

## Chapter 24b Physical Therapy Practice Act

### Part 1 General Provisions

#### **58-24b-101 Title.**

This chapter is known as the "Physical Therapy Practice Act."

Enacted by Chapter 220, 2009 General Session

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

As used in this chapter:

- (1) "Animal physical therapy" means practicing physical therapy or physiotherapy on an animal.
- (2) "Board" means the Utah Physical Therapy Licensing Board, created in Section 58-24b-201.
- (3) "Consultation by telecommunication" means the provision of expert or professional advice by a physical therapist who is licensed outside of Utah to a licensed physical therapist or a health care provider by telecommunication or electronic communication.
- (4) "General supervision" means supervision and oversight of a person by a licensed physical therapist when the licensed physical therapist is immediately available in person, by telephone, or by electronic communication to assist the person.
- (5) "Licensed physical therapist" means a person licensed under this chapter to engage in the practice of physical therapy.
- (6) "Licensed physical therapist assistant" means a person licensed under this chapter to engage in the practice of physical therapy, subject to the provisions of Subsection 58-24b-401(2)(a).
- (7) "Licensing examination" means a nationally recognized physical therapy examination that is approved by the division, in consultation with the board.
- (8) "On-site supervision" means supervision and oversight of a person by a licensed physical therapist or a licensed physical therapist assistant when the licensed physical therapist or licensed physical therapist assistant is:
  - (a) continuously present at the facility where the person is providing services;
  - (b) immediately available to assist the person; and
  - (c) regularly involved in the services being provided by the person.
- (9) "Physical impairment" means:
  - (a) a mechanical impairment;
  - (b) a physiological impairment;
  - (c) a developmental impairment;
  - (d) a functional limitation;
  - (e) a disability;
  - (f) a mobility impairment; or
  - (g) a bodily malfunction.
- (10)
  - (a) "Physical therapy" or "physiotherapy" means:
    - (i) examining, evaluating, and testing an individual who has a physical impairment or injury;
    - (ii) identifying or labeling a physical impairment or injury;
    - (iii) formulating a therapeutic intervention plan for the treatment of a physical impairment, injury, or pain;

- (iv) assessing the ongoing effects of therapeutic intervention for the treatment of a physical impairment or injury;
  - (v) treating or alleviating a physical impairment by designing, modifying, or implementing a therapeutic intervention;
  - (vi) reducing the risk of an injury or physical impairment;
  - (vii) providing instruction on the use of physical measures, activities, or devices for preventative and therapeutic purposes;
  - (viii) promoting and maintaining health and fitness;
  - (ix) the administration of a prescription drug pursuant to Section 58-24b-403;
  - (x) subject to Subsection 58-28-307(12)(b), engaging in the functions described in Subsections (10)(a)(i) through (ix) in relation to an animal, in accordance with the requirements of Section 58-24b-405; and
  - (xi) engaging in administration, consultation, education, and research relating to the practices described in this Subsection (10)(a).
- (b) "Physical therapy" or "physiotherapy" does not include:
- (i) diagnosing disease;
  - (ii) performing surgery;
  - (iii) performing acupuncture;
  - (iv) taking x-rays; or
  - (v) prescribing or dispensing a drug, as defined in Section 58-37-2.
- (11) "Physical therapy aide" means a person who:
- (a) is trained, on-the-job, by a licensed physical therapist; and
  - (b) provides routine assistance to a licensed physical therapist or licensed physical therapist assistant, while the licensed physical therapist or licensed physical therapist assistant practices physical therapy, within the scope of the licensed physical therapist's or licensed physical therapist assistant's license.
- (12) "Recognized accreditation agency" means an accreditation agency that:
- (a) grants accreditation, nationally, in the United States of America; and
  - (b) is approved by the division, in consultation with the board.
- (13)
- (a) "Testing" means a standard method or technique used to gather data regarding a patient that is generally and nationally accepted by physical therapists for the practice of physical therapy.
  - (b) "Testing" includes measurement or evaluation of:
    - (i) muscle strength, force, endurance, or tone;
    - (ii) cardiovascular fitness;
    - (iii) physical work capacity;
    - (iv) joint motion, mobility, or stability;
    - (v) reflexes or autonomic reactions;
    - (vi) movement skill or accuracy;
    - (vii) sensation;
    - (viii) perception;
    - (ix) peripheral nerve integrity;
    - (x) locomotor skills, stability, and endurance;
    - (xi) the fit, function, and comfort of prosthetic, orthotic, or other assistive devices;
    - (xii) posture;
    - (xiii) body mechanics;
    - (xiv) limb length, circumference, and volume;
    - (xv) thoracic excursion and breathing patterns;

