).
- 370 (b) "Deep sedation" means a drug-induced depression of consciousness where an
371 individual:
- 372 (i) cannot be easily aroused;
- 373 (ii) responds purposefully following repeated or painful stimulation;
- 374 (iii) may not be able to independently maintain ventilatory function;
- 375 (iv) may require assistance in maintaining a patent airway; and
- 376 (v) usually maintains cardiovascular function.
- 377 (c) "General anesthesia" means a drug-induced loss of consciousness where an
378 individual:
- 379 (i) cannot be aroused, even by painful stimulation;
- 380 (ii) is often unable to maintain ventilatory function;
- 381 (iii) often requires assistance in maintaining a patent airway and positive pressure
382 ventilation may be required because of depressed spontaneous ventilation or
383 drug-induced depression of neuromuscular function; and
- 384 (iv) may not be able to maintain cardiovascular function.
- 385 (d) "General anesthetic" means a drug identified as a general anesthetic by the federal
386 Food and Drug Administration.
- 387 (e) "Minimal sedation" means a drug-induced state where an individual:
- 388 (i) responds normally to verbal commands;
- 389 (ii) may have reduced cognitive function and physical coordination; and
- 390 (iii) maintains airway reflexes, ventilatory function, and cardiovascular function.
- 391 (f) "Moderate sedation" means a drug-induced depression of consciousness where an
392 individual:
- 393 (i) responds purposefully to verbal commands, either alone or accompanied by light
394 tactile stimulation;
- 395 (ii) maintains a patent airway;
- 396 (iii) maintains spontaneous ventilation; and
- 397 (iv) usually maintains cardiovascular function.
- 398 (2) An anesthesia or sedation provider may not cause a patient to undergo moderate
399 sedation, deep sedation, or general anesthesia, in an outpatient setting that is not an
400 emergency department without:
- 401 (a) first providing the following information in writing and verbally:
- 402 (i) the level of anesthesia or sedation being administered;

- 403 (ii) the identity, type of license, and training of the provider who is performing the
404 procedure for which the anesthesia or sedation will be administered;
- 405 (iii) the identity, type of license, and a description of the training described in
406 Subsection (4) of the anesthesia or sedation provider who will be administering
407 the anesthesia or sedation; and
- 408 (iv) a description of the monitoring that will occur during the sedation or anesthesia,
409 including descriptions related to the monitoring of the patient's oxygenation,
410 ventilation, and circulation;
- 411 (b) after complying with Subsection (2)(a), obtaining the patient's written and verbal
412 consent regarding the procedure;
- 413 (c) having the training described in Subsection (4);
- 414 (d) directly supervising the patient;
- 415 (e) if the patient is a minor, having a current pediatric advanced life support certification;
- 416 (f) if the patient is an adult, having a current advanced cardiovascular life support
417 certification or perioperative resuscitation and life support certification;
- 418 (g)(i) having at least one individual in the procedure room who has advanced airway
419 training and the knowledge and skills to recognize and treat airway complications
420 and rescue a patient who entered a deeper than intended level of sedation; or
- 421 (ii) if the anesthesia or sedation provider is administering ketamine for a
422 non-anesthetic purpose, having at least one individual on site and available who
423 has advanced airway training and the knowledge and skills to recognize and treat
424 airway complications and rescue a patient who entered a deeper than intended
425 level of sedation;
- 426 (h) having access during the procedure to an advanced cardiac life support crash cart in
427 the office with equipment that:
- 428 (i) is regularly maintained according to guidelines established by the American Heart
429 Association; and
- 430 (ii) includes:
- 431 (A) a defibrillator;
- 432 (B) administrable oxygen;
- 433 (C) age appropriate airway equipment;
- 434 (D) positive pressure ventilation equipment; and
- 435 (E) unexpired emergency and reversal medications including naloxone for opioid
436 sedation and flumazenil for benzodiazepine sedation;

- 437 (i) using monitors that meet basic standards set by the American Society of
438 Anesthesiologists and continually monitoring ventilatory function with capnography
439 unless precluded or invalidated by the nature of the patient, procedure, or equipment;
440 and
- 441 (j) entering appropriate information into the patient's chart or medical record, which
442 shall include:
- 443 (i) the patient's name;
- 444 (ii) the route and site the anesthesia or sedation was administered;
- 445 (iii) the time of anesthesia or sedation administration and the dosage;
- 446 (iv) the patient's periodic vital signs during the procedure; and
- 447 (v) the name of the individual who monitored the patient's oxygenation and
448 ventilation.
- 449 (3)(a) An anesthesia or sedation provider who violates Subsection (2) or ~~any~~ a rule [
450 ~~created by the division]~~ the division makes in accordance with Title 63G, Chapter 3,
451 Utah Administrative Rulemaking Act, to implement this section commits
452 unprofessional conduct.
- 453 (b) An individual commits unprofessional conduct if the individual administers
454 anesthesia or sedation for which the individual is not appropriately trained.
- 455 (4)(a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
456 the division shall make rules to create training and safety standards regarding the
457 inducing of general anesthesia, deep sedation, and moderate sedation:
- 458 (i) for each license described in Subsection (1)(a);
- 459 (ii) that are based on standards created by nationally recognized organizations, such
460 as the American Society of Anesthesiologists, the American Dental Association,
461 or the American Association of Oral and Maxillofacial Surgeons; and
- 462 (iii) that include safety standards for general anesthetic use that are consistent with
463 federal Food and Drug Administration guidance.
- 464 (b) For making rules described in Subsection (4)(a), the division shall consult with the
465 applicable licensing boards and a board described in Sections 58-67-201, ~~[58-68-201,]~~
466 and 58-69-201.
- 467 (5) The requirements of Subsection (2) do not apply to the practice of inducing minimal
468 sedation.
- 469 (6) An employer may not take an adverse employment action against an employee if:
470 (a) the employee notifies the division of:

- 471 (i) a violation of this section; or
 472 (ii) a violation of [~~any rule created by the division to implement this section~~] a rule the
 473 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
 474 Rulemaking Act, to implement this section; and
 475 (b) the employment action is based on the individual notifying the division of the
 476 violation.

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

478 **58-1-602 (Effective 05/06/26). Auricular detoxification certification.**

479 (1) As used in this section:

480 (a) "Health care provider" means an individual who is licensed under:

- 481 (i) Subsection [~~58-31b-301(2)(a), (b), (d), or (e)~~] 58-31b-301(2)(a), (2)(b), (2)(c),
 482 (2)(d), (2)(f), or (2)(g);
 483 (ii) Chapter 60, Mental Health Professional Practice Act;
 484 (iii) Chapter 61, Part 3, Licensing; or
 485 (iv) Chapter 70a, Utah Physician Assistant Act.

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

- 487 (A) a protocol developed by the National Acupuncture Detoxification
 488 Association; and
 489 (B) an adjunctive therapy using one to five invariant ear acupuncture or
 490 acupressure points for the adjunctive treatment and prevention of substance use
 491 disorders or to provide support for individuals who have experienced physical
 492 or emotional trauma.
 493 (ii) "NADA protocol" does not include the stimulation of other auricular or distal
 494 acupuncture points.

495 (2) A health care provider may perform the NADA protocol if the health care provider:

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

499 (3) A health care provider may perform a protocol substantially similar to the NADA
 500 protocol if:

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

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

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

508 **58-1-603 (Effective 05/06/26). Hormonal transgender treatment on minors --**
509 **Requirements.**

510 (1) As used in this section:

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

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

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

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

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

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

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

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

524 (A) sex chromosome structure;

525 (B) sex steroid hormone production; or

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

527 (d) "Health care provider" means:

528 (i) a physician;

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

530 (iii) an advanced practice registered nurse licensed under [~~Subsection~~

531 ~~58-31b-301(2)(e)] Subsections 58-31b-301(2)(a) through (c).~~

532 (e)(i) "Hormonal transgender treatment" means administering, prescribing, or

533 supplying for effectuating or facilitating an individual's attempted sex change:

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

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

- 539 normally found in an individual whose biological sex at birth is male; or
540 (C) a puberty inhibition drug.
- 541 (ii) "Hormonal transgender treatment" does not include administering, prescribing, or
542 supplying a substance described in Subsection (1)(e)(i) to an individual if the
543 treatment is medically necessary as a treatment for:
- 544 (A) precocious puberty;
545 (B) endometriosis;
546 (C) a menstrual, ovarian, or uterine disorder;
547 (D) a sex-hormone stimulated cancer; or
548 (E) a disorder of sexual development.
- 549 (f) "Mental health professional" means any of the following:
- 550 (i) a physician who is board certified for a psychiatry specialization recognized by the
551 American Board of Medical Specialists or the American Osteopathic Association's
552 Bureau of Osteopathic Specialists;
- 553 (ii) a psychologist licensed under Chapter 61, Psychologist Licensing Act;
- 554 (iii) a clinical social worker licensed under Chapter 60, Part 2, Social Worker
555 Licensing Act;
- 556 (iv) a marriage and family therapist licensed under Chapter 60, Part 3, Marriage and
557 Family Therapist Licensing Act; or
- 558 (v) a clinical mental health counselor licensed under Chapter 60, Part 4, Clinical
559 Mental Health Counselor Licensing Act.
- 560 (g) "Minor" means an individual who is less than 18 years old.
- 561 (h) "Physician" means an individual licensed under:
- 562 (i) Chapter 67, Utah Medical Practice Act; or
563 (ii) Chapter 68, Utah Osteopathic Medical Practice Act.
- 564 (i) "Puberty inhibition drug" means any of the following alone or in combination with
565 aromatase inhibitors:
- 566 (i) gonadotropin-releasing hormone agonists; or
567 (ii) androgen receptor inhibitors.
- 568 (j) "Transgender treatment certification" means a certification described in Subsection (2).
- 569 (2)(a) The division shall create a transgender treatment certification on or before July 1,
570 2023.
- 571 (b) The division may issue the transgender treatment certification to an individual if the
572 individual:

- 573 (i) is a health care provider or a mental health professional; and
574 (ii) has completed at least 40 hours of education related to transgender health care for
575 minors from an approved organization.
- 576 (c) The division may renew a transgender treatment certification:
577 (i) at the time an individual renews the individual's license; and
578 (ii) if the individual has completed at least 20 hours of continuing education related
579 to transgender health care for minors from an approved organization during the
580 individual's continuing education cycle.
- 581 (d) Beginning January 1, 2024, providing a hormonal transgender treatment to a minor
582 without a transgender treatment certification is unprofessional conduct.
- 583 (3)(a) A health care provider may provide a hormonal transgender treatment to a minor
584 only if the health care provider has been treating the minor for gender dysphoria for
585 at least six months.
- 586 (b) Beginning July 1, 2023, before providing a hormonal transgender treatment to a
587 minor described in Subsection (3)(a), a health care provider shall:
588 (i) determine if the minor has other physical or mental health conditions, identify and
589 document any condition, and consider whether treating those conditions before
590 treating the gender dysphoria would provide the minor the best long-term outcome;
591 (ii) consider whether an alternative medical treatment or behavioral intervention to
592 treat the minor's gender dysphoria would provide the minor the best long-term
593 outcome;
594 (iii) document in the medical record that:
595 (A) the health care provider has complied with Subsections (3)(b)(i) and (ii); and
596 (B) providing the hormonal transgender treatment will likely result in the best
597 long-term outcome for the minor;
598 (iv) obtain written consent from:
599 (A) the minor; and
600 (B) the minor's parent or guardian unless the minor is emancipated;
601 (v) discuss with the minor:
602 (A) the risks of the hormonal transgender treatment;
603 (B) the minor's short-term and long-term expectations regarding the effect that the
604 hormonal transgender treatment will have on the minor; and
605 (C) the likelihood that the hormonal transgender treatment will meet the
606 short-term and long-term expectations described in Subsection (3)(b)(v)(B);

- 607 (vi) unless the minor is emancipated, discuss with the minor's parent or guardian:
- 608 (A) the risks of the hormonal transgender treatment;
- 609 (B) the minor's short-term and long-term expectations regarding the effect that the
- 610 hormonal transgender treatment will have on the minor;
- 611 (C) the parent or guardian's short-term and long-term expectations regarding the
- 612 effect that the hormonal transgender treatment will have on the minor; and
- 613 (D) the likelihood that the hormonal transgender treatment will meet the
- 614 short-term and long-term expectations described in Subsections (3)(b)(vi)(B)
- 615 and (C);
- 616 (vii) document in the medical record that the health care provider has provided the
- 617 information described in Subsections (3)(b)(viii) and (ix);
- 618 (viii) provide the minor the following information if providing the minor a puberty
- 619 inhibition drug:
- 620 (A) puberty inhibition drugs are not approved by the FDA for the treatment of
- 621 gender dysphoria;
- 622 (B) possible adverse outcomes of puberty blockers are known to include
- 623 diminished bone density, pseudotumor cerebri and long term adult sexual
- 624 dysfunction;
- 625 (C) research on the long-term risks to children of prolonged treatment with
- 626 puberty blockers for the treatment of gender dysphoria has not yet occurred;
- 627 and
- 628 (D) the full effects of puberty blockers on brain development and cognition are
- 629 unknown;
- 630 (ix) provide the minor the following information if providing a cross-sex hormone as
- 631 described in Subsection (1)(e)(i)(A) or (B):
- 632 (A) the use of cross-sex hormones in males is associated with risks that include
- 633 blood clots, gallstones, coronary artery disease, heart attacks, tumors of the
- 634 pituitary gland, strokes, elevated levels of triglycerides in the blood, breast
- 635 cancer, and irreversible infertility; and
- 636 (B) the use of cross-sex hormones in females is associated with risks of
- 637 erythrocytosis, severe liver dysfunction, coronary artery disease, hypertension,
- 638 and increased risk of breast and uterine cancers; and
- 639 (x) upon the completion of any relevant information privacy release, obtain a mental
- 640 health evaluation of the minor as described in Subsection (4).

- 641 (4) The mental health evaluation shall:
- 642 (a) be performed by a mental health professional who:
- 643 (i) beginning January 1, 2024, has a current transgender treatment certification; and
- 644 (ii) is not the health care provider that is recommending or providing the hormonal
- 645 transgender treatment;
- 646 (b) contain a determination regarding whether the minor suffers from gender dysphoria
- 647 in accordance with the fifth edition of the Diagnostic and Statistical Manual of
- 648 Mental Disorders;
- 649 (c) confirm that the minor and the mental health professional have had at least three
- 650 therapy sessions; and
- 651 (d) document all of the minor's mental health diagnoses and any significant life events
- 652 that may be contributing to the diagnoses.

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

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

655 **58-24b-102 (Effective 05/06/26). Definitions.**

656 As used in this chapter:

657 [~~(1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an~~

658 ~~animal.]~~

659 [~~(2)] (1) "Board" means the Physical Therapies Licensing Board, created in Section~~

660 ~~58-24b-201.~~

661 [~~(3)] (2) "Consultation by telecommunication" [~~means the provision of expert or~~~~

662 ~~professional advice by a physical therapist who is licensed outside of Utah to a licensed~~

663 ~~physical therapist or a health care provider by telecommunication or electronic~~

664 ~~communication] means a health care provider, as that term is defined in Section~~

665 ~~58-1-501.8, receiving professional advice through electronic communication from a~~

666 ~~physical therapist who is licensed outside of the state.~~

667 (3) "Dry needling" means a skilled intervention using a filiform needle to penetrate the skin

668 and underlying tissue for the evaluation, management, or prevention of a disability, a

669 movement impairment, a neuromusculoskeletal condition, or pain.

