

58-67-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the described acts or practices without being licensed under this chapter:

- (1) an individual rendering aid in an emergency, when no fee or other consideration of value for the service is charged, received, expected, or contemplated;
- (2) an individual administering a domestic or family remedy;
- (3)
 - (a)
 - (i) a person engaged in the sale of vitamins, health foods, dietary supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited by state or federal law; and
 - (ii) a person acting in good faith for religious reasons, as a matter of conscience, or based on a personal belief, when obtaining or providing any information regarding health care and the use of any product under Subsection (3)(a)(i); and
 - (b) Subsection (3)(a) does not:
 - (i) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity, pain, or other condition; or
 - (ii) prohibit providing truthful and non-misleading information regarding any of the products under Subsection (3)(a)(i);
- (4) a person engaged in good faith in the practice of the religious tenets of any church or religious belief, without the use of prescription drugs;
- (5) an individual authorized by the Department of Health under Section 26-1-30, to draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi), or 72-10-502(5)(a)(vi);
- (6) a medical assistant while working under the indirect supervision of a licensed physician and surgeon, to the extent the medical assistant:
 - (a) is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of medicine;
 - (b) does not perform surgical procedures;
 - (c) does not prescribe prescription medications;
 - (d) does not administer anesthesia, anesthesia does not mean a local anesthetic for minor procedural use; and
 - (e) does not engage in other medical practices or procedures as defined by division rule in collaboration with the board;
- (7) an individual engaging in the practice of medicine when:
 - (a) the individual is licensed in good standing as a physician in another state with no licensing action pending and no less than 10 years of professional experience;
 - (b) the services are rendered as a public service and for a noncommercial purpose;
 - (c) no fee or other consideration of value is charged, received, expected, or contemplated for the services rendered beyond an amount necessary to cover the proportionate cost of malpractice insurance; and
 - (d) the individual does not otherwise engage in unlawful or unprofessional conduct;
- (8) an individual providing expert testimony in a legal proceeding; and
- (9) an individual who is invited by a school, association, society, or other body approved by the division to conduct a clinic or demonstration of the practice of medicine in which patients are treated, if:
 - (a) the individual does not establish a place of business in this state;
 - (b) the individual does not regularly engage in the practice of medicine in this state;
 - (c) the individual holds a current license in good standing to practice medicine issued by another state, district or territory of the United States, or Canada;

- (d) the primary purpose of the event is the training of others in the practice of medicine; and
- (e) neither the patient nor an insurer is billed for the services performed.

Amended by Chapter 262, 2013 General Session