- (xvi) activities of daily living related to physical movement and mobility;
  - (xvii) functioning in the physical environment at home or work, as it relates to physical movement and mobility; and
  - (xviii) neural muscular responses.
- (14)
- (a) "Trigger point dry needling" means the stimulation of a trigger point using a dry needle to treat neuromuscular pain and functional movement deficits.
  - (b) "Trigger point dry needling" does not include the stimulation of auricular or distal points.
- (15) "Therapeutic intervention" includes:
- (a) therapeutic exercise, with or without the use of a device;
  - (b) functional training in self-care, as it relates to physical movement and mobility;
  - (c) community or work integration, as it relates to physical movement and mobility;
  - (d) manual therapy, including:
    - (i) soft tissue mobilization;
    - (ii) therapeutic massage; or
    - (iii) joint mobilization, as defined by the division, by rule;
  - (e) prescribing, applying, or fabricating an assistive, adaptive, orthotic, prosthetic, protective, or supportive device;
  - (f) airway clearance techniques, including postural drainage;
  - (g) integumentary protection and repair techniques;
  - (h) wound debridement, cleansing, and dressing;
  - (i) the application of a physical agent, including:
    - (i) light;
    - (ii) heat;
    - (iii) cold;
    - (iv) water;
    - (v) air;
    - (vi) sound;
    - (vii) compression;
    - (viii) electricity; and
    - (ix) electromagnetic radiation;
  - (j) mechanical or electrotherapeutic modalities;
  - (k) positioning;
  - (l) instructing or training a patient in locomotion or other functional activities, with or without an assistive device;
  - (m) manual or mechanical traction;
  - (n) correction of posture, body mechanics, or gait; and
  - (o) trigger point dry needling, under the conditions described in Section 58-24b-505.

Amended by Chapter 354, 2014 General Session

## **Part 2**

### **Physical Therapy Licensing Board**

**58-24b-201 Physical Therapy Licensing Board -- Creation -- Membership -- Duties.**

- (1) There is created the Physical Therapy Licensing Board, consisting of three licensed physical therapists, one physical therapist assistant, and one member of the general public.
- (2) Members of the board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are described in Subsection (4) and Sections 58-1-201 through 58-1-203.
- (4) The board shall designate a member of the board, on a permanent or rotating basis, to:
  - (a) assist the division in reviewing complaints of unlawful or unprofessional conduct of a licensee; and
  - (b) advise the division during the division's investigation of the complaints described in Subsection (4)(a).
- (5) A board member who has reviewed a complaint or been involved in an investigation under Subsection (4) is disqualified from participating in an adjudicative proceeding relating to the complaint or investigation.

Enacted by Chapter 220, 2009 General Session

### **Part 3 Licensing**

#### **58-24b-301 Authority to practice physical therapy.**

A person may not engage in the practice of physical therapy, unless the person is:

- (1) licensed under this chapter and practices within the scope of that license; or
- (2) exempted from the licensing requirements of this chapter under Section 58-1-307 or 58-24b-304.