670 (4) "General supervision" means supervision and oversight of an individual by a licensed

671 physical therapist when the licensed physical therapist is immediately available in

672 person, by telephone, or by electronic communication to assist the individual.

673 (5) "Licensed physical therapist" means an individual licensed under this chapter to engage

674 in the practice of physical therapy.

- 675 (6) "Licensed physical therapist assistant" means an individual licensed under this chapter
 676 to engage in the practice of physical therapy, subject to the provisions of Subsection
 677 58-24b-401(2)(a).
- 678 (7) "Licensing examination" means a nationally recognized physical therapy examination
 679 that ~~[is approved by the division, in consultation with the board]~~ the division approves by
 680 rule the division makes in consultation with the board and with Title 63G, Chapter 3,
 681 Utah Administrative Rulemaking Act.
- 682 (8) "On-site supervision" means supervision and oversight of an individual by a licensed
 683 physical therapist or a licensed physical therapist assistant when the licensed physical
 684 therapist or licensed physical therapist assistant is:
 685 (a) continuously present at the facility where the individual is providing services;
 686 (b) immediately available to assist the individual; and
 687 (c) regularly involved in the services being provided by the individual.
- 688 (9) "Physical impairment" means:
 689 ~~[(a) a mechanical impairment;]~~
 690 ~~[(b) a physiological impairment;]~~
 691 ~~[(c) a developmental impairment;]~~
 692 ~~[(d) a functional limitation;]~~
 693 ~~[(e) a disability;]~~
 694 ~~[(f) a mobility impairment; or]~~
 695 ~~[(g) a bodily malfunction.]~~
 696 (a) a bodily malfunction;
 697 (b) a developmental impairment;
 698 (c) a disability;
 699 (d) a functional limitation;
 700 (e) a mechanical impairment;
 701 (f) a mobility impairment; or
 702 (g) a physiological impairment.
- 703 (10)(a) "Physical therapy" ~~[or "physiotherapy" means:]~~ means examining, evaluating,
 704 and testing an individual who has a physical impairment or injury.
 705 ~~[(i) examining, evaluating, and testing an individual who has a physical impairment~~
 706 ~~or injury]~~
 707 (b) "Physical therapy" includes:
 708 (i) ordering imaging in accordance with Section 58-54-303;

- 709 (ii) identifying or labeling a physical impairment or injury;
- 710 (iii) formulating a therapeutic intervention plan for the treatment of a physical
- 711 impairment, injury, or pain;
- 712 (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a
- 713 physical impairment or injury;
- 714 (v) treating or alleviating a physical impairment by designing, modifying, or
- 715 implementing a therapeutic intervention;
- 716 (vi) reducing the risk of an injury or physical impairment;
- 717 (vii) providing instruction on the use of physical measures, activities, or devices for
- 718 preventative and therapeutic purposes;
- 719 (viii) promoting and maintaining health and fitness;
- 720 (ix) ~~[the administration of-]~~ administering a prescription drug ~~[pursuant to]~~ in
- 721 accordance with Section 58-24b-403;
- 722 (x) applying dry needling to enhance a client's physical performance if the physical
- 723 therapy practitioner has the necessary training the division requires by rule the
- 724 division makes in consultation with the board and in accordance with Title 63G,
- 725 Chapter 3, Utah Administrative Rulemaking Act;
- 726 ~~[(x)]~~ (xi) subject to Subsection 58-28-307(12)(b), engaging in the functions described
- 727 in Subsections ~~[(10)(a)(i) through (ix)] (10)(b)(i) through (ix)~~ in relation to an
- 728 animal, in accordance with the requirements of Section 58-24b-405; or
- 729 ~~[(xi)]~~ (xii) ~~[engaging in administration, consultation, education, and research relating~~
- 730 ~~to-]~~ administering, consulting, educating, and researching the practices described in [
- 731 this Subsection ~~(10)(a); or]~~ Subsection (10).
- 732 ~~[(xii) applying dry needling to enhance an individual's physical performance if the~~
- 733 ~~physical therapy practitioner has received the necessary training as determined by~~
- 734 ~~division rule in collaboration with the board.]~~
- 735 ~~[(b)]~~ (c) "Physical therapy" ~~[or "physiotherapy"]~~ does not include:
- 736 ~~[(i) diagnosing disease;]~~
- 737 ~~[(ii) performing surgery;]~~
- 738 ~~[(iii) performing acupuncture;]~~
- 739 ~~[(iv) taking x-rays; or]~~
- 740 ~~[(v) prescribing or dispensing a drug, as defined in Section 58-37-2.]~~
- 741 (i) diagnosing a disease;
- 742 (ii) dispensing or prescribing a drug as defined in Section 58-37-2;

- 743 (iii) performing acupuncture;
744 (iv) performing surgery; or
745 (v) taking x-rays.
- 746 (11) "Physical therapy aide" means an individual who:
- 747 (a) ~~[is trained, on-the-job, by]~~ receives on-the-job training from a licensed physical
748 therapist; and
- 749 (b) provides routine assistance to a licensed physical therapist or licensed physical
750 therapist assistant, while the licensed physical therapist or licensed physical therapist
751 assistant practices physical therapy~~[- within the scope of the licensed physical~~
752 ~~therapist's or licensed physical therapist assistant's license].~~
- 753 (12) "Recognized accreditation agency" means an accreditation agency that~~[:]~~ the division
754 approves in consultation with the board.
- 755 ~~[(a) grants accreditation, nationally, in the United States of America; and]~~
756 ~~[(b) is approved by the division, in consultation with the board.]~~
- 757 (13)(a) "Testing" means a standard method or technique used to gather data regarding a
758 patient that is generally and nationally accepted by physical therapists for the practice
759 of physical therapy.
- 760 (b) "Testing" includes measurement or evaluation of:
- 761 (i) muscle strength, force, endurance, or tone;
762 (ii) cardiovascular fitness;
763 (iii) physical work capacity;
764 (iv) joint motion, mobility, or stability;
765 (v) reflexes or autonomic reactions;
766 (vi) movement skill or accuracy;
767 (vii) sensation;
768 (viii) perception;
769 (ix) peripheral nerve integrity;
770 (x) locomotor skills, stability, and endurance;
771 (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
772 (xii) posture;
773 (xiii) body mechanics;
774 (xiv) limb length, circumference, and volume;
775 (xv) thoracic excursion and breathing patterns;
776 (xvi) activities of daily living related to physical movement and mobility;

- 777 (xvii) ~~[functioning]~~ physical movement and mobility functions in the physical
 778 environment at home or work~~[- as it relates to physical movement and mobility];~~
 779 and
- 780 (xviii) neural muscular responses.
- 781 ~~[(14)(a) "Trigger point dry needling" means the stimulation of a trigger point using a~~
 782 ~~dry needle to treat neuromuscular pain and functional movement deficits.]~~
- 783 ~~[(b) "Trigger point dry needling" does not include the stimulation of auricular or distal~~
 784 ~~points.]~~
- 785 ~~[(15)]~~ (14) "Therapeutic intervention" includes:
- 786 (a) therapeutic exercise, with or without the use of a device;
- 787 (b) ~~[functional training in]~~ physical movement and mobility training for functional
 788 self-care~~[- as it relates to physical movement and mobility];~~
- 789 (c) physical movement and mobility for community or work integration~~[- as it relates to~~
 790 ~~physical movement and mobility];~~
- 791 (d) manual therapy, including:
- 792 (i) soft tissue mobilization;
- 793 (ii) therapeutic massage; or
- 794 (iii) joint mobilization, as ~~[defined by the division, by rule]~~ the division defines by
 795 rule the division makes in consultation with the board and in accordance with
 796 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 797 (e) ~~[prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic,~~
 798 ~~protective, or supportive device]~~ prescription, application, fabrication, or training for
 799 an assistive technology, an adaptive device, an orthotic device, or a prosthetic device;
- 800 (f) prescription of durable medical equipment to a patient with or without requesting a
 801 prescription from a licensed physician;
- 802 ~~[(f)]~~ (g) airway clearance techniques, including postural drainage;
- 803 ~~[(g)]~~ (h) integumentary protection and repair techniques;
- 804 ~~[(h)]~~ (i) wound debridement, cleansing, and dressing;
- 805 ~~[(i)]~~ (j) the application of a physical agent, including:
- 806 (i) light;
- 807 (ii) heat;
- 808 (iii) cold;
- 809 (iv) water;
- 810 (v) air;

- 811 (vi) sound;
- 812 (vii) compression;
- 813 (viii) electricity; and
- 814 (ix) electromagnetic radiation;
- 815 ~~[(j)]~~ (k) mechanical or electrotherapeutic modalities;
- 816 ~~[(k)]~~ (l) positioning;
- 817 ~~[(l)]~~ (m) instructing or training a patient in locomotion or other functional activities, with
- 818 or without an assistive device;
- 819 ~~[(m)]~~ (n) manual or mechanical traction;
- 820 ~~[(n)]~~ (o) correction of posture, body mechanics, or gait; and
- 821 ~~[(o)]~~ (p) trigger point dry needling, under the conditions described in Section 58-24b-505.

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

823 **58-24b-402 (Effective 05/06/26). Patient care and management.**

- 824 (1) ~~[In practicing physical therapy, a]~~ A licensed physical therapist shall:
- 825 (a) manage ~~[all aspects of]~~ the physical therapy of a patient under the licensed physical
- 826 therapist's care;
- 827 (b) perform the initial evaluation and documentation for each patient;
- 828 (c) perform periodic reevaluation and documentation for each patient;
- 829 (d) perform a physical therapy [interventions] intervention that ~~[require]~~ requires
- 830 immediate and continuous ~~[examination and]~~ evaluation throughout the intervention;
- 831 (e) perform on a patient all therapeutic intervention ~~[on a patient]~~ that is outside of the ~~[~~
- 832 ~~standard]~~ scope of practice of a licensed physical therapist assistant or a physical
- 833 therapy aide;
- 834 (f) determine the therapeutic intervention ~~[to be performed by]~~ a licensed physical
- 835 therapist assistant ~~[under the on-site supervision or general supervision of the~~
- 836 ~~licensed physical therapist]~~ performs while under the licensed physical therapist's
- 837 on-site supervision or while the licensed physical therapist is immediately available
- 838 in person, by telephone, or by electronic communication to ensure that the
- 839 therapeutic intervention is safe, effective, efficient, and within the scope of practice
- 840 of the licensed physical therapist assistant;
- 841 (g) conduct the discharge of each patient and document ~~[for each patient,]~~ each patient's
- 842 response to therapeutic intervention at the time of discharge~~[-, the patient's response to~~
- 843 ~~therapeutic intervention]~~; and
- 844 (h) provide accurate documentation of the billing and services provided.

- 845 (2) A licensed physical therapist assistant or a physical therapy aide may not:
- 846 (a) perform a physical therapy evaluation or assessment;
- 847 (b) identify or label a physical impairment or injury;
- 848 (c) design a plan of care for a patient;
- 849 ~~[(d) perform the joint mobilization component of manual therapy; or]~~
- 850 ~~[(e)] (d) perform the sharp selective debridement component of wound management; or~~
- 851 (e) perform high-velocity thrust joint mobilization.

852 ~~[(3) Subsection (2)(d) does not apply to:]~~

853 ~~[(a) simple joint distraction techniques or stretching; or]~~

854 ~~[(b) a stretch or mobilization that can be given as part of a home exercise program.]~~

855 (3) A licensed physical therapy aide may not perform or assist in any joint mobilization

856 component of manual therapy except:

857 (a) a simple joint distraction technique or stretching; or

858 (b) a stretch or a mobilization that is a part of a home exercise program.

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

860 **58-24b-403 (Effective 05/06/26). Administration of a prescription drug --**

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

862 (1) A licensed physical therapist may purchase, store, and administer topical and aerosol

863 medications that require a prescription~~[-only]~~ as provided in this section.

864 (2) A licensed physical therapist may purchase, store, and administer:

865 (a) ~~[topically applied medicinal agents, including steroids and analgesics;]~~ a topical

866 medication for wound care and for musculoskeletal treatment, using iontophoresis or

867 phonophoresis; and

868 (b) ~~[aerosols]~~ an aerosol medication for pulmonary hygiene in an institutional setting, if a

869 licensed respiratory therapist is not available ~~[in, or-]~~ within a 10 mile radius of~~[-]~~ the

870 institution.

871 (3) A licensed physical therapist ~~[may only-]~~ shall purchase, store, or administer a

872 medication described in this section ~~[pursuant to]~~ in accordance with a written

873 prescription issued by a practitioner who is licensed to prescribe that medication.

874 (4) This section does not authorize a licensed physical therapist to dispense a prescription

875 drug.

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

877 **58-31b-102 (Effective 05/06/26). Definitions.**

878 As used in this chapter:

- 879 (1) "Administrative penalty" means a monetary fine or citation that the division imposes:
880 (a) for an act or an omission that the division determines is unprofessional or unlawful
881 conduct;
882 (b) in accordance with a fine schedule the division makes by rule in accordance with
883 Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
884 (c) as the result of an adjudicative proceeding the division conducts in accordance with
885 Title 63G, Chapter 4, Administrative Procedures Act.
- 886 (2) "Applicant" means an individual who applies for licensure or certification under this
887 chapter by submitting a completed application for licensure or certification and the
888 required fees to the department.
- 889 (3) "Approved education program" means a nursing education program that meets the
890 requirements of Section 58-31b-601.
- 891 (4) "Board" means the Board of Nursing and Certified Nurse Midwives created in Section
892 58-31b-201.
- 893 (5) "Diagnosis" means the identification of and discrimination between physical and
894 psychosocial signs and symptoms essential to the effective execution and management
895 of health care.
- 896 (6) "Examinee" means an individual who applies to take or does take any examination
897 required under this chapter for licensure.
- 898 (7)(a) "License" means a license the division issues in accordance with this chapter.
899 (b) "License" includes a certification until the earlier of:
900 (i) the renewal; or
901 (ii) May 6, 2028.
- 902 (8)(a) "Licensee" means an individual who is licensed under this chapter.
903 (b) "Licensee" includes an individual who is certified until the earlier of:
904 (i) renewal; or
905 (ii) May 6, 2028.
- 906 (9) "Long-term care facility" means the following facilities the Department of Health and
907 Human Services licenses under Title 26B, Chapter 2, Part 2, Health Care Facility
908 Licensing and Inspection:
909 (a) a nursing care facility;
910 (b) a small health care facility;
911 (c) an intermediate care facility for people with an intellectual disability;
912 (d) an assisted living facility Type I or II; or

