

Part 8 Practice Standards

58-67-801 Disclosure of financial interest by licensee.

- (1) Licensees under this chapter may not refer patients, clients, or customers to any clinical laboratory, ambulatory or surgical care facilities, or other treatment or rehabilitation services such as physical therapy, cardiac rehabilitation, radiology services, dispensing optical lens facility, or lithotripsy, in which the licensee or a member of the licensee's immediate family has any financial relationship as that term is described in 42 U.S.C. 1395nn, unless the licensee at the time of making the referral discloses that relationship, in writing, to the patient, client, or customer.
- (2) The written disclosure under Subsection (1) shall also state the patient may choose any facility or service center for purpose of having the laboratory work or treatment service performed.

Enacted by Chapter 248, 1996 General Session

58-67-802 Form of practice.

- (1) A physician and surgeon licensed under this chapter may engage in practice as a physician and surgeon, or in the practice of medicine only as an individual licensee; but as an individual licensee, he may be:
 - (a) an individual operating as a business proprietor;
 - (b) an employee of another person;
 - (c) a partner in a lawfully organized partnership;
 - (d) a lawfully formed professional corporation;
 - (e) a lawfully organized limited liability company;
 - (f) a lawfully organized business corporation; or
 - (g) any other form of organization recognized by the state which is not prohibited by division rule made in collaboration with the board.
- (2) Regardless of the form in which a licensee engages in the practice of medicine, the licensee may only permit the practice of medicine in that form of practice to be conducted by an individual:
 - (a) licensed in Utah as a physician and surgeon under Section 58-67-301 or as an osteopathic physician and surgeon under Section 58-68-301; and
 - (b) who is able to lawfully and competently engage in the practice of medicine.

Enacted by Chapter 248, 1996 General Session

58-67-803 Medical records -- Electronic records.

- (1) Medical records maintained by a licensee shall:
 - (a) meet the standards and ethics of the profession; and
 - (b) be maintained in accordance with division rules made in collaboration with the board.
- (2) Medical records under this section may be maintained by an electronic means if the records comply with Subsection (1).

Enacted by Chapter 248, 1996 General Session

58-67-804 Consumer access to provider charges.

Beginning January 1, 2011, a physician licensed under this chapter shall, when requested by a consumer:

- (1) make a list of prices charged by the physician available for the consumer which includes the physician's 25 most frequently performed:
 - (a) clinic procedures or clinic services;
 - (b) out-patient procedures; and
 - (c) in-patient procedures; and
- (2) provide the consumer with information regarding any discount available for:
 - (a) services not covered by insurance; or
 - (b) prompt payment of billed charges.

Enacted by Chapter 68, 2010 General Session

58-67-805 Supervision of cosmetic medical procedures.

- (1) Except as provided in Subsection (2), a physician may not delegate the performance of an ablative cosmetic medical procedure to an individual who is not licensed under this chapter or Chapter 68, Utah Osteopathic Medical Practice Act.
- (2) A physician may delegate to an advanced practice registered nurse with an unrestricted license under Chapter 31b, Nurse Practice Act, the performance of an erbium full ablation resurfacing procedure or a CO2 fractionated resurfacing procedure, if the physician:
 - (a) prescribes that specific procedure for the patient who is to receive the procedure;
 - (b) ensures that the advanced practice registered nurse performs the procedure under the indirect supervision of the physician; and
 - (c) verifies that the advanced practice registered nurse is qualified to perform the procedure by having received at least 50 hours of training specific to the procedure to be performed and the laser to be used.

Enacted by Chapter 362, 2012 General Session

58-67-806 Representation of medical specialization.

- (1) A physician may not represent to another person that the physician is certified in a medical specialty or certified by a particular board unless:
 - (a) the physician includes in the representation the name of:
 - (i) the certification board or entity; and
 - (ii) the medical specialty for which the physician is certified; and
 - (b) the board or certification entity meets the requirements of Subsection (2).
- (2) A certification entity or board under Subsection (1) shall meet the following qualifications:
 - (a) be included in the American Board of Medical Specialties or an American Osteopathic Association Certifying Board; or
 - (b)
 - (i) require an Accreditation Council for Graduate Medical Education or American Osteopathic Association approved postgraduate training program that provides complete training in the specialty or subspecialty; and
 - (ii) be certified or had prior certification by the member board of the American Board of Medical Specialties or an American Osteopathic Certifying Board.

Amended by Chapter 262, 2013 General Session