Amended by Chapter 238, 2016 General Session

#### **58-24b-302 Licensure.**

- (1) An applicant for a license as a physical therapist shall:
  - (a) complete the application process, including payment of fees;
  - (b) submit proof of graduation from a professional physical therapist education program that is accredited by a recognized accreditation agency;
  - (c) pass a licensing examination:
    - (i) after complying with Subsection (1)(b); or
    - (ii) if the applicant is in the final term of a professional physical therapist education program that is accredited by a recognized accreditation agency;
  - (d) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;
  - (e) consent to a criminal background check in accordance with Section 58-24b-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) An applicant for a license as a physical therapist assistant shall:

- (a) complete the application process, including payment of fees set by the division, in accordance with Section 63J-1-504, to recover the costs of administering the licensing requirements relating to physical therapist assistants;
  - (b) submit proof of graduation from a physical therapist assistant education program that is accredited by a recognized accreditation agency;
  - (c) pass a licensing examination approved by division rule made in collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
    - (i) after the applicant complies with Subsection (2)(b); or
    - (ii) if the applicant is in the final term of a physical therapist assistant education program that is accredited by a recognized accreditation agency;
  - (d) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;
  - (e) submit to, and pass, a criminal background check, in accordance with Section 58-24b-302.1 and standards established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (3) An applicant for a license as a physical therapist who is educated outside of the United States shall:
- (a) complete the application process, including payment of fees;
  - (b)
    - (i) provide satisfactory evidence that the applicant graduated from a professional physical therapist education program that is accredited by a recognized accreditation agency; or
    - (ii)
      - (A) provide satisfactory evidence that the applicant graduated from a physical therapist education program that prepares the applicant to engage in the practice of physical therapy, without restriction;
      - (B) provide satisfactory evidence that the education program described in Subsection (3)(b)(ii) (A) is recognized by the government entity responsible for recognizing a physical therapist education program in the country where the program is located; and
      - (C) pass a credential evaluation to ensure that the applicant has satisfied uniform educational requirements;
  - (c) after complying with Subsection (3)(b), pass a licensing examination;
  - (d) be able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;
  - (e) consent to a criminal background check in accordance with Section 58-24b-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (f) meet any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (4) The division shall issue a license to a person who holds a current unrestricted license to practice physical therapy in a state, district, or territory of the United States of America, other than Utah, if the person:
- (a) completes the application process, including payment of fees;
  - (b) is able to read, write, speak, understand, and be understood in the English language and demonstrate proficiency to the satisfaction of the board if requested by the board;

- (c) consents to a criminal background check in accordance with Section 58-24b-302.1 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
  - (d) meets any other requirements established by the division, by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5)
- (a) Notwithstanding Subsection 58-1-307(1)(c), an individual may not engage in an internship in physical therapy, unless the person is:
    - (i) certified by the division; or
    - (ii) exempt from licensure under Section 58-24b-304.
  - (b) The provisions of Subsection (5)(a) apply, regardless of whether the individual is participating in the supervised clinical training program for the purpose of becoming a physical therapist or a physical therapist assistant.

Amended by Chapter 339, 2020 General Session

**58-24b-302.1 Criminal background check.**

- (1) An applicant for licensure under this chapter who requires a criminal background check shall:
  - (a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and
  - (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
- (2) The division shall:
  - (a) in addition to other fees authorized by this chapter, collect from each applicant submitting fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;
  - (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the Bureau of Criminal Identification; and
  - (c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each applicant.
- (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:
  - (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional criminal records databases;
  - (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
  - (c) provide the results from the state, regional, and nationwide criminal history background checks to the division.
- (4) For purposes of conducting a criminal background check required under this section, the division shall have direct access to criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- (5) The division may not disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section.
- (6)

- (a) A new physical therapist assistant license issued under Subsection 58-24b-302(2) is conditional pending completion of the criminal background check.
  - (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the criminal background check required in Subsection 58-24b-302(2) demonstrates the applicant has failed to accurately disclose a criminal history, the license is immediately and automatically revoked upon notice to the licensee by the division.
  - (c) A person whose conditional license has been revoked under Subsection (6)(b) is entitled to a postrevocation hearing to challenge the revocation.
  - (d) The division shall conduct a postrevocation hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (7) The division may not issue a letter of qualification to participate in the Physical Therapy Licensure Compact until the criminal background check described in this section is completed.