- 913 (e) a designated swing bed unit in a general hospital.
- 914 (10) "Practice of nurse anesthesia" means:
- 915 (a) in accordance with Section 58-31b-803, prescribing or administering a prescription
- 916 drug including a Schedule II-V controlled substance;
- 917 (b) pre-anesthesia preparation and evaluation, including:
- 918 (i) performing a pre-anesthetic assessment of the patient; and
- 919 (ii) ordering and evaluating appropriate lab and other studies to determine the health
- 920 of the patient;
- 921 (c) anesthesia induction, maintenance, and emergence, including:
- 922 (i) selecting and initiating the planned anesthetic technique;
- 923 (ii) selecting and administering anesthetics and adjunct drugs and fluids; and
- 924 (iii) administering general, regional, and local anesthesia;
- 925 (d) post anesthesia follow-up care, including evaluating the patient's response to
- 926 anesthesia and implementing corrective actions; and
- 927 (e) other related services related to an activity described in Subsections (10)(a) through
- 928 (10)(d), including:
- 929 (i) providing emergency airway management;
- 930 (ii) providing advanced cardiac life support; and
- 931 (iii) establishing peripheral, central, and arterial invasive lines.
- 932 (11) "Practice of nursing" means assisting a patient to maintain or attain optimal health,
- 933 implementing a strategy of care to accomplish defined goals and evaluating responses to
- 934 care and treatment, and requires substantial specialized or general knowledge, judgment,
- 935 and skill based upon principles of the biological, physical, behavioral, and social
- 936 sciences.
- 937 (12) "Registered nursing clinical practice experience" means providing nursing care to
- 938 patients as:
- 939 (a) a registered nurse; or
- 940 (b) a student in an approved registered nursing or advanced practice registered nursing
- 941 education program.
- 942 (13) "Routine medication" means an established medication that:
- 943 (a) is administered to a medically stable patient as determined by a licensed health care
- 944 provider or in consultation with a licensed health care provider; and
- 945 (b) is administered by the following routes:
- 946 (i) buccal;

- 947 (ii) ear;
- 948 (iii) eye;
- 949 (iv) inhalation:
- 950 (A) of a premeasured medication delivered by aerosol or nebulizer; or
- 951 (B) of a medication delivered by a metered hand-held inhaler;
- 952 (v) nasal;
- 953 (vi) oral;
- 954 (vii) rectal;
- 955 (viii) sublingual;
- 956 (ix) topical, including a skin ointment or a transdermal patch; or
- 957 (x) vaginal.
- 958 (14) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
- 959 58-31b-501.
- 960 (15) "Unlicensed assistive personnel" means an unlicensed individual, regardless of title,
- 961 who is delegated a task by a licensed registered nurse as the division permits by rule the
- 962 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
- 963 Rulemaking Act, and the standards of the profession.
- 964 (16) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
- 965 and 58-31b-502 and as the division may define by rule the division makes in accordance
- 966 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 967 Section 12. Section **58-31b-103** is amended to read:
- 968 **58-31b-103 (Effective 05/06/26). Nurse Education and Enforcement Account.**
- 969 (1) There is created a restricted account within the General Fund known as the "Nurse
- 970 Education and Enforcement Account."
- 971 (2) The restricted account shall consist of:
- 972 (a) administrative penalties imposed under Section 58-31b-503; and
- 973 (b) interest earned on money in the account.
- 974 (3) Money in the account may be appropriated by the Legislature for the following
- 975 purposes:
- 976 (a) education and training of licensees or potential licensees under this chapter;
- 977 (b) enforcement of this chapter by:
- 978 (i) investigating unprofessional or unlawful conduct;
- 979 (ii) providing legal representation to the division when legal action is taken against a
- 980 person engaging in unprofessional or unlawful conduct; and

- 981 (iii) monitoring compliance of renewal requirements;
- 982 (c) survey nursing education programs throughout the state;
- 983 (d) education and training of board members; and
- 984 (e) ~~establish and review [and approve nursing education programs and medication aide~~
 985 ~~certified training programs]~~ approved education programs.

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

987 **58-31b-301 (Effective 05/06/26). License required -- Classifications.**

- 988 (1) [A] ~~Except as provided in Sections 58-1-307 and 58-31b-308, a license is required to~~
 989 ~~engage in the practice of nursing[, except as specifically provided in Sections 58-1-307~~
 990 ~~and 58-31b-308].~~
- 991 (2) The division shall issue to an individual who qualifies under this chapter a license or
 992 certification in the classification of:
- 993 [(a) ~~licensed practical nurse;~~]
- 994 [(b) ~~registered nurse apprentice;~~]
- 995 [(e) ~~registered nurse;~~]
- 996 [(d) ~~advanced practice registered nurse intern;~~]
- 997 [(e) ~~advanced practice registered nurse;~~]
- 998 [(f) ~~advanced practice registered nurse - CRNA without prescriptive practice; and]~~
- 999 [(g) ~~medication aide certified.~~]
- 1000 (a) advanced practice registered nurse;
- 1001 (b) advanced practice registered nurse - certified registered nurse anesthetist with
 1002 prescriptive authority;
- 1003 (c) advanced practice registered nurse - without prescriptive practice license;
- 1004 (d) advanced practice registered nurse intern;
- 1005 (e) medication aide certified;
- 1006 (f) practical nurse;
- 1007 (g) registered nurse; or
- 1008 (h) registered nurse apprentice.
- 1009 (3)(a)(i) ~~[An individual]~~ The division shall issue an advanced practice registered
 1010 nurse - without prescriptive practice license to an individual holding an advanced
 1011 practice registered nurse license as of July 1, 1998, and who cannot document the
 1012 successful completion of advanced course work in patient assessment, diagnosis
 1013 and treatment, and pharmacotherapeutics[, may not prescribe and shall be issued
 1014 an "APRN - without prescriptive practice" license].

1015 (ii) The division shall issue an advanced practice registered nurse - certified
 1016 registered nurse anesthetist without prescriptive practice license to an individual
 1017 holding an advanced practice registered nurse - certified registered nurse
 1018 anesthetist without prescriptive practice license as of July 1, 1998, and who cannot
 1019 document the successful completion of advanced course work in patient
 1020 assessment, diagnosis and treatment, and pharmacotherapeutics.

1021 (b)(i) An individual who has an advanced practice registered nurse - without
 1022 prescriptive practice license may not prescribe medication.

1023 (ii) An individual who has an advanced practice registered nurse - CRNA without
 1024 prescriptive practice license may not prescribe medication.

1025 (4) The division shall grant an advanced practice registered nurse license to [any] a licensed
 1026 advanced practice registered nurse currently holding prescriptive authority under [any] a
 1027 predecessor act.

1028 [~~(5) An individual holding a certified registered nurse anesthetist license as of July 1, 2007,~~
 1029 ~~shall be issued an "APRN - CRNA - without prescriptive practice" license.]~~

1030 Section 14. Section **58-31b-302** is repealed and reenacted to read:

1031 **58-31b-302 (Effective 05/06/26). Qualifications for licensure -- Scope of practice**
 1032 **-- Criminal background checks.**

1033 (1)(a) Each applicant for licensure under this chapter, except an applicant under
 1034 Subsection 58-31b-301(2)(e), shall:

1035 (i) consent to, and complete, a criminal background check, described in Section
 1036 58-1-301.5;

1037 (ii) meet the standards that the division makes by rule in accordance with Title 63G,
 1038 Chapter 3, Utah Administrative Rulemaking Act, related to the criminal
 1039 background check described in Section 58-1-301.5; and

1040 (iii) disclose the criminal history the division requests on a form the division
 1041 approves.

1042 (b) If an individual has been charged with a violent felony, as defined in Subsection
 1043 76-3-203.5(1)(c), and, as a result, the individual has been convicted, entered a plea of
 1044 guilty or nolo contendere, or entered a plea of guilty or nolo contendere held in
 1045 abeyance pending the successful completion of probation, the division shall act upon
 1046 the license as required under Section 58-1-401.

1047 (c) If an individual has been charged with a felony other than a violent felony, as defined
 1048 in Subsection 76-3-203.5(1)(c), and, as a result, the individual has been convicted,

1049 entered a plea of guilty or nolo contendere, or entered a plea of guilty or nolo
1050 contendere held in abeyance pending the successful completion of probation, the
1051 division shall determine whether the felony disqualifies the individual for licensure
1052 under this chapter and act upon the license, as required, in accordance with Section
1053 58-1-401.

1054 (2)(a) An applicant for licensure as an advanced practice registered nurse shall:

1055 (i) submit to the division an application on a form the division approves;
1056 (ii) pay to the division a fee determined under Section 63J-1-504;
1057 (iii) have the physical and mental health to safely perform the activities described in
1058 Subsection (2)(c);

1059 (iv)(A) receive a graduate degree from an approved education program in
1060 advanced practice registered nursing or a related area of specialized knowledge
1061 as the division determines appropriate by rule the division makes in
1062 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
1063 Administrative Rulemaking Act; or

1064 (B) have completed a nurse anesthesia program in accordance with Subsection (2)(
1065 a)(v);

1066 (v) have completed:

1067 (A) course work in patient assessment, diagnosis and treatment, and
1068 pharmacotherapeutics from an approved education program; or

1069 (B) a nurse anesthesia program that is approved by the Council on Accreditation
1070 of Nurse Anesthesia Educational Programs or another accrediting body the
1071 division approves by rule made in collaboration with the board and in
1072 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

1073 (vi) except as provided in Subsection (2)(b), provide evidence to the division, in a
1074 manner the division approves by rule the division makes in collaboration with the
1075 board and in accordance with Title 63G, Chapter 3, Utah Administrative
1076 Rulemaking Act, of at least 2,000 hours of registered nursing clinical practice
1077 experience;

1078 (vii) hold a current registered nurse license in good standing issued by the state or be
1079 qualified as a registered nurse;

1080 (viii) to practice within the psychiatric mental health nursing specialty, demonstrate,
1081 as the division requires by rule the division makes in accordance with Title 63G,
1082 Chapter 3, Utah Administrative Rulemaking Act, that the applicant is in the

- 1083 process of completing the applicant's clinical practice requirements in psychiatric
1084 mental health nursing, including psychotherapy;
- 1085 (ix) have passed the examinations the division requires by rule the division makes in
1086 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
1087 Administrative Rulemaking Act; and
- 1088 (x) meet with the board, if the board requests, to determine the applicant's
1089 qualifications for licensure.
- 1090 (b)(i) Subsection (2)(a)(vi) does not apply to an applicant seeking licensure:
- 1091 (A) as an advanced practice registered nurse - certified registered nurse anesthetist
1092 with prescriptive authority; or
- 1093 (B) before July 1, 2028.
- 1094 (ii) The division may grant an exception to the requirements of Subsection (2)(a)(vi)
1095 before July 1, 2030, through rules the division makes in accordance with Title
1096 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 1097 (iii) For purposes of licensure endorsement in accordance with Subsection
1098 58-1-302(6)(a), registered nursing clinical practice experience may include
1099 experience working as an advanced practice registered nurse in another
1100 jurisdiction.
- 1101 (c) A licensed advanced practice registered nurse may:
- 1102 (i) maintain and promote health and prevention of disease;
- 1103 (ii) diagnose, treat, correct, consult, and provide a referral;
- 1104 (iii) prescribe or administer prescription drugs or devices, including:
- 1105 (A) local anesthesia; and
- 1106 (B) Schedule II-V controlled substances in accordance with Section 58-31b-803;
- 1107 (iv) if a licensed advanced practice registered nurse - certified registered nurse
1108 anesthetist, engage in the practice of nurse anesthesia; and
- 1109 (v) engage in other activities that are within the practice of advanced practice
1110 registered nursing as the division defines by rule the division makes in accordance
1111 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 1112 (A) within the generally recognized scope and standards of advanced practice
1113 registered nursing; and
- 1114 (B) consistent with professionally recognized preparation and education standards
1115 of an advanced practice registered nurse.
- 1116 (d) The division may only define an activity as within the practice of advanced practice

- 1117 registered nursing if:
- 1118 (i) the activity is:
- 1119 (A) within the generally recognized scope of practice for a licensed advanced
- 1120 practice registered nurse; and
- 1121 (B) consistent with professionally recognized standards; or
- 1122 (ii) the inclusion of the activity is consistent with a recommendation from the Office
- 1123 of Professional Licensure Review.
- 1124 (3)(a) An applicant for certification as a medication aide certified shall:
- 1125 (i) submit an application to the division on a form the division approves;
- 1126 (ii) pay a fee to the division as determined under Section 63J-1-504;
- 1127 (iii) have a high school diploma or the equivalent;
- 1128 (iv) have a current certification as a nurse aide, in good standing, from the
- 1129 Department of Health and Human Services;
- 1130 (v) have a minimum of 2,000 hours of experience within the two years before the day
- 1131 on which the applicant submits the application, working as a certified nurse aide
- 1132 in a long-term care facility or another health care facility that the division
- 1133 designates by rule the division makes in collaboration with the board and in
- 1134 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1135 (vi) provide letters of recommendation from a health care facility administrator and a
- 1136 registered nurse familiar with the applicant's work practices as a certified nurse
- 1137 aide;
- 1138 (vii) have the physical and mental health to safely perform the activities described in
- 1139 Subsection (3)(b);
- 1140 (viii) have completed an approved education program for a medication aide certified
- 1141 consisting of at least 60 hours of classroom training and 40 hours of practical
- 1142 training in administering a routine medication to a patient or a resident of a
- 1143 long-term care facility or an equivalent that the division determines by rule made
- 1144 in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
- 1145 Administrative Rulemaking Act;
- 1146 (ix) have passed the examinations the division requires by rule the division makes in
- 1147 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
- 1148 Administrative Rulemaking Act; and
- 1149 (x) meet with the board, if requested, to determine the applicant's qualifications for
- 1150 licensure.

- 1151 (b) While under the supervision of a licensed registered nurse, a medication aide
1152 certified may:
- 1153 (i) provide routine patient care that requires minimal or limited specialized or general
1154 knowledge, judgment, and skill, to a patient who:
- 1155 (A) is ill, injured, infirm, or is physically, mentally, developmentally, or
1156 intellectually disabled; and
- 1157 (B) is in a regulated long-term care facility;
- 1158 (ii) administer a routine medication to a patient in accordance with a formulary and
1159 protocol the division defines by rule the division makes in accordance with Title
1160 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1161 (iii) engage in other activities that are within the practice of a medication aide
1162 certified as the division defines by rule the division makes in accordance with
1163 Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- 1164 (A) within the generally recognized scope and standards of a medication aide
1165 certified; and
- 1166 (B) consistent with professionally recognized preparation and education standards
1167 of a medication aide certified.
- 1168 (c) The division may only define an activity as within the practice of a medication aide
1169 certified if:
- 1170 (i) the activity is:
- 1171 (A) within the generally recognized scope of practice for a medication aide
1172 certified; and
- 1173 (B) consistent with professionally recognized standards; or
- 1174 (ii) the inclusion of the activity is consistent with a recommendation from the Office
1175 of Professional Licensure Review.
- 1176 (d) A medication aide certified may not assist a resident of a long-term care facility to
1177 self-administer a medication that the Department of Health and Human Services
1178 regulates by rule made in accordance with Title 63G, Chapter 3, Utah Administrative
1179 Rulemaking Act.
- 1180 (4)(a) An applicant for licensure as a licensed practical nurse shall:
- 1181 (i) submit to the division an application in a form the division approves;
- 1182 (ii) pay to the division a fee determined under Section 63J-1-504;
- 1183 (iii) have a high school diploma or the equivalent;
- 1184 (iv) have the physical and mental health to safely perform the activities described in

- 1185 Subsection (4)(b):
- 1186 (v) have completed an approved education program for practical nursing or an
- 1187 equivalent that the board approves;
- 1188 (vi) 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 (vii) meet with the board, if requested, to determine the applicant's qualifications for
- 1192 licensure.
- 1193 (b) A licensed practical nurse may, while under the direction of a licensed registered
- 1194 nurse, licensed physician, or other health care professional the division specifies by
- 1195 rule the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
- 1196 Rulemaking Act:
- 1197 (i) contribute to the assessment of the health status of a patient;
- 1198 (ii) participate in the development and modification of the strategy of care;
- 1199 (iii) implement appropriate aspects of the strategy of care;
- 1200 (iv) maintain safe and effective nursing care rendered to a patient directly or
- 1201 indirectly;
- 1202 (v) participate in the evaluation of responses to interventions;
- 1203 (vi) perform other activities that are within the generally recognized scope of practice
- 1204 of a licensed practical nurse as the division defines by rule the division makes in
- 1205 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
- 1206 (vii) engage in practice of practical nursing, as the division defines by rule the
- 1207 division makes in accordance with Title 63G, Chapter 3, Utah Administrative
- 1208 Rulemaking Act, that is:
- 1209 (A) within the generally recognized scope and standards of practical nursing; and
- 1210 (B) consistent with professionally recognized preparation and education standards
- 1211 of a practical nurse.
- 1212 (c) The division may only define an activity as within the practice of practical nursing if:
- 1213 (i) the activity is:
- 1214 (A) within the generally recognized scope of practice for a licensed practical
- 1215 nurse; and
- 1216 (B) consistent with professionally recognized standards; or
- 1217 (ii) the inclusion of the activity is consistent with a recommendation from the Office
- 1218 of Professional Licensure Review.