Enacted by Chapter 318, 2018 General Session

**58-24b-303 Term of license -- Renewal -- Temporary license for physical therapist assistant.**

- (1) A license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule. The division may, by rule, extend or shorten a license renewal process by one year in order to stagger the renewal cycles that the division administers.
- (2) At the time of license renewal, the licensee shall provide satisfactory evidence that the licensee completed continuing education competency requirements, established by the division, by rule.
- (3) If a license renewal cycle is shortened or extended under Subsection (1), the division shall increase or reduce the required continuing education competency requirements accordingly.
- (4) A license issued under this chapter expires on the expiration date indicated on the license, unless the license is renewed under this section.

Amended by Chapter 318, 2018 General Session

**58-24b-304 Exemptions from licensure.**

- (1) In addition to the exemptions from licensure described in Section 58-1-307, as modified by Subsection 58-24b-302(5), a person may engage in acts that constitute the practice of physical therapy without a license issued under this chapter if:
  - (a) the person is licensed under another law of the state to engage in acts that constitute the practice of physical therapy if that person does not:
    - (i) claim to be a physical therapist;
    - (ii) claim to be a provider of any type of physical therapy that is outside of the scope of practice of the license that is issued to the person; or
    - (iii) engage in any acts that constitute the practice of physical therapy that are outside of the scope of practice of the license that is issued to the person;
  - (b) the person practices physical therapy, under federal law, in:
    - (i) the United States armed services;
    - (ii) the United States Public Health Service; or
    - (iii) the Veterans Administration;
  - (c) the person is:
    - (i) licensed as a physical therapist in:
      - (A) a state, district, or territory of the United States, other than Utah; or
      - (B) a country other than the United States; and
    - (ii)

- (A) teaching, demonstrating, or providing physical therapy in connection with an educational seminar, if the person engages in this conduct in Utah no more than 60 days per calendar year;
  - (B) practicing physical therapy directly related to the person's employment with, or contract with, an established athletic team, athletic organization, or performing arts company that plays, practices, competes, or performs in Utah no more than 60 days per calendar year; or
  - (C) providing consultation by telecommunication to a physical therapist;
- (d) the person:
- (i)
    - (A) is licensed as a physical therapist assistant under federal law; and
    - (B) practices within the scope of practice authorized by federal law for a physical therapist assistant; or
  - (ii)
    - (A) is licensed as a physical therapist assistant in:
      - (I) a state, district, or territory of the United States, other than Utah; or
      - (II) a country other than the United States; and
    - (B)
      - (I) practices within the scope of practice authorized for a physical therapist assistant by the jurisdiction described in Subsection (1)(d)(ii)(A); and
      - (II) within the limitations for the practice of physical therapy described in Subsection (1)(c)(ii); or
- (e) the person:
- (i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act;
  - (ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
  - (iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act.
- (2) A person who is exempted from licensure under Subsection (1)(b) may practice animal physical therapy without a license under this section if the person:
- (a) is authorized to practice animal physical therapy under federal law; and
  - (b) practices animal physical therapy within the scope of practice authorized by federal law.
- (3) A person who is exempted from licensure under Subsection (1)(c) may practice animal physical therapy without a license under this section if the person:
- (a) is authorized to practice animal physical therapy in:
    - (i) a state, district, or territory of the United States, other than Utah; or
    - (ii) a country other than the United States; and
  - (b) practices animal physical therapy:
    - (i) within the scope of practice for the jurisdiction described in Subsection (3)(a) where the person is authorized to practice animal physical therapy; and
    - (ii) within the limitations for the practice of physical therapy described in Subsection (1)(c)(ii).

Amended by Chapter 39, 2018 General Session

**58-24b-305 License denial -- Discipline -- Cease and desist order.**

In accordance with Section 58-1-401, the division may:

- (1) refuse to issue a license to an applicant;
- (2) refuse to renew a license;



- (3) revoke, suspend, or restrict a license;
- (4) place a license on probation;
- (5) issue a public or private reprimand to a licensee; or
- (6) issue a cease and desist order.