- 1219 (5)(a) An applicant for licensure as a registered nurse shall:
- 1220 (i) submit to the division an application form the division approves;
- 1221 (ii) pay to the division a fee determined under Section 63J-1-504;
- 1222 (iii) have a high school diploma or the equivalent;
- 1223 (iv) have the physical and mental health to safely perform the activities described in
- 1224 Subsection (5)(b);
- 1225 (v) complete an approved education program for registered nursing that the division
- 1226 approves;
- 1227 (vi) have passed the examinations the division requires by rule the division makes in
- 1228 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
- 1229 Administrative Rulemaking Act; and
- 1230 (vii) meet with the board, if the board requests, to determine the applicant's
- 1231 qualifications for licensure.
- 1232 (b) A licensed registered nurse may:
- 1233 (i) assess the health status of a patient;
- 1234 (ii) identify health care needs;
- 1235 (iii) establish goals to meet identified health care needs;
- 1236 (iv) plan a strategy of care;
- 1237 (v) prescribe nursing interventions to implement the strategy of care;
- 1238 (vi) implement the strategy of care;
- 1239 (vii) render safe and effective nursing care to a patient directly or indirectly;
- 1240 (viii) evaluate responses to nursing interventions;
- 1241 (ix) teach the theory and practice of nursing;
- 1242 (x) manage and supervise the practice of nursing; and
- 1243 (xi) engage in other activities that are within the practice of a licensed registered
- 1244 nurse as the division defines by rule the division makes in accordance with Title
- 1245 63G, Chapter 3, Utah Administrative Rulemaking Act, that is:
- 1246 (A) within the generally recognized scope and standards of registered nursing; and
- 1247 (B) consistent with professionally recognized preparation and education standards
- 1248 of a registered nurse.
- 1249 (c) The division may only define an activity as within the practice of a licensed
- 1250 registered nurse if:
- 1251 (i) the activity is:
- 1252 (A) within the generally recognized scope of practice for a licensed registered

- 1253 nurse; and
- 1254 (B) consistent with professionally recognized standards; or
- 1255 (ii) the inclusion of the activity is consistent with a recommendation from the Office
- 1256 of Professional Licensure Review.
- 1257 (6)(a) An applicant for licensure as a registered nurse apprentice shall:
- 1258 (i) submit to the division an application form the division approves;
- 1259 (ii) pay to the division a fee determined under Section 63J-1-504;
- 1260 (iii) have a high school diploma or the equivalent;
- 1261 (iv) have sufficient physical and mental health to safely perform the activities
- 1262 described in Subsection (6)(b);
- 1263 (v) as determined by an approved education program, be:
- 1264 (A) in good standing with the approved education program; and
- 1265 (B) in the last two semesters, quarters, or competency experiences of the program;
- 1266 (vi) have written permission from the program in which the applicant is enrolled; and
- 1267 (vii) meet with the board, if requested, to determine the applicant's qualifications for
- 1268 licensure.
- 1269 (b) A licensed registered nurse apprentice may engage in the practice of a registered
- 1270 nurse that:
- 1271 (i) the division defines by rule the division makes that is:
- 1272 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 1273 Act;
- 1274 (B) within the generally recognized scope and standards of registered nursing; and
- 1275 (C) consistent with professionally recognized preparation and education standards
- 1276 of a registered nurse; and
- 1277 (ii) the registered nurse apprentice performs under the indirect supervision of an
- 1278 individual licensed in accordance with:
- 1279 (A) Subsection 58-31b-301(2)(a), (2)(b), (2)(c), or (2)(g);
- 1280 (B) Chapter 67, Utah Medical Practice Act; or
- 1281 (C) Chapter 68, Utah Osteopathic Medical Practice Act.

1282 Section 15. Section **58-31b-303** is amended to read:

1283 **58-31b-303 (Effective 05/06/26). Qualifications for licensure -- Graduates of**

1284 **nonapproved nursing programs.**

1285 An applicant for licensure as a practical nurse or registered nurse who is a graduate of a

1286 nursing education program not approved by the division in collaboration with the board must

1287 comply with the requirements of this section.

1288 (1) An applicant for licensure as a licensed practical nurse shall:

1289 (a) meet all requirements of Subsection [~~58-31b-302(2)~~] 58-31b-302(4), except
1290 Subsection [~~58-31b-302(2)(e)~~] 58-31b-302(4)(v); and

1291 (b) produce evidence acceptable to the division and the board that the nursing education
1292 program completed by the applicant is equivalent to the minimum standards
1293 established by the division in collaboration with the board for an approved licensed
1294 practical nursing education program.

1295 (2) An applicant for licensure as a registered nurse shall:

1296 (a) meet all requirements of Subsection [~~58-31b-302(4)~~] 58-31b-302(5), except
1297 Subsection [~~58-31b-302(4)(e)~~] 58-31b-302(5)(iii); and

1298 (b)(i) pass the Commission on Graduates of Foreign Nursing Schools (CGFNS)
1299 Examination; or

1300 (ii) produce evidence acceptable to the division and the board that the applicant is
1301 currently licensed as a registered nurse in one of the states, territories, or the
1302 District of Columbia of the United States or in Canada and has passed the
1303 NCLEX-RN examination in English.

1304 Section 16. Section **58-31b-304** is amended to read:

1305 **58-31b-304 (Effective 05/06/26). Qualifications for admission to the examinations.**

1306 (1) To be admitted to the examinations required for certification as a medication aide
1307 certified, an individual shall:

1308 (a) submit an application on a form [~~prescribed by the division~~] the division approves;

1309 (b) pay a fee as determined by the division under Section 63J-1-504; and

1310 (c) meet all requirements of Subsection [~~58-31b-302(1)~~] 58-31b-302(3)(a), except
1311 Subsection [~~(1)(i)~~] (3)(a)(ix).

1312 (2) To be admitted to the examinations required for licensure as a practical nurse, an
1313 individual shall:

1314 (a) [~~submit an application form prescribed by the division~~] submit an application on a
1315 form the division approves;

1316 (b) pay a fee as determined by the division under Section 63J-1-504; and

1317 (c) meet all requirements of Subsection [~~58-31b-302(2)~~] 58-31b-302(4)(a), except
1318 Subsection [~~(2)(f)~~] (4)(a)(vi).

1319 (3) To be admitted to the examinations required for licensure as a registered nurse, an
1320 individual shall:

- 1321 (a) ~~[submit an application form prescribed by the division]~~ submit an application on a
 1322 form the division approves;
 1323 (b) pay a fee as determined by the division under Section 63J-1-504; and
 1324 (c) meet all the requirements of Subsection ~~[58-31b-302(4)]~~ 58-31b-302(5)(a), except
 1325 Subsection~~[(4)(f)-]~~ (5)(a)(vi).

1326 Section 17. Section **58-31b-306.1** is amended to read:

1327 **58-31b-306.1 (Effective 05/06/26). Registered nurse apprentice license.**

- 1328 (1) The division shall issue a registered nurse apprentice license to an individual who meets
 1329 the qualifications under Subsection ~~[58-31b-302(3)]~~ 58-31b-302(6).
 1330 (2) Unless the division extends the license for a specified period of time by written
 1331 notification provided to the individual, the license expires on the earlier of:
 1332 (a) one year from the day on which the license is issued;
 1333 (b) 75 days after the day on which the division receives notice from the examination
 1334 agency that the individual failed to take or pass the examinations described in
 1335 Subsection ~~[58-31b-302(4)(f)]~~ 58-31b-302(5)(a)(vi); or
 1336 (c) the day on which the division issues the individual a license as a registered nurse.
 1337 (3) A license described in Subsection (1) is:
 1338 (a) valid only in Utah; and
 1339 (b) not an eligible license under Chapter 31e, Nurse Licensure Compact - Revised.
 1340 (4) The division may make rules to administer the license described in Subsection (1) in
 1341 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1342 Section 18. Section **58-31b-803** is amended to read:

1343 **58-31b-803 (Effective 05/06/26). Advanced practice registered nurse prescriptive**
 1344 **authority.**

- 1345 (1) ~~[Except as provided in-]~~ Subject to Subsection (2), a licensed advanced practice
 1346 registered nurse may prescribe or administer a prescription drug including, a Schedule II
 1347 -V controlled substance.
 1348 (2) ~~[This section does not apply to an-]~~ A licensed advanced practice registered nurse [
 1349 specializing as a] - certified registered nurse anesthetist [under Subsection
 1350 58-31b-102(11)(d)-] in accordance with Subsection 58-31b-302(2) may prescribe only as
 1351 follows:
 1352 (a) up to a five-day supply of prescription drugs including, Schedule II-V controlled
 1353 substances immediately before a procedure performed in a health care facility, as that
 1354 term is defined in Section 26B-2-201, a private physician office, or a dental office, if:

- 1355 (i) the licensed advanced practice registered nurse - certified registered nurse
 1356 anesthetist will participate in the procedure;
- 1357 (ii) the licensed advanced practice registered nurse - certified registered nurse
 1358 anesthetist has established a patient record for the patient receiving the
 1359 prescription; and
- 1360 (iii) the prescribed drug is related to the procedure; or
- 1361 (b) up to a five-day supply of prescription drugs including, Schedule II-V controlled
 1362 substances immediately following a procedure performed in a health care facility, as
 1363 that term is defined in Section 26B-2-201, a private physician office, or a dental
 1364 office, if:
- 1365 (i) the licensed advanced practice registered nurse - certified registered nurse
 1366 anesthetist participated in the procedure;
- 1367 (ii) the licensed advanced practice registered nurse - certified registered nurse
 1368 anesthetist has established a patient record for the patient receiving the
 1369 prescription; and
- 1370 (iii) the prescribed drug is related to the procedure.

1371 Section 19. Section **58-31d-102** is amended to read:

1372 **58-31d-102 (Effective 05/06/26). Division rulemaking.**

- 1373 (1) The division shall make rules in accordance with Title 63G, Chapter 3, Utah
 1374 Administrative Rulemaking Act, to implement Section 58-31d-101.
- 1375 (2) For purposes of Section 58-31d-101, "role" as defined in Article II(17) includes an
 1376 individual who is:
- 1377 (a) licensed to practice under [~~Subsection 58-31b-301(2)(d) or (e)~~] Subsections
 1378 58-31b-301(2)(a) through (c); or
- 1379 (b) licensed to practice under Section 58-44a-301.
- 1380 (3) Notwithstanding any provision in Section 58-31d-101, Section 58-31d-101 does not
 1381 supersede state law related to an individual's scope of practice under this title.
- 1382 (4) Once the compact comes into effect as described in Section 58-31d-101, Article X(1),
 1383 the division shall provide a notice that the compact is in effect:
- 1384 (a) to an individual licensed under:
- 1385 (i) Subsection 58-31b-301(2)(d) or (e);
- 1386 (ii) Section 58-44a-301; and
- 1387 (b) to the Health and Human Services Interim Committee; and
- 1388 (c) on the division's website with information for potential applicants.

1389 Section 20. Section **58-40a-102** is amended to read:

1390 **58-40a-102 (Effective 05/06/26). Definitions.**

1391 [~~In addition to the definitions in Section 58-1-102, as~~] As used in this chapter:

1392 (1) "Adequate records" means legible records that contain, at a minimum:

- 1393 (a) the athletic training service plan or protocol;
- 1394 (b) an evaluation of objective findings;
- 1395 (c) the plan of care and the treatment records; [~~or~~] and
- 1396 (d) written orders.

1397 (2) "Athlete" means an individual[~~, referee, coach, or athletic staff member~~] who
 1398 participates [~~in exercises, sports, or games requiring~~] in or performs an exercise, a sport,
 1399 an occupational activity, or a game that requires physical strength, agility, flexibility,
 1400 range of motion, speed, or stamina, and the [~~exercises, sports, or games are~~] exercise,
 1401 sport, occupational activity, or game is of a type generally conducted in association with
 1402 an educational institution or professional, amateur, or recreational sports club or
 1403 organization.

1404 (3) "Athletic injury" means:

- 1405 (a) an injury [~~sustained by~~]an athlete sustains that affects the [~~individual's~~] athlete's
 1406 participation or performance in [~~sports, games, recreation, or exercise~~] an exercise, a
 1407 sport, a game, or an occupational activity; or
- 1408 (b) a condition that is within the scope of practice [~~of an athletic trainer identified by a~~
 1409 ~~directing physician or~~] for athletic training that a licensed physician, a licensed nurse
 1410 practitioner, a licensed physician's assistant, or a licensed physical therapist identifies
 1411 as benefitting from an athletic training [~~services~~] service.

1412 (4) "Athletic trainer" means an individual who is licensed under this chapter and [~~carries~~
 1413 ~~out the practice of~~] performs within the scope of practice for athletic training.

1414 (5) "Board" means the Athletic Trainers Licensing Board created in Section 58-40a-201.

1415 (6) [~~"Directing physician"~~] "Collaborating physician" means a licensed physician who
 1416 works in collaboration with an athletic trainer and is:

- 1417 (a) a physician and surgeon licensed under Section 58-67-301[;] ;
- 1418 (b) an osteopathic physician and surgeon licensed under Section 58-68-301[;] ;
- 1419 (c) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
 1420 Act[;] ;
- 1421 (d) a naturopathic physician licensed under Chapter 71, Naturopathic Physician Practice
 1422 Act[;] ; or

1423 (e) a dentist licensed under Section 58-69-301 who, within the licensee's scope of
 1424 practice and individual competency, is responsible for the athletic training services
 1425 provided by the athletic trainer and oversees the practice of athletic training by the
 1426 athletic trainer, as [established by board rule] the board requires by rule made in
 1427 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1428 (7) "Collaboration" means the consultation, correspondence, direction by order, or referral
 1429 between a licensed athletic trainer and a collaborating physician working within the
 1430 collaborating physician's scope of practice and individual competency.

1431 [~~(7)~~] (8) [~~The "practice of athletic training" means the application by a licensed and~~
 1432 ~~certified athletic trainer] [of principles and methods of:] "Practice of athletic training"~~
 1433 means a licensed athletic trainer applying principles and methods of:

- 1434 (a) prevention of athletic injuries;
- 1435 (b) recognition, evaluation, and assessment of athletic injuries and conditions;
- 1436 (c) immediate care of athletic injuries, including common emergency medical situations;
- 1437 (d) rehabilitation and reconditioning of athletic injuries;
- 1438 (e) athletic training services administration and organization; and
- 1439 (f) education of athletes.