Enacted by Chapter 220, 2009 General Session

## **Part 4**

### **Practice of Physical Therapy**

#### **58-24b-401 Authority and ethical standards of a licensed physical therapist and licensed physical therapist assistant -- Function of a physical therapy aide.**

- (1) A licensed physical therapist:
  - (a) is fully authorized to practice physical therapy; and
  - (b) shall adhere to the standards of ethics described in:
    - (i) the American Physical Therapy Association's Code of Ethics and Guide for Professional Conduct; and
    - (ii) rule.
- (2) A licensed physical therapist assistant:
  - (a) is authorized to practice physical therapy:
    - (i) under the on-site supervision or general supervision of a licensed physical therapist; and
    - (ii) within the scope of practice of a licensed physical therapist assistant, as described in this chapter and by rule;
  - (b) shall adhere to the standards of ethics described in:
    - (i) the American Physical Therapy Association's Code of Ethics and Guide for Professional Conduct; and
    - (ii) rule; and
  - (c) may not be supervised by any person other than a licensed physical therapist.
- (3)
  - (a) A physical therapy aide may not engage in the practice of physical therapy.
  - (b) Notwithstanding Subsection (3)(a), a physical therapy aide may provide routine assistance to:
    - (i) a licensed physical therapist while the licensed physical therapist engages in the practice of physical therapy, if the physical therapy aide is under the on-site supervision of the licensed physical therapist; or
    - (ii) a licensed physical therapist assistant while the licensed physical therapist assistant engages in the practice of physical therapy, within the scope of the licensed physical therapist assistant's license, if the physical therapy aide is:
      - (A) under the general or on-site supervision of a licensed physical therapist; and
      - (B) under the on-site supervision of the licensed physical therapist assistant.

Enacted by Chapter 220, 2009 General Session

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

- (1) In practicing physical therapy, a licensed physical therapist shall:
  - (a) manage all aspects of the physical therapy of a patient under the licensed physical therapist's care;

- (b) perform the initial evaluation and documentation for each patient;
  - (c) perform periodic reevaluation and documentation for each patient;
  - (d) perform physical therapy interventions that require immediate and continuous examination and evaluation throughout the intervention;
  - (e) perform all therapeutic intervention on a patient that is outside of the standard scope of practice of a licensed physical therapist assistant or a physical therapy aide;
  - (f) determine the therapeutic intervention to be performed by a licensed physical therapist assistant under the on-site supervision or general supervision of the licensed physical therapist to ensure that the therapeutic intervention is safe, effective, efficient, and within the scope of practice of the licensed physical therapist assistant;
  - (g) conduct the discharge of each patient and document for each patient, at the time of discharge, the patient's response to therapeutic intervention; and
  - (h) provide accurate documentation of the billing and services provided.
- (2) A physical therapist assistant or a physical therapy aide may not:
- (a) perform a physical therapy evaluation or assessment;
  - (b) identify or label a physical impairment or injury;
  - (c) design a plan of care for a patient;
  - (d) perform the joint mobilization component of manual therapy; or
  - (e) perform the sharp selective debridement component of wound management.
- (3) Subsection (2)(d) does not apply to:
- (a) simple joint distraction techniques or stretching; or
  - (b) a stretch or mobilization that can be given as part of a home exercise program.

Enacted by Chapter 220, 2009 General Session

**58-24b-403 Administration of a prescription drug.**

- (1) A licensed physical therapist may purchase, store, and administer topical and aerosol medications that require a prescription only as provided in this section.
- (2) A licensed physical therapist may purchase, store, and administer:
  - (a) topically applied medicinal agents, including steroids and analgesics, for wound care and for musculoskeletal treatment, using iontophoresis or phonophoresis; and
  - (b) aerosols for pulmonary hygiene in an institutional setting, if a licensed respiratory therapist is not available in, or within a 10 mile radius of, the institution.
- (3) A licensed physical therapist may only purchase, store, or administer a medication described in this section pursuant to a written prescription issued by a practitioner who is licensed to prescribe that medication.
- (4) This section does not authorize a licensed physical therapist to dispense a prescription drug.