1440 Section 21. Section **58-40a-201** is amended to read:

1441 **58-40a-201 (Effective 05/06/26). Board composition -- Duties and responsibilities.**

- 1442 (1) There is created the Athletic Trainers Licensing Board consisting of:
 - 1443 (a) four licensed athletic trainers[;] ;
 - 1444 (b) one member representative of the [directing] collaborating physicians referred to in
 1445 Subsection 58-40a-102(6)[;] ; and
 - 1446 (c) one member of the general public who has never been authorized to practice a
 1447 healing art and never had a substantial personal, business, professional, or pecuniary
 1448 connection with a healing art or with a medical education or health care facility,
 1449 except as a client or potential client.
- 1450 (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- 1451 (3) The board shall carry out the duties and responsibilities in Sections 58-1-202 and
 1452 58-1-203[;] and shall designate one of [its] the board's members on a permanent or
 1453 rotating basis to:
 - 1454 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
 1455 conduct of a licensee under this chapter; and
 - 1456 (b) advise the division [~~of its~~] in the division's investigation of these complaints.

1457 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [its]
 1458 the complaint's investigation may be disqualified from participating with the board when
 1459 the board serves as a presiding officer in an adjudicative proceeding concerning the
 1460 complaint.

1461 Section 22. Section **58-40a-302** is amended to read:

1462 **58-40a-302 (Effective 05/06/26). Qualifications for licensure.**

1463 The division shall issue a license to practice as an athletic trainer to an applicant who:

1464 (1) has obtained a bachelor's or advanced degree from an accredited four-year college or
 1465 university and meets the minimum athletic training curriculum requirement established
 1466 by the board by rule;

1467 (2) has successfully completed the certification examination administered by the Board of
 1468 Certification Inc. or equivalent examination approved or recognized by the board;

1469 (3)(a) is in good standing with and provides documentation of current certification by
 1470 the Board of Certification Inc. or a nationally recognized credentialing agency [
 1471 ~~approved by the board~~] that the board approves; or

1472 (b) provides documentation of emergency cardiac care certification that includes the
 1473 following:

1474 (i) adult and pediatric cardiopulmonary resuscitation;

1475 (ii) airway obstruction;

1476 (iii) second rescuer cardiopulmonary resuscitation;

1477 (iv) automated external defibrillator;

1478 (v) barrier devices; and

1479 (vi) in-person or virtual demonstration of skills;

1480 (4) submits an application to the division on a form prescribed by the division; and

1481 (5) pays the required licensing fee as determined by the department under Section 63J-1-504.

1482 Section 23. Section **58-40a-303** is amended to read:

1483 **58-40a-303 (Effective 05/06/26). Scope of practice.**

1484 (1) An athletic trainer may:

1485 [(+) (a) prevent injuries by:

1486 [(a)] (i) designing and implementing physical conditioning programs, which may
 1487 include:

1488 [(i)] (A) strength and range of motion testing;

1489 [(ii)] (B) nutritional advisement; and

1490 [(iii)] (C) psychosocial intervention and referral;

- 1491 [(b)] (ii) performing preparticipation screening;
- 1492 [(e)] (iii) fitting protective equipment;
- 1493 [(d)] (iv) designing and constructing protective products; and
- 1494 [(e)] (v) continuously monitoring changes in the environment;
- 1495 [(2)] (b) recognize and evaluate injuries by:
- 1496 [(a)] (i) obtaining a history of the injury;
- 1497 [(b)] (ii) inspecting an injured body part and associated structures;
- 1498 [(e)] (iii) palpating bony landmarks and soft tissue structures; and
- 1499 [(d)] (iv) performing clinical tests to determine the extent of an injury;
- 1500 [(3)] (c) provide immediate care of injuries by:
- 1501 [(a)] (i) initiating cardiopulmonary resuscitation;
- 1502 [(b)] (ii) administering basic or advanced first aid;
- 1503 [(e)] (iii) removing athletic equipment; and
- 1504 [(d)] (iv) immobilizing and transporting an injured athlete;
- 1505 [(4)] (d) determine whether an athlete may return to participation or, if the injury requires
- 1506 further definitive care, refer the athlete to the appropriate ~~directing~~ licensed
- 1507 physician;
- 1508 [(5)] (e) rehabilitate and recondition an injury by administering therapeutic exercise and
- 1509 therapeutic and physical modalities, including cryotherapy, thermotherapy, and
- 1510 intermittent compression, electrical stimulation, ultra sound, traction devices, or
- 1511 mechanical devices~~[-as directed by established, written athletic training service plans~~
- 1512 ~~or protocols or upon the order of a directing physician];~~
- 1513 [(6)] (f) provide athletic training services administration, including:
- 1514 [(a)] (i) implementing athletic training service plans or protocols;
- 1515 [(b)] (ii) writing organizational policies and procedures;
- 1516 [(e)] (iii) complying with governmental and institutional standards; and
- 1517 [(d)] (iv) maintaining records to document services rendered; and
- 1518 [(7)] (g) educate athletes to facilitate physical conditioning and reconditioning by
- 1519 designing and implementing appropriate programs to minimize the risk of injury.
- 1520 (2) A licensed athletic trainer shall collaborate with a licensed physician when treating an
- 1521 athletic injury that:
- 1522 (a) is beyond the athletic trainer's scope of practice or expertise;
- 1523 (b) is a suspected head or traumatic brain injury, including a concussion; and
- 1524 (c) is unresponsive to treatment.

- 1525 (3) An athletic trainer shall record collaboration with a physician regarding an athlete or
 1526 athletic injury.
- 1527 (4) Nothing in this section prevents a physician from employing, directing, supervising,
 1528 establishing protocols for, or assisting an athletic trainer in performing within the scope
 1529 of practice for athletic training consistent with the scope of practice and professional
 1530 standards of each practitioner.

1531 Section 24. Section **58-42a-102** is amended to read:

1532 **58-42a-102 (Effective 05/06/26). Definitions.**

1533 As used in this chapter:

- 1534 (1) "Board" means the Physical Therapies Licensing Board created in Section 58-24b-201.
- 1535 (2)(a) "Individual treatment plan" means a written record [~~composed for each client by~~
 1536 ~~the individual licensed under this chapter to engage]~~ an individual engaging in the
 1537 practice of occupational therapy composes for each client.
- 1538 (b) "Individual treatment plan" includes:
- 1539 (i) planning and directing specific exercises and programs to improve sensory
 1540 integration and motor functioning at the level of performance neurologically
 1541 appropriate for the [~~individual's]~~ client's stage of development;
- 1542 (ii) establishing a program of instruction to teach a client skills, behaviors, and
 1543 attitudes necessary for the client's independent productive, emotional, and social
 1544 functioning;
- 1545 (iii) analyzing, selecting, and adapting functional exercises to achieve and maintain
 1546 the client's optimal functioning in activities of daily living and to prevent further
 1547 disability; and
- 1548 (iv) planning and directing specific programs to evaluate and enhance a client's
 1549 perceptual, motor, and cognitive skills.
- 1550 (3) "Occupational therapist" means an individual licensed under this chapter to practice
 1551 occupational therapy.
- 1552 (4) "Occupational therapy aide" means an individual who is not licensed under this chapter [
 1553 ~~but who]~~ but provides supportive services under the supervision of an occupational
 1554 therapist or occupational therapy assistant.
- 1555 (5) "Occupational therapy assistant" means an individual licensed under this chapter to
 1556 practice occupational therapy under the supervision of an occupational therapist as
 1557 described in Sections 58-42a-305 and 58-42a-306.
- 1558 (6)(a) "Practice of occupational therapy" means the therapeutic use of everyday life

- 1559 activities with ~~[an individual]~~ a client who:
- 1560 (i) ~~[that]~~ has or is at risk of developing an illness, injury, disease, disorder, condition,
- 1561 impairment, disability, activity limitation, or participation restriction; and
- 1562 (ii) ~~[to develop or restore the individual's]~~ needs assistance developing or restoring the
- 1563 ability to engage in everyday life activities by addressing physical, cognitive,
- 1564 mental wellness, psychosocial, sensory, or other aspects of the [individual's]
- 1565 client's performance.
- 1566 (b) "Practice of occupational therapy" includes:
- 1567 (i) establishing, remediating, or restoring an undeveloped or impaired skill or ability
- 1568 of ~~[an individual]~~ a client;
- 1569 (ii) modifying or adapting an activity or environment to enhance ~~[an individual's]~~ a
- 1570 client's performance;
- 1571 (iii) maintaining and improving ~~[an individual's]~~ a client's capabilities to avoid
- 1572 declining performance in everyday life activities;
- 1573 (iv) promoting health and wellness to develop or improve ~~[an individual's]~~ a client's
- 1574 performance in everyday life activities;
- 1575 (v) performance-barrier prevention for ~~[an individual]~~ a client, including ~~[disability~~
- 1576 ~~prevention]~~ preventing a disability;
- 1577 (vi) evaluating factors that affect ~~[an individual's]~~ a client's activities of daily living in
- 1578 educational, work, play, leisure, and social situations, including:
- 1579 (A) body functions and structures;
- 1580 (B) habits, routines, roles, and behavioral patterns;
- 1581 (C) cultural, physical, environmental, social, virtual, and spiritual contexts and
- 1582 activity demands that affect performance; and
- 1583 (D) motor, process, communication, interaction, and other performance skills;
- 1584 (vii) providing interventions and procedures to promote or enhance ~~[an individual's]~~ a
- 1585 client's safety and performance in activities of daily living in educational, work,
- 1586 and social situations, including:
- 1587 (A) ~~[the therapeutic use of]~~ using therapeutic occupations and exercises;
- 1588 (B) training in self-care, self-management, home-management, and community
- 1589 and work reintegration;
- 1590 (C) ~~[the development, remediation, or compensation of]~~ developing, remediating,
- 1591 or compensating behavioral skills and physical, cognitive, neuromuscular, and
- 1592 sensory functions;

- 1593 (D) ~~[the education]~~ educating and training of ~~[an individual's]~~ a client's family
 1594 members and caregivers;
- 1595 (E) ~~[care coordination]~~ coordinating care, case management, and transition
 1596 services;
- 1597 (F) providing a consulting ~~[services to groups, programs, organizations, or~~
 1598 ~~communities;]~~ service to a group, a program, an organization, or a community;
- 1599 (G) modifying the environment and adapting ~~[processes]~~ a process, including the
 1600 application of ergonomic principles;
- 1601 (H) assessing, designing, fabricating, applying, fitting, and providing training in
 1602 assistive technology, adaptive devices, orthotic devices, and prosthetic devices;
- 1603 (I) prescribing durable medical equipment or an adaptive device to a patient with
 1604 or without requesting a prescription from a licensed physician;
- 1605 ~~[(H)]~~ (J) assessing, recommending, and training ~~[an individual]~~ a client in [
 1606 ~~techniques]~~ a technique to enhance functional mobility, including wheelchair
 1607 management;
- 1608 ~~[(H)]~~ (K) providing driver rehabilitation and community mobility;
- 1609 ~~[(K)]~~ (L) enhancing eating and feeding performance;
- 1610 ~~[(L)]~~ (M) applying a physical agent ~~[modalities]~~ modality, managing wound care,
 1611 dry needling, ~~[and]~~ or using a manual therapy ~~[techniques]~~ technique to enhance [
 1612 ~~an individual's]~~ a client's performance skills, if the occupational therapist has
 1613 received the necessary training as ~~[determined by]~~ the division determines by
 1614 rule made in collaboration with the board and in accordance with Title 63G,
 1615 Chapter 3, Utah Administrative Rulemaking Act; or
- 1616 ~~[(M)]~~ (N) applying dry needling to enhance ~~[an individual's]~~ a client's occupational
 1617 performance if the occupational therapy practitioner has received the necessary
 1618 training ~~[as determined by]~~ as the division determines by rule the division
 1619 makes in collaboration with the board and in accordance with Title 63G,
 1620 Chapter 3, Utah Administrative Rulemaking Act.
- 1621 (7) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and
 1622 58-42a-501.
- 1623 (8) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501
 1624 and 58-42a-502.
- 1625 Section 25. Section **58-42a-306** is amended to read:
 1626 **58-42a-306 (Effective 05/06/26). Supervision requirements.**

- 1627 An occupational therapist who is supervising an occupational therapy assistant shall:
- 1628 (1) write or contribute to an individual treatment plan before referring a client to [a
- 1629 ~~supervised~~] the occupational therapy assistant for treatment;
- 1630 (2) approve and cosign on all modifications to the individual treatment plan;
- 1631 (3) meet face to face with the [~~supervised~~]occupational therapy assistant as often as
- 1632 necessary but at least once every two weeks in person or by video conference, and at
- 1633 least one time every month in person, to adequately provide consultation, advice,
- 1634 training, and direction to the occupational therapy assistant;
- 1635 (4) meet with each client who has been referred to [~~a-supervised~~] the occupational therapy
- 1636 assistant at least once each month, to further assess the patient, evaluate the treatment,
- 1637 and modify the individual's treatment plan, except that if the interval of client care
- 1638 occurs one time per month or less, the occupational therapist shall meet with the client at
- 1639 least once every four visits;
- 1640 (5) [~~supervise no more than two full-time occupational therapy assistants at one time, or~~
- 1641 ~~four part-time occupational therapy assistants if the combined work hours of the~~
- 1642 ~~assistants do not exceed 40 hours per week, unless otherwise approved by the division in~~
- 1643 ~~collaboration with the board~~] supervise occupational therapy assistants in accordance
- 1644 with rules the division makes in collaboration with the board and in accordance with
- 1645 Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 1646 (6) remain responsible for client treatment provided by the occupational therapy assistant;
- 1647 and
- 1648 (7) fulfill any other supervisory responsibilities as determined by division rule.

1649 Section 26. Section **58-42a-307** is amended to read:

1650 **58-42a-307 (Effective 05/06/26). Dry needling -- Experience required --**

1651 **Registration.**

- 1652 (1) An occupational therapist may practice [~~trigger point~~]dry needling if the occupational
- 1653 therapist:
- 1654 (a) has a valid license to practice occupational therapy under this chapter;
- 1655 (b) has successfully completed a course in [~~trigger point~~]dry needling that is:
- 1656 (i) approved by the division; and
- 1657 (ii) at least 304 total course hours, including a minimum of:
- 1658 (A) 54 hours of in-person instruction; and
- 1659 (B) 250 supervised patient treatment hours;
- 1660 (c) files a certificate of completion of the course described in Subsection (1)(b) with the

- 1661 division;
- 1662 (d) registers with the division as a [~~trigger point~~]dry needling practitioner; and
- 1663 (e) meets any other requirement to practice [~~trigger point~~]dry needling established by
- 1664 the division.
- 1665 (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 1666 Administrative Rulemaking Act, that establish:
- 1667 (a) the criteria for approving a course described in Subsection (1)(b); and
- 1668 (b) the requirements described in Subsection (1)(e).
- 1669 (3) The division may charge, in accordance with Section 63J-1-504, a fee for the
- 1670 registration described in Subsection (1)(d).
- 1671 Section 27. Section **58-44a-302** is amended to read:
- 1672 **58-44a-302 (Effective 05/06/26). Qualifications for licensure.**
- 1673 (1) An applicant for licensure as a nurse midwife shall:
- 1674 (a) submit an application in a form the division approves;
- 1675 (b) pay a fee as determined by the department under Section 63J-1-504;
- 1676 (c) at the time of application for licensure hold a license in good standing as a registered
- 1677 nurse in Utah, or be at that time qualified for a license as a registered nurse under
- 1678 Title 58, Chapter 31b, Nurse Practice Act;
- 1679 (d) have completed:
- 1680 (i) a certified nurse midwifery education program accredited by the Accreditation
- 1681 Commission for Midwifery Education [~~and approved by the division~~] or another
- 1682 accrediting body the division approves by rule made in collaboration with the
- 1683 board and in accordance with Title 63G, Chapter 3, Utah Administrative
- 1684 Rulemaking Act; or
- 1685 (ii) a nurse midwifery education program located outside of the United States which
- 1686 is approved by the division and is equivalent to a program accredited by the
- 1687 Accreditation Commission for Midwifery Education, as demonstrated by a
- 1688 graduate's being accepted to sit for the national certifying examination
- 1689 administered by the Accreditation Commission for Midwifery Education or its
- 1690 designee;
- 1691 (e) have passed examinations established by the division rule in collaboration with the
- 1692 board within two years after completion of the approved education program required
- 1693 under Subsection (1)(d); and
- 1694 (f)(i) consent to, and complete, a criminal background check, described in Section

1695 58-1-301.5;

1696 (ii) meet any other standard related to the criminal background check described in

1697 Subsection (1)(f)(i), that the division establishes by rule in accordance with Title

1698 63G, Chapter 3, Utah Administrative Rulemaking Act; and

1699 (iii) disclose any criminal history the division requests on a form the division

1700 approves.

1701 (2) For purposes of Subsection (1)(d), as of January 1, 2010, an applicant shall have

1702 completed a graduate degree, including post-master's certificate, in nurse midwifery

1703 from the accredited education program or the accredited education program's equivalent.

1704 Section 28. Section **58-47b-201** is amended to read:

1705 **58-47b-201 (Effective 05/06/26) (Repealed 07/01/34). Board.**

1706 (1) There is created the Board of Massage Therapy and Acupuncture consisting of:

1707 (a) four massage therapists;

1708 (b) two [~~licensed acupuncturists as defined in Section 58-72-102~~] acupuncturists; and

1709 (c) one member of the general public.

1710 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

1711 (3)(a) The board shall perform the duties and responsibilities described in Sections

1712 58-1-202 and 58-1-203 with respect to this chapter and Chapter 72, Acupuncture

1713 Licensing Act.

1714 (b) In addition, the board shall designate one of [~~its~~] the board's members on a permanent

1715 or rotating basis to:

1716 (i) assist the division in reviewing complaints concerning the conduct of an

1717 individual licensed under this chapter or Chapter 72, Acupuncture Licensing Act;

1718 and

1719 (ii) advise the division in [~~its~~] the division's investigation of these complaints.

1720 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in [~~its~~]

1721 the complaint's investigation may be disqualified from participating with the board when

1722 the board serves as a presiding officer in an adjudicative proceeding concerning the

1723 complaint.

1724 Section 29. Section **58-54-303** is amended to read:

1725 **58-54-303 (Effective 05/06/26). Supervision and prescription required -- Imaging**

1726 **ordered by a licensed physical therapist.**

1727 [~~(1) The practice of radiologic technology by a radiologic technologist licensed under this~~

1728 ~~chapter shall be under the general supervision of a radiologist or radiology practitioner~~

1729 and may be performed only upon the order of a radiologist or radiology practitioner
 1730 acting within the scope of the radiologist's or radiology practitioner's license and
 1731 experience within the scope of practice of a radiology practitioner.]

1732 (1) A radiologic technologist certified under this chapter may practice radiologic
 1733 technology only:

1734 (a) under the general supervision of a radiologist or radiology practitioner; and

1735 (b) upon the order of a radiologist or radiology practitioner acting within the scope of
 1736 the radiologist's or radiology practitioner's license and experience.

1737 (2)(a) Notwithstanding Subsection (1), a physical therapist licensed under Chapter 24b,
 1738 Physical Therapy Practice Act, acting within the scope of the physical therapist's
 1739 license and experience may order [~~plain radiographs and magnetic resonance-~~]
 1740 imaging if:

1741 (i) the licensed physical therapist designates a physician to receive the results of the [
 1742 ~~plain radiographs or magnetic resonance-~~]imaging; and

1743 (ii) the physician designated in Subsection (2)(a)(i) agrees to receive the results of the [
 1744 ~~plain radiographs or magnetic resonance-~~]imaging.

1745 (b) A licensed physical therapist who orders [~~plain radiographs or magnetic resonance-~~]
 1746 imaging under Subsection (2)(a) shall:

1747 (i) communicate with the patient's physician to ensure coordination of care; and

1748 (ii) refer a patient to an appropriate provider when the findings of the imaging [~~that~~
 1749 ~~was-~~ordered by the licensed physical therapist indicate that the needed services [
 1750 ~~that are needed-~~]exceed the licensed physical therapist's experience [~~and~~] or scope
 1751 of practice.

1752 (c) A licensed physical therapist is not subject to Subsection (2)(b)(i) if:

1753 (i) a radiologist has read the image and has not identified a significant finding;

1754 (ii) the patient does not have a primary care physician; and

1755 (iii) the patient was not referred to the licensed physical therapist for health care
 1756 services by another health care provider.

1757 Section 30. Section **58-57-101**, which is renumbered from Section 58-57-2 is renumbered
 1758 and amended to read:

1759 **[58-57-2] 58-57-101 (Effective 05/06/26). Definitions.**

1760 [~~In addition to the definitions in Section 58-1-102, as] As used in this chapter:~~

1761 (1) "Board" means the Respiratory Care Licensing Board created in Section [~~58-57-3]~~
 1762 58-57-102.

- 1763 (2)(a) "Health care facility" means ~~[any]~~ a facility or institution in which health care
 1764 services are performed or furnished~~[-and]~~ .
- 1765 (b) "Health care facility" includes a hospital, a clinic, ~~[or]~~ and an emergency care center.
- 1766 (3)(a) "Limited practice of respiratory care" means the practice of respiratory care on a
 1767 non-critical care patient.
- 1768 (b) "Limited practice of respiratory care" does not include:
- 1769 (i) invasive and noninvasive mechanical ventilation;
- 1770 (ii) arterial line placement; or
- 1771 (iii) high-risk procedures the division defines by rule the division makes in
 1772 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah
 1773 Administrative Rulemaking Act.
- 1774 (4) "Non-critical care patient" means a patient who is not receiving a service from an
 1775 intensive care unit, an emergency department of a hospital, or an ambulance as that term
 1776 is defined in Section 53-2d-101.
- 1777 ~~[(3)]~~ (5)(a) "Practice of respiratory care"~~[:]~~
- 1778 ~~[(a)]~~ means the treatment, operation of equipment, management, diagnostic testing, and
 1779 care of ~~[any]~~ a human disease, deficiency, pain, injury, or other physical condition
 1780 associated with the cardiopulmonary system under the qualified medical direction or
 1781 supervision of a practitioner who has training and knowledge in the diagnosis,
 1782 treatment, and assessment of respiratory problems~~[:]~~ .
- 1783 (b) "Practice of respiratory care" includes:
- 1784 (i) accepting and carrying out a practitioner's written, verbal, or telephonic
 1785 prescription or order specifically relating to respiratory care in a hospital or other
 1786 health care setting and ~~[includes-]~~ in consultation with ~~[licensed nurses]~~ a licensed
 1787 nurse, as appropriate;
- 1788 (ii) administering respiratory care during transportation of a patient and under other
 1789 circumstances where an emergency requires immediate respiratory care;
- 1790 (iii) serving as a resource to other health care professionals and hospital
 1791 administrators in relation to the technical aspects of, and the safe and effective
 1792 methods for, administering respiratory care;
- 1793 (iv) functioning in situations of patient contact requiring individual judgment in
 1794 administering respiratory care under the general supervision of a qualified
 1795 practitioner; and
- 1796 (v) supervising, directing, or teaching personnel in the performance of respiratory

1797 care modalities as part of [~~a respiratory care~~] an approved education program[~~; and~~
 1798 for respiratory care.

1799 (c) "Practice of respiratory care" does not include:

1800 (i) [~~a person who delivers, installs, or maintains~~] the delivery, installation, or
 1801 maintenance of respiratory related durable medical equipment[~~and~~] ; or

1802 (ii) [~~who gives~~] giving instructions regarding the use of [~~that equipment as long as~~
 1803 ~~that person~~] respiratory related durable medical equipment if the individual giving
 1804 the instruction does not perform clinical evaluation or treatment of the patient.

1805 [(4)] (6) "Practitioner" means an individual currently licensed, registered, or otherwise
 1806 authorized by the appropriate jurisdiction to prescribe and administer drugs and order
 1807 respiratory care in the course of professional practice.

1808 [(5) "~~Respiratory care practitioner~~" means any person licensed to practice respiratory care
 1809 ~~under this chapter.~~]

1810 [(6)] (7) "Respiratory related durable medical equipment" means:

1811 (a) medical grade oxygen;

1812 (b) equipment and supplies related to medical gases;

1813 (c) apnea monitors;

1814 (d) oximeters;

1815 (e) noninvasive positive pressure generators, except those with back-up respiratory rate
 1816 or when used invasively;

1817 (f) bilirubin lights;

1818 (g) suctioning equipment;

1819 (h) large volume nebulizers with compressors, except when used invasively in
 1820 conjunction with an artificial airway;

1821 (i) medication nebulizers;

1822 (j) enteral nutrition equipment; and

1823 (k) other respiratory related equipment intended for use in the home as [~~defined by the~~
 1824 ~~division by rule~~] the division defines by rule the division makes in accordance with
 1825 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1826 [(7)] (8) "Unlawful conduct" [~~is defined in~~] means the same as that term is defined in
 1827 Sections 58-1-501 and [58-57-14] 58-57-110.

1828 [(8)] (9)(a) "Unprofessional conduct" [~~as defined in~~] means the same as that term is
 1829 defined in Section 58-1-501 and as [may be further defined by rule] the division may
 1830 define by rule the division makes in accordance with Title 63G, Chapter 3, Utah

1831 Administrative Rulemaking Act.

1832 (b) "Unprofessional conduct" includes:

1833 [(a)] (i) acting contrary to the instructions of the practitioner responsible for
1834 supervising the licensee;

1835 [(b)] (ii) knowingly operating [~~any~~] respiratory care equipment that is unsafe or not in
1836 compliance with standards of condition or operation consistent with the patient's
1837 safety;

1838 [(c)] (iii) permitting [~~any person~~] an individual to operate respiratory care equipment
1839 who is not competent or not allowed to operate the equipment;

1840 [(d)] (iv) revealing to [~~any unauthorized person~~] an unauthorized individual
1841 confidential or privileged information about a patient;

1842 [(e)] (v) using [~~any~~] a controlled substance, unless a practitioner prescribes the
1843 controlled substance [is prescribed by a practitioner and used-] and the respiratory
1844 care practitioner uses the controlled substance in accordance with the practitioner's
1845 instructions; and

1846 [(f)] (vi) making [~~any~~] a statement that is incorrect due to negligence, willfulness, or
1847 intent to provide false information or entry on [any] a patient record or other
1848 record that is used for payment of respiratory care services.

1849 Section 31. Section **58-57-102**, which is renumbered from Section 58-57-3 is renumbered
1850 and amended to read:

1851 **[~~58-57-3~~] 58-57-102 (Effective 05/06/26). Board created -- Membership -- Duties.**

1852 (1) There is created a five-member Respiratory Care Licensing Board consisting of the
1853 following [~~persons~~] individuals:

1854 (a) one physician who is a member of either the American Society of Anesthesiologists,
1855 the American College of Chest Physicians, the American Thoracic Society, or the
1856 American Academy of Pediatrics;

1857 (b) three licensed respiratory care practitioners who have practiced respiratory care for a
1858 period of not less than three years immediately [~~preceeding their~~] before appointment
1859 to the board; and

1860 (c) one member from the general public.

1861 [~~(2) The board shall be appointed and serve in accordance with Section 58-1-201.]~~

1862 (2) The executive director shall appoint the members of the board and the members shall
1863 serve in accordance with Section 58-1-201.

1864 [~~(3) The duties and responsibilities of the board shall be in accordance with Sections~~

1865 58-1-202 and 58-1-203.]

1866 (3) The board shall perform the board's duties and responsibilities as provided in Sections
1867 58-1-202 and 58-1-203.

1868 Section 32. Section **58-57-103**, which is renumbered from Section 58-57-4 is renumbered
1869 and amended to read:

1870 **[58-57-4] 58-57-103 (Effective 05/06/26). Qualifications for a license -- Scope of**
1871 **practice.**

1872 (1) ~~[The division shall issue a respiratory care practitioner license to an applicant who~~
1873 ~~meets the requirements specified in this section.] The division shall issue to an individual~~
1874 ~~who meets the requirements specified in this section a license in the classification of:~~

1875 (a) respiratory care practitioner; or

1876 (b) respiratory care apprentice.

1877 (2)(a) An applicant seeking licensure as a respiratory care practitioner shall:

1878 ~~[(a)] (i) [submit an application on a form prescribed by the division] submit to the~~
1879 ~~division an application on a form the division approves;~~

1880 ~~[(b)] (ii) [pay a fee as determined by the department pursuant to Section 63J-1-504]~~
1881 ~~pay to the division a fee determined in accordance with Section 63J-1-504;~~

1882 ~~[(c)] (iii) [possess a] have a high school education or [its] the equivalent, as [~~
1883 ~~determined by the division in] the division determines by rule the division makes in~~
1884 ~~collaboration with the board and in accordance with Title 63G, Chapter 3, Utah~~
1885 ~~Administrative Rulemaking Act;~~

1886 ~~[(d)] (iv) [have completed] complete a respiratory care practitioner educational~~
1887 ~~program that is accredited by a nationally accredited organization acceptable to~~
1888 ~~the division as defined by rule the division makes in accordance with Title 63G,~~
1889 ~~Chapter 3, Utah Administrative Rulemaking Act; and~~

1890 ~~[(e)] (v) subject to Section 58-57-104, pass an examination [approved by]the division~~
1891 ~~approves in collaboration with the board.~~

1892 (b) A respiratory care practitioner may engage in the practice of respiratory care.

1893 (3)(a) An applicant seeking licensure as a respiratory care apprentice shall:

1894 (i) submit to the division an application on a form the division approves;

1895 (ii) pay to the division a fee determined under Section 63J-1-504;

1896 (iii) have a high school education or the equivalent, as the division determines by rule
1897 the division makes in collaboration with the board and in accordance with Title
1898 63G, Chapter 3, Utah Administrative Rulemaking Act;

- 1899 (iv) submit to the division evidence that the applicant is:
 1900 (A) in good standing with an approved education program that the division
 1901 approves by rule the division makes in accordance with Title 63G, Chapter 3,
 1902 Utah Administrative Rulemaking Act;
 1903 (B) in the final year with the approved education program; and
 1904 (C) has written permission from the education program in which the applicant is
 1905 enrolled to apply for licensure.

1906 (b) A respiratory care apprentice may perform a service in the limited practice of
 1907 respiratory care if the respiratory care apprentice has documented evidence of
 1908 training for the service.