Enacted by Chapter 220, 2009 General Session

**58-24b-404 Supervision of a licensed physical therapist assistant or a physical therapy aide.**

The division shall make rules that describe the circumstances under which general supervision or on-site supervision of a physical therapist assistant or a physical therapy aide is required.

Enacted by Chapter 220, 2009 General Session

**58-24b-405 Animal physical therapy.**

- (1) Subject to Subsection 58-28-307(12)(b), a licensed physical therapist may practice animal physical therapy if the licensed physical therapist completes at least 100 hours of animal physical therapy training and education, which shall include:
  - (a) 50 hours of on-the-job training under the supervision of a licensed veterinarian;
  - (b) completion of a quadruped anatomy course; and
  - (c) continuing education for the required hours remaining.
- (2) Subject to Subsection 58-28-307(12)(b), a licensed physical therapist assistant may practice animal physical therapy, within the scope of the licensed physical therapist assistant's practice, if the licensed physical therapist assistant:
  - (a) is under the on-site supervision or general supervision of a physical therapist who has complied with the requirements of Subsection (1); and
  - (b) completes at least 100 hours of animal physical therapy training and education, which shall include:
    - (i) 50 hours of on-the-job training under the supervision of a licensed veterinarian;
    - (ii) completion of a quadruped anatomy course; and
    - (iii) continuing education for the required hours remaining.

Enacted by Chapter 220, 2009 General Session

## **Part 5**

### **Unlawful and Unprofessional Conduct**

#### **58-24b-501 Unlawful conduct.**

In addition to the conduct described in Subsection 58-1-501(1), "unlawful conduct" includes:

- (1) practicing physical therapy, unless the person:
  - (a) is licensed under this chapter to practice physical therapy and practices within the scope of that license; or
  - (b) is exempt from licensure under Section 58-24b-304;
- (2) practicing animal physical therapy, unless the person is:
  - (a) authorized to practice animal physical therapy under Section 58-24b-405; or
  - (b) authorized to practice animal physical therapy under Subsection 58-24b-304(1)(a), (2), or (3);
- (3) representing oneself as, or using the title of, a physical therapist, unless the person is:
  - (a) a licensed physical therapist; or
  - (b)
    - (i) licensed as a physical therapist in a jurisdiction other than Utah;
    - (ii) does not represent oneself as being a physical therapist licensed in Utah; and
    - (iii) exempt from licensure under Section 58-24b-304;
- (4) representing oneself as, or using the title of, a physical therapist assistant, unless the person:
  - (a) is a licensed physical therapist assistant; or
  - (b)
    - (i) is licensed as a physical therapist assistant in a jurisdiction other than Utah;
    - (ii) does not represent oneself as being a physical therapist assistant licensed in Utah; and
    - (iii) is exempt from licensure under Section 58-24b-304; and
- (5) conduct designated as "unlawful conduct" by the division, by rule.

Enacted by Chapter 220, 2009 General Session

**58-24b-502 Unprofessional conduct.**

In addition to the conduct described in Subsection 58-1-501(2), "unprofessional conduct" includes:

- (1) using or employing the services of an individual to assist a person licensed under this chapter in a manner that is not in accordance with:
  - (a) generally recognized practices, standards, or ethics of the profession for which the person is licensed; or
  - (b) the requirements of this chapter or rule;
- (2) failure by a person licensed under this chapter to confine the person's conduct to that which:
  - (a) the person is competent to perform, by education, training, and experience; and
  - (b) is within the scope of practice permitted under this chapter or rule;
- (3) failure to supervise a licensed physical therapist assistant or a physical therapy aide in accordance with the requirements of this chapter or rule; and
- (4) other conduct defined as "unprofessional conduct" by the division, by rule.