1909 (c) A respiratory care apprentice shall be under the indirect supervision of a licensed
 1910 respiratory care practitioner when engaging in the limited practice of respiratory care.

1911 Section 33. Section **58-57-104**, which is renumbered from Section 58-57-5 is renumbered
 1912 and amended to read:

1913 **[58-57-5] 58-57-104 (Effective 05/06/26). Licensure by endorsement.**

1914 [If an applicant has completed a respiratory care practitioner education program that is
 -1915 approved by the board and accredited by a nationally accredited organization acceptable to the
 -1916 division, as defined by rule, the board may recommend that the division issue a license without
 -1917 examination to any applicant currently licensed by another state as a respiratory care
 -1918 practitioner or its equivalent, if the requirements for licensing in that state are at least as
 -1919 stringent as the requirements under this chapter.] Licensure by endorsement shall be in
 -1920 accordance with Section 58-1-302.

1921 Section 34. Section **58-57-105**, which is renumbered from Section 58-57-6 is renumbered
 1922 and amended to read:

1923 **[58-57-6] 58-57-105 (Effective 05/06/26). Term of license -- Expiration --**
 1924 **Renewal.**

1925 (1)(a) [~~Each license issued under this chapter shall be issued~~] The division shall issue a
 1926 respiratory care practitioner license in accordance with a two-year renewal cycle [
 1927 established by rule] the division makes by rule in accordance with Title 63G, Chapter
 1928 3, Utah Administrative Rulemaking Act.

1929 (b) [A] The division may extend or shorten a renewal period [may be extended or
 1930 shortened] by as much as one year to maintain established renewal cycles or to
 1931 change [an established] a renewal cycle.

1932 (2) [~~Each license~~] A respiratory care practitioner license automatically expires on the

1933 expiration date shown on the license [~~unless renewed by the licensee in accordance with~~
 1934 ~~Section 58-1-308~~].

1935 (3)(a) A respiratory care apprentice license shall expire on the day of the earliest of the
 1936 following events:

1937 (i) the issuance of a respiratory care practitioner license;

1938 (ii) the denial of a respiratory care practitioner license application; or

1939 (iii) the termination of enrollment at an accredited respiratory care practitioner
 1940 program.

1941 (b) Notwithstanding Subsection (3)(a)(iii), a respiratory care apprentice license is valid
 1942 for 60 days after the day on which a respiratory care apprentice graduates from an
 1943 accredited respiratory care practitioner program.

1944 Section 35. Section **58-57-106**, which is renumbered from Section 58-57-7 is renumbered
 1945 and amended to read:

1946 **[58-57-7] 58-57-106 (Effective 05/06/26). Exemptions from licensure.**

1947 (1)(a) For purposes of Subsection (2)(b), "qualified" means an individual who is a
 1948 registered polysomnographic technologist or a Diplomate certified by the American
 1949 Board of Sleep Medicine.

1950 (b) For purposes of Subsections (2)(f) and (g), "supervision" means one of the following
 1951 will be immediately available for consultation in person or by phone:

1952 (i) a practitioner;

1953 (ii) a respiratory therapist;

1954 (iii) a Diplomate of the American Board of Sleep Medicine; or

1955 (iv) a registered polysomnographic technologist.

1956 (2) In addition to the exemptions from licensure in Section 58-1-307, the following [~~persons~~]
 1957 individuals may engage in the practice of respiratory therapy subject to the stated
 1958 circumstances and limitations without being licensed under this chapter:

1959 (a) [~~any person~~] an individual who provides gratuitous care for [~~a member of his~~
 1960 ~~immediate family~~] an immediate family member without representing [~~himself as~~] that
 1961 the individual is a licensed respiratory care practitioner;

1962 (b) [~~any person~~] an individual who is a licensed or a qualified member of another health
 1963 care profession, if this practice is consistent with the accepted standards of the
 1964 profession and if the [~~person~~] individual does not represent [~~himself as~~] that the
 1965 individual is a respiratory care practitioner;

1966 (c) [~~any person~~] an individual who serves in the Armed Forces of the United States or [

- 1967 any other] another agency of the federal government and is [engaged in the
 1968 performance of his] performing official duties;
- 1969 (d) [~~any person~~] an individual who acts under a certification issued [~~pursuant to~~] in
 1970 accordance with Title 53, Chapter 2d, Emergency Medical Services Act, while
 1971 providing emergency medical services;
- 1972 (e) [~~any person~~] except as provided in Subsection (3), an individual who delivers,
 1973 installs, or maintains respiratory related durable medical equipment [~~and~~] or who
 1974 gives instructions regarding the use of that equipment [~~in accordance with~~
 1975 ~~Subsections 58-57-2(3) and (6), except that this exemption does not include any~~
 1976 ~~clinical evaluation or treatment of the patient~~];
- 1977 (f) [~~any person~~] an individual who [~~is working~~] works in a practitioner's office, acting
 1978 under supervision; and
- 1979 (g) a polysomnographic technician or trainee, acting under supervision, as long as the
 1980 technician or trainee administers the following only in a sleep lab, sleep center, or
 1981 sleep facility:
- 1982 (i) oxygen titration; and
- 1983 (ii) positive airway pressure that does not include mechanical ventilation.

1984 (3) Subsection (2)(e) does not allow an individual to engage in clinical evaluation or
 1985 treatment of a patient.

1986 [~~(3)~~] (4) Nothing in this chapter permits a respiratory care practitioner to engage in the
 1987 unauthorized practice of other health disciplines.

1988 Section 36. Section **58-57-107**, which is renumbered from Section 58-57-8 is renumbered
 1989 and amended to read:

1990 **[58-57-8] 58-57-107 (Effective 05/06/26). Grounds for denial of license --**

1991 **Disciplinary proceedings.**

1992 [~~Grounds for refusal to issue a license to an applicant, for refusal to renew the~~
 -1993 ~~license of a licensee, to revoke, suspend, restrict, or place on probation the license of a~~
 -1994 ~~licensee, to issue a public or private reprimand to a licensee, and to issue cease and desist~~
 -1995 ~~orders shall be in accordance with Section 58-1-401.]~~

1996 (1) The division may:

- 1997 (a) refuse to issue a license to an applicant;
- 1998 (b) refuse to renew a license;
- 1999 (c) revoke, suspend, restrict, or place a license on probation;
- 2000 (d) issue a public or private reprimand to a licensee; or

2001 (e) issue a cease and desist order.

2002 (2) The division shall perform an act listed in Subsection (1) in accordance with Section
 2003 58-1-401.

2004 Section 37. Section **58-57-108**, which is renumbered from Section 58-57-10 is renumbered
 2005 and amended to read:

2006 **[58-57-10] 58-57-108 (Effective 05/06/26). Use of title or designation.**

2007 (1) Only a respiratory care practitioner may use the following titles or designations[~~in this~~
 2008 ~~state~~]:

2009 (a) respiratory care practitioner;

2010 (b) respiratory therapist; or

2011 (c) respiratory technician.

2012 (2) Only a respiratory care apprentice may use the following titles or designations:

2013 (a) respiratory care apprentice; or

2014 (b) respiratory therapy apprentice.

2015 [~~(2)~~] (3) [~~Any person~~] An individual who violates this section is guilty of a class A
 2016 misdemeanor.

2017 Section 38. Section **58-57-109**, which is renumbered from Section 58-57-12 is renumbered
 2018 and amended to read:

2019 **[58-57-12] 58-57-109 (Effective 05/06/26). Independent practice prohibited.**

2020 A respiratory care practitioner may not:

2021 (1) practice independently of a practitioner or of a health care facility while under the
 2022 supervision of a practitioner; or

2023 (2) charge a fee[~~for his services~~] independently of a practitioner or health care facility.

2024 Section 39. Section **58-57-110**, which is renumbered from Section 58-57-14 is renumbered
 2025 and amended to read:

2026 **[58-57-14] 58-57-110 (Effective 05/06/26). Unlawful conduct -- Penalty.**

2027 (1) [~~Beginning January 1, 2007, "unlawful]~~ As used in this section, "unlawful conduct"
 2028 includes:

2029 (a) using the following titles[~~, names,~~] or initials[~~;~~] for the following titles if the user is
 2030 not properly licensed[~~under this chapter~~]:

2031 (i) respiratory care practitioner;

2032 (ii) respiratory therapist[~~and~~]

2033 (iii) respiratory technician[~~and~~]

2034 (iv) respiratory care apprentice; and

- 2035 (v) respiratory therapy apprentice; and
- 2036 (b) using ~~[any other]~~ a name, title, or initials that would cause a reasonable person to
- 2037 believe the user is licensed under this chapter if the user is not properly licensed
- 2038 under this chapter.
- 2039 (2) ~~[Any person who]~~ A person that violates ~~[the unlawful conduct provision specifically~~
- 2040 ~~defined in]~~ Subsection 58-1-501(1)(a) is guilty of a third degree felony.
- 2041 ~~[(3) Any person who violates any of the unlawful conduct provisions specifically defined in~~
- 2042 ~~Subsections 58-1-501(1)(b) through (f) and Subsection (1) of this section is guilty of a~~
- 2043 ~~class A misdemeanor.]~~
- 2044 ~~[(4) After a proceeding pursuant to Title 63G, Chapter 4, Administrative Procedures Act,~~
- 2045 ~~and Title 58, Chapter 1, Division of Professional Licensing Act, the division may assess~~
- 2046 ~~administrative penalties for acts of unprofessional or unlawful conduct or any other~~
- 2047 ~~appropriate administrative action.]~~
- 2048 Section 40. Section **58-70a-302** is amended to read:
- 2049 **58-70a-302 (Effective 05/06/26). Qualifications for licensure.**
- 2050 Each applicant for licensure as a physician assistant shall:
- 2051 (1) submit an application in a form the division approves;
- 2052 (2) pay a fee determined by the department under Section 63J-1-504;
- 2053 (3) have successfully completed a physician assistant program accredited by:
- 2054 (a) the Accreditation Review Commission on Education for the Physician Assistant; or
- 2055 (b) another accrediting body the division approves by rule made in collaboration with
- 2056 the board and in accordance with Title 63G, Chapter 3, Utah Administrative
- 2057 Rulemaking Act;
- 2058 ~~[(b) if before January 1, 2001, either the:]~~
- 2059 ~~[(i) Committee on Accreditation of Allied Health Education Programs; or]~~
- 2060 ~~[(ii) Committee on Allied Health Education and Accreditation;]~~
- 2061 (4) have passed the licensing examinations required by division rule made in collaboration
- 2062 with the board;
- 2063 (5) meet with the board and representatives of the division, if requested, for the purpose of
- 2064 evaluating the applicant's qualifications for licensure; and
- 2065 (6)(a) consent to, and complete, a criminal background check, described in Section
- 2066 58-1-301.5;
- 2067 (b) meet any other standard related to the criminal background check described in
- 2068 Subsection (6)(a), that the division establishes by rule in accordance with Title 63G,

- 2069 Chapter 3, Utah Administrative Rulemaking Act; and
- 2070 (c) disclose any criminal history the division requests on a form the division provides.
- 2071 Section 41. Section **58-70a-307** is amended to read:
- 2072 **58-70a-307 (Effective 05/06/26). Collaboration requirements -- Clinical practice**
- 2073 **experience -- Requirements for independent practice in a new specialty.**
- 2074 (1) As used in this section, "collaboration" means the interaction and relationship that a
- 2075 physician assistant has with [~~one or more physicians~~] a physician in which:
- 2076 (a) the physician assistant and physician are cognizant of the physician assistant's
- 2077 qualifications and limitations in caring for [~~patients~~] a patient;
- 2078 (b) the physician assistant, while responsible for care that the physician assistant
- 2079 provides, consults with the physician [~~or physicians~~] regarding patient care; and
- 2080 (c) the physician [~~or physicians give~~] gives direction and guidance to the physician
- 2081 assistant.
- 2082 (2) A physician assistant with less than [~~10,000~~] 8,500 hours of post-graduate clinical
- 2083 practice experience shall:
- 2084 (a) practice under written policies and procedures established at a practice level that:
- 2085 (i) describe how collaboration will occur in accordance with this section and
- 2086 Subsections 58-70a-501(2) and (3); and
- 2087 (ii) describe methods for evaluating the physician assistant's competency, knowledge,
- 2088 and skills;
- 2089 (b) provide a copy of the written policies and procedures and documentation of
- 2090 compliance with this Subsection (2) to the board upon the board's request; and
- 2091 (c) except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant
- 2092 specializing in mental health care, engage in collaboration with a physician for the
- 2093 first 4,000 hours of the physician assistant's post-graduate clinical practice experience.
- 2094 (3)(a) Except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant
- 2095 specializing in mental health care, a physician assistant who has more than 4,000
- 2096 hours of practice experience and less than [~~10,000~~] 8,500 hours of practice experience
- 2097 shall enter into a written collaborative agreement with:
- 2098 (i) a physician; or
- 2099 (ii) a licensed physician assistant with more than [~~10,000~~] 8,500 hours of practice
- 2100 experience in the same specialty as the physician assistant.
- 2101 (b) The collaborative agreement described in Subsection (3)(a) shall:
- 2102 (i) describe how collaboration under this section and Subsections 58-70a-501(2) and

- 2103 (3) will occur;
- 2104 (ii) be kept on file at the physician assistant's practice location; and
- 2105 (iii) be provided by the physician assistant to the board upon the board's request.
- 2106 (4) A physician assistant who wishes to change specialties to another specialty in which the [
- 2107 PA] physician assistant has less than 4,000 hours of experience shall engage in
- 2108 collaboration for a minimum of 4,000 hours with a physician who is trained and
- 2109 experienced in the specialty to which the physician assistant is changing.