Enacted by Chapter 220, 2009 General Session

**58-24b-503 Lawful and unlawful use of titles and terms -- Unlawful advertising or promotion.**

- (1) A person who is a licensed physical therapist shall use the letters "PT" in connection with the person's name or business in order to indicate that the person is a licensed physical therapist.
- (2) A person who is a licensed physical therapist assistant shall use the letters "PTA" in connection with the person's name or business in order to indicate that the person is a licensed physical therapist assistant.
- (3) It is unlawful for a person who is not a licensed physical therapist, a licensed physical therapist assistant, or a person described in Subsection 58-24b-304(1)(e) to:
  - (a) use, in connection with the person's name or business, any of the following words or abbreviations:
    - (i) physical therapy, except to the extent that the word is used to describe conduct that a person is licensed to engage in under another law of the state;
    - (ii) physiotherapy; or
    - (iii) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person practices physical therapy; or
  - (b) offer, provide, or bill a person for:
    - (i) physical therapy services or anything that is characterized as physical therapy services; or
    - (ii) physiotherapy services or anything that is characterized as physiotherapy services.
- (4) It is unlawful for a person who is not a licensed physical therapist to:
  - (a) except as provided in Subsection (6), use, in connection with the person's name or business, any of the following words or abbreviations:
    - (i) physical therapist;
    - (ii) physiotherapist;
    - (iii) PT;
    - (iv) DPT;
    - (v) MPT; or
    - (vi) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person is a physical therapist or physiotherapist;
  - (b) advertise that a person who is not a licensed physical therapist is a physical therapist or physiotherapist; or

- (c) promote a person who is not a licensed physical therapist as a physical therapist or physiotherapist.
- (5) It is unlawful for a person who is not a licensed physical therapist assistant to:
  - (a) use, in connection with the person's name or business, any of the following words or abbreviations:
    - (i) physical therapist assistant;
    - (ii) physiotherapist assistant;
    - (iii) PTA; or
    - (iv) any other word, abbreviation, or insignia, indicating or implying, directly or indirectly, that the person is a physical therapist assistant or a physiotherapist assistant;
  - (b) advertise that a person who is not a licensed physical therapist assistant is a physical therapist assistant or a physiotherapist assistant; or
  - (c) promote a person who is not a licensed physical therapist assistant as a physical therapist assistant or physiotherapist assistant.
- (6) Subsection (4)(a) does not prohibit a person from using a word or abbreviation described in Subsection (4)(a) in connection with the person's business, if the person employs a physical therapist at the person's business.

Enacted by Chapter 220, 2009 General Session

**58-24b-504 Reporting unlawful or unprofessional conduct -- Immunity -- Confidentiality.**

- (1) A person who is aware that a person who is licensed under this chapter has violated a provision of this chapter, or a rule made pursuant to this chapter, shall report the violation to the division.
- (2) A person who makes a good faith report under Subsection (1) is immune from direct or derivative civil liability for making the report.
- (3) The division, the board, or a member of the division or the board, may not disclose the identity of a person who makes a report under this section, unless the disclosure is:
  - (a) essential to the conduct of an investigation or hearing; or
  - (b) ordered by a court of competent jurisdiction.

Enacted by Chapter 220, 2009 General Session

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

- (1) A physical therapist may practice trigger point dry needling if the physical therapist:
  - (a) has held a license to practice physical therapy under this chapter, and has actively practiced physical therapy, for two years;
  - (b) has successfully completed a course in trigger point dry needling that:
    - (i) is approved by the division; and
    - (ii) includes at least 300 total course hours, including at least:
      - (A) 54 hours of in-person instruction; and
      - (B) 250 supervised patient treatment sessions;
  - (c) files a certificate of completion of the course described in Subsection (1)(b) with the division;
  - (d) registers with the division as a trigger point dry needling practitioner; and
  - (e) meets any other requirement to practice trigger point dry needling established by the division.
- (2) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish:
  - (a) the criteria for approving a course described in Subsection (1)(b); and
  - (b) the requirements described in Subsection (1)(e).

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

Enacted by Chapter 354, 2014 General Session