2110 Section 42. Section **58-70a-501** is amended to read:

2111 **58-70a-501 (Effective 05/06/26). Scope of practice.**

- 2112 (1)(a) A physician assistant may provide any medical services that are not specifically
- 2113 prohibited under this chapter or rules adopted under this chapter, and that are within
- 2114 the physician assistant's skills and scope of competence.
- 2115 (b) Notwithstanding Sections 58-67-805 and 58-68-805, a physician assistant may
- 2116 perform minor surgical procedures.
- 2117 (2) A physician assistant shall consult, collaborate with, and refer to appropriate members
- 2118 of the health care team:
- 2119 (a) as indicated by the patient's condition;
- 2120 (b) based on the physician assistant's education, experience, and competencies;
- 2121 (c) the applicable standard of care; and
- 2122 (d) if applicable, in accordance with the requirements described in Section 58-70a-307.
- 2123 (3) Subject to Section 58-70a-307, the degree of collaboration under Subsection (2):
- 2124 (a) shall be determined at the physician assistant's practice, including decisions made by
- 2125 the physician assistant's:
- 2126 (i) employer;
- 2127 (ii) group;
- 2128 (iii) hospital service; or
- 2129 (iv) health care facility credentialing and privileging system; and
- 2130 (b) may also be determined by a managed care organization with whom the physician
- 2131 assistant is a network provider.
- 2132 (4) A physician assistant may only provide health_care services:
- 2133 (a) for which the physician assistant has been trained and credentialed, privileged, or
- 2134 authorized to perform; and
- 2135 (b) that are within the physician assistant's practice specialty.
- 2136 (5) A physician assistant may authenticate through a signature, certification, stamp,

- 2137 verification, affidavit, or endorsement any document that may be authenticated by a
2138 physician and that is within the physician assistant's scope of practice.
- 2139 (6) A physician assistant is responsible for the care that the physician assistant provides.
- 2140 (7)(a) As used in this Subsection (7):
- 2141 (i) "ALS/ACLS certification" means a certification:
- 2142 (A) in advanced life support by the American Red Cross;
- 2143 (B) in advanced cardiac life support by the American Heart Association; or
- 2144 (C) that is equivalent to a certification described in Subsection (7)(a)(i)(A) or (B).
- 2145 (ii) "Minimal sedation anxiolysis" means creating a drug induced state:
- 2146 (A) during which a patient responds normally to verbal commands;
- 2147 (B) which may impair cognitive function and physical coordination; and
- 2148 (C) which does not affect airway, reflexes, or ventilatory and cardiovascular
2149 function.
- 2150 (b) Except as provided in Subsections (7)(c) through (7)(e), a physician assistant may
2151 not administer general anesthetics.
- 2152 (c) A physician assistant may perform minimal sedation anxiolysis if the procedure is
2153 within the physician assistant's scope of practice.
- 2154 (d) A physician assistant may perform rapid sequence induction for intubation of a
2155 patient if:
- 2156 (i) the procedure is within the physician assistant's scope of practice;
- 2157 (ii) the physician assistant holds a valid ALS/ACLS certification and is credentialed
2158 and privileged at the hospital where the procedure is performed; and
- 2159 (iii)(A) a qualified physician is not available and able to perform the procedure; or
2160 (B) the procedure is performed by the physician assistant under supervision of or
2161 delegation by a physician.
- 2162 (e) Subsection (7)(b) does not apply to anesthetics administered by a physician assistant:
- 2163 (i) in an intensive care unit of a hospital;
- 2164 (ii) for the purpose of enabling a patient to tolerate ventilator support or intubation;
2165 and
- 2166 (iii) under supervision of or delegation by a physician whose usual scope of practice
2167 includes the procedure.
- 2168 (8)(a) A physician assistant may prescribe or administer an appropriate controlled
2169 substance that is within the physician assistant's scope of practice if the physician
2170 assistant holds a Utah controlled substance license and a [DEA] Drug Enforcement

- 2171 Administration registration.
- 2172 (b) A physician assistant may prescribe, order, administer, and procure a drug or medical
2173 device that is within the physician assistant's scope of practice.
- 2174 (c) A physician assistant may dispense a drug if dispensing the drug:
2175 (i) is permitted under Title 58, Chapter 17b, Pharmacy Practice Act; and
2176 (ii) is within the physician assistant's scope of practice.
- 2177 (9) A physician assistant may not perform or induce an abortion in violation of the
2178 requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the
2179 physician assistant is found guilty of a crime in connection with the violation.
- 2180 (10) A physician assistant practicing independently may only perform or provide a health
2181 care service that:
2182 (a) is appropriate to perform or provide outside of a health care facility; and
2183 (b) the physician assistant has been trained and credentialed or authorized to provide or
2184 perform independently without physician supervision.
- 2185 (11) A physician assistant, while practicing as a physician assistant:
2186 (a) shall wear an identification badge showing the physician assistant's license
2187 classification as a physician assistant;
2188 (b) shall identify themselves to a patient as a physician assistant; and
2189 (c) may not identify themselves to any person in connection with activities allowed
2190 under this chapter other than as a physician assistant or PA.
- 2191 Section 43. Section **58-72-102** is amended to read:
2192 **58-72-102 (Effective 05/06/26). Acupuncture licensing -- Definitions.**
2193 [~~In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter:
2194 (1) "Acupuncture aide" means:
2195 (a) an individual who is not licensed under this chapter but provides a supportive service
2196 under the indirect supervision of a licensed acupuncturist who is physically present
2197 and available during the performance of a delegated supportive service; and
2198 (b)(i) an individual who holds a certification in clean needle technique from the
2199 Council of Colleges of Acupuncture and Herbal Medicine;
2200 (ii) an individual who completes a course using the Council of Colleges of
2201 Acupuncture and Herbal Medicine clean needle technique that the division
2202 approves by rule; or
2203 (iii) meets the qualifications the division makes by rule.
2204 (2) "Board" means the Board of Massage Therapy and Acupuncture created in Section

- 2205 58-47b-201.
- 2206 [~~(2)~~] (3)(a) "Injection therapy" means the use of a hypodermic needle, by a licensed
- 2207 acupuncturist [~~who has obtained a clean needle technique certificate from the~~
- 2208 ~~National Commission for the Certification of Acupuncture and Oriental Medicine~~
- 2209 ~~(NCCAOM),] who satisfies the coursework and supervised experience requirements~~
- 2210 that the division makes by rule to inject any of the following sterile substances in
- 2211 liquid form into acupuncture points on the body subcutaneously or intramuscularly:
- 2212 (i) a nutritional substance;
- 2213 (ii) a local anesthetic;
- 2214 (iii) autologous blood, if the licensee holds a current phlebotomy certification to draw
- 2215 blood;
- 2216 (iv) sterile water;
- 2217 (v) dextrose;
- 2218 (vi) sodium bicarbonate; [~~and~~]
- 2219 (vii) sterile saline[-] ; and
- 2220 (viii) other substances as defined by the division in rule.
- 2221 (b) "Injection therapy" includes using ultrasound guidance to ensure that an injection is
- 2222 only a subcutaneous injection or an intramuscular injection.
- 2223 (c) "Injection therapy" does not include injecting a substance into a vein, [~~joint,-~~]artery,
- 2224 blood vessel, nerve, [~~tendon,-~~]deep organ, or the spine.
- 2225 [~~(d) "Injection therapy" may not be performed on a pregnant woman or a child under the~~
- 2226 ~~age of eight.]~~
- 2227 [~~(3) "Licensed acupuncturist," designated as "L.Ac.," means a person who has been~~
- 2228 ~~licensed under this chapter to practice acupuncture.]~~
- 2229 (4) "Moxibustion" means a heat therapy that uses the herb moxa to heat acupuncture points
- 2230 of the body.
- 2231 (5)(a) "Practice of acupuncture" means the insertion of acupuncture needles, the use of
- 2232 injection therapy, and the application of moxibustion to specific areas of the body
- 2233 based on traditional oriental medical diagnosis and modern research as a primary
- 2234 mode of therapy.
- 2235 (b) [~~Adjunctive therapies within the scope of the practice]~~ "Practice of acupuncture" may
- 2236 include the following adjunctive therapies:
- 2237 (i) applying manual, mechanical, thermal, electrical, light, and electromagnetic
- 2238 treatments based on traditional oriental medical diagnosis and modern research;

- 2239 (ii) ~~[the recommendation, administration, or provision of]~~ recommending,
 2240 administering, or provisioning dietary guidelines, herbs, supplements,
 2241 homeopathics, and therapeutic exercise based on traditional oriental medical
 2242 diagnosis and modern research according to practitioner training;~~[-and]~~
- 2243 (iii) ~~[the practice]~~ performing a practice described in Subsections (5)(a) and ~~[(b)]~~ (5)(b)
 2244 on an animal to the extent permitted by:
 2245 (A) Subsection 58-28-307(12);
 2246 (B) the provisions of this chapter; and
 2247 (C) division rule~~[-]~~ ; and
- 2248 (iv) delegating a task to an acupuncture aide and supervising the performance of the
 2249 task.
- 2250 (c) "Practice of acupuncture" does not include:
 2251 (i) the manual manipulation or adjustment of the joints of the body beyond the elastic
 2252 barrier; or
 2253 (ii) the "manipulation of the articulation of the spinal column" as defined in Section
 2254 58-73-102.
- 2255 (6)(a) "Supportive services" means the acts that the division defines in rule for which the
 2256 acupuncture aide is trained.
- 2257 (b) "Supportive services" does not include providing:
 2258 (i) a diagnosis;
 2259 (ii) point location;
 2260 (iii) needle insertion;
 2261 (iv) electrical stimulation;
 2262 (v) advice to a patient; or
 2263 (vi) a procedure requiring a similar degree of judgment or skill, or an additional act
 2264 the department defines by rule.
- 2265 ~~[(6)]~~ (7) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-72-503, and as [
 2266 may be further defined by division] the division may define by rule.
- 2267 Section 44. Section **58-72-302** is amended to read:
 2268 **58-72-302 (Effective 05/06/26). Qualifications for licensure.**
 2269 An applicant for licensure as ~~[a licensed]~~ an acupuncturist shall:
 2270 (1) ~~[submit an application in a form prescribed by the division]~~ submit an application to the
 2271 division on a form the division approves;
 2272 (2) ~~[pay a fee determined by the department under Section 63J-1-504]~~ pay a fee to the

- 2273 division as determined under Section 63J-1-504;
 2274 (3) meet the requirements for current active certification in acupuncture under guidelines [
 2275 ~~established by the National Commission for the Certification of Acupuncture and~~
 2276 ~~Oriental Medicine (NCCAOM)] the National Certification Board for Acupuncture and
 2277 Herbal Medicine establishes as demonstrated through a current certificate or other
 2278 appropriate documentation;
 2279 (4) pass the examination [~~required by the division]~~ the division requires by rule;
 2280 (5) establish procedures, as [~~defined]~~ the division defines by rule, which shall enable
 2281 patients to give informed consent to treatment; and
 2282 (6) meet with the board, if requested, for the purpose of evaluating the applicant's
 2283 qualifications for licensure.~~

2284 Section 45. Section **58-72-501** is amended to read:

2285 **58-72-501 (Effective 05/06/26). Acupuncture licensee -- Restriction on titles used.**

- 2286 (1)(a) [~~A person practicing as a~~] A licensed acupuncturist may not display or [~~in any way~~
 2287 ~~use any~~] use a title, [words] a word, or an insignia in conjunction with the [person's]
 2288 licensed acupuncturist's name or practice except [the words-]"licensed acupuncturist"
 2289 or "L.Ac."[-]
 2290 (b) Only an acupuncturist licensed under this chapter may use the title "licensed
 2291 acupuncturist" or "L.Ac."
 2292 [~~(b)~~] (c) When used in conjunction with the [person's] licensed acupuncturist's practice,
 2293 the term "licensed acupuncturist" or "L.Ac." shall be displayed next to the name of
 2294 the licensed acupuncturist.
 2295 (2)(a) A licensed acupuncturist may not use the term "physician," "physician or
 2296 surgeon," or "doctor" in conjunction with the acupuncturist's name or practice.
 2297 (b) A licensed acupuncturist may use the terms "Doctor of acupuncture["], "Doctor of
 2298 Oriental Medicine," "Doctor of Acupuncture and Oriental Medicine," "D.O.M.,"
 2299 "D.A.O.M.," or "oriental medical doctor" [may be used-]if the term is commensurate
 2300 with the degree in acupuncture [received by the practitioner] the practitioner holds.
 2301 (3)(a) [~~Medical doctors or chiropractic physicians who choose to practice acupuncture~~
 2302 ~~shall represent themselves as medical doctors or chiropractic physicians practicing~~
 2303 ~~acupuncture and not as licensed acupuncturists.] A medical doctor or a chiropractic
 2304 physician who chooses to practice acupuncture shall provide acupuncture as a
 2305 medical doctor or chiropractic physician practicing acupuncture.
 2306 (b) A medical doctor or a chiropractic physician who chooses to practice acupuncture~~

2307 may not represent that the medical doctor or a chiropractic physician is a licensed
 2308 acupuncturist.

2309 Section 46. Section **58-72-701** is amended to read:

2310 **58-72-701 (Effective 05/06/26). Procurement and administration authority.**

2311 (1)(a) A licensee who has received the necessary training, the division requires by rule
 2312 the division makes in accordance with Title 63G, Chapter 3, Utah Administrative
 2313 Rulemaking Act, to practice injection therapy[~~, including having obtained a clean~~
 2314 needle technique certificate from the National Commission for the Certification of
 2315 Acupuncture and Oriental Medicine (NCCAOM);] as defined in Section 58-72-102:

2316 [(a)] (i) has authority to procure and administer prescriptive substances described in
 2317 Subsections [58-72-102(2)(a) and (b)] 58-72-102(3)(a) and (b) for in-office
 2318 administration only; and

2319 [(b)] (ii) may obtain substances described in Subsection [58-72-102(2)]
 2320 58-72-102(3)(a) from a registered prescription drug outlet, registered
 2321 manufacturer, or registered wholesaler.

2322 (b) A licensee who has received the necessary training to practice injection therapy as
 2323 defined in Section 58-72-102, may not perform injection therapy on a pregnant
 2324 woman or a child under eight years old.

2325 (2) An entity that provides any substance to a licensee in accordance with this chapter, and
 2326 relies in good faith on license information provided by the licensee, is not liable for
 2327 providing the substance.

2328 Section 47. Section **58-88-201** is amended to read:

2329 **58-88-201 (Effective 05/06/26). Definitions.**

2330 As used in this part:

2331 (1)(a) "Dispense" means the delivery by a prescriber of a prescription drug or device to a
 2332 patient, including the packaging, labeling, and security necessary to prepare and
 2333 safeguard the drug or device for supplying to a patient.

2334 (b) "Dispense" does not include:

2335 (i) prescribing or administering a drug or device; or

2336 (ii) delivering to a patient a sample packaged for individual use by a licensed
 2337 manufacturer or re-packager of a drug or device.

2338 (2) "Dispensing practitioner" means an individual who:

2339 (a) is currently licensed as:

2340 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;

- 2341 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic
 2342 Medical Practice Act;
- 2343 (iii) an advanced practice registered nurse under [~~Subsection 58-31b-301(2)(d)~~]
 2344 Subsections 58-31b-301(2)(a) through (b);
- 2345 (iv) a physician assistant under Chapter 70a, Utah Physician Assistant Act; or
 2346 (v) a dentist under Chapter 69, Dentist and Dental Hygienist Practice Act;
- 2347 (b) is authorized by state law to prescribe and administer drugs in the course of
 2348 professional practice; and
- 2349 (c) practices at a licensed dispensing practice.
- 2350 (3) "Drug" means the same as that term is defined in Section 58-17b-102.
- 2351 (4) "Health care practice" means:
- 2352 (a) a health care facility as defined in Section 26B-2-201; or
 2353 (b) the offices of one or more private prescribers, whether for individual or group
 2354 practice.
- 2355 (5) "Licensed dispensing practice" means a health care practice that is licensed as a
 2356 dispensing practice under Section 58-88-202.
- 2357 Section 48. Section **63I-2-258** is amended to read:
- 2358 **63I-2-258 (Effective 05/06/26). Repeal dates: Title 58.**
- 2359 [~~Reserved.~~]
- 2360 (1) Subsection 58-70a-501(1)(b), regarding a licensed physician assistant's authority to
 2361 perform minor surgical procedures, is repealed July 1, 2028.
- 2362 Section 49. **Repealer.**
- 2363 This bill repeals:
- 2364 Section **58-40a-103, Duties of directing physician.**
- 2365 Section **58-41-1, Title of chapter.**
- 2366 Section **58-41-3, Scope of licenses -- Practicing without license prohibited.**
- 2367 Section **58-57-1, Short title.**
- 2368 Section **58-57-11, Provision for current practitioners.**
- 2369 Section **58-72-601, Acupuncture license not authorizing medical practice -- Insurance**
 2370 **payments.**
- 2371 Section 50. **Effective Date.**
- 2372 This bill takes effect on May 6, 2026.