

Part 1 General Provisions

58-68-101 Title.

This chapter is the "Utah Osteopathic Medical Practice Act."

Enacted by Chapter 248, 1996 General Session

58-68-102 Definitions.

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

- (1)
 - (a) "Ablative procedure" means a procedure that is expected to excise, vaporize, disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium: YAG lasers.
 - (b) "Ablative procedure" does not include hair removal.
- (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the American Medical Association.
- (3) "Administrative penalty" means a monetary fine imposed by the division for acts or omissions determined to constitute unprofessional or unlawful conduct, as a result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (4) "AOA" means the American Osteopathic Association.
- (5) "Associate physician" means an individual licensed under Section 58-68-302.5.
- (6) "Board" means the Osteopathic Physician and Surgeon's Licensing Board created in Section 58-68-201.
- (7) "Collaborating physician" means an individual licensed under Section 58-68-302 who enters into a collaborative practice arrangement with an associate physician.
- (8) "Collaborative practice arrangement" means the arrangement described in Section 58-68-807.
- (9)
 - (a) "Cosmetic medical device" means tissue altering energy based devices that have the potential for altering living tissue and that are used to perform ablative or nonablative procedures, such as American National Standards Institute (ANSI) designated Class IIIb and Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices and excludes ANSI designated Class IIIa and lower powered devices.
 - (b) Notwithstanding Subsection (9)(a), if an ANSI designated Class IIIa and lower powered device is being used to perform an ablative procedure, the device is included in the definition of cosmetic medical device under Subsection (9)(a).
- (10) "Cosmetic medical procedure":
 - (a) includes the use of cosmetic medical devices to perform ablative or nonablative procedures; and
 - (b) does not include a treatment of the ocular globe such as refractive surgery.
- (11) "Diagnose" means:
 - (a) to examine in any manner another person, parts of a person's body, substances, fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's body, to determine the source, nature, kind, or extent of a disease or other physical or mental condition;
 - (b) to attempt to conduct an examination or determination described under Subsection (11)(a);
 - (c) to hold oneself out as making or to represent that one is making an examination or determination as described in Subsection (11)(a); or

- (d) to make an examination or determination as described in Subsection (11)(a) upon or from information supplied directly or indirectly by another person, whether or not in the presence of the person making or attempting the diagnosis or examination.
- (12) "Medical assistant" means an unlicensed individual who may perform tasks as described in Subsection 58-68-305(6).
- (13) "Medically underserved area" means a geographic area in which there is a shortage of primary care health services for residents, as determined by the Department of Health.
- (14) "Medically underserved population" means a specified group of people living in a defined geographic area with a shortage of primary care health services, as determined by the Department of Health.
- (15)
 - (a)
 - (i) "Nonablative procedure" means a procedure that is expected or intended to alter living tissue, but is not expected or intended to excise, vaporize, disintegrate, or remove living tissue.
 - (ii) Notwithstanding Subsection (15)(a)(i), nonablative procedure includes hair removal.
 - (b) "Nonablative procedure" does not include:
 - (i) a superficial procedure as defined in Section 58-1-102;
 - (ii) the application of permanent make-up; or
 - (iii) the use of photo therapy lasers for neuromusculoskeletal treatments that are performed by an individual licensed under this title who is acting within the individual's scope of practice.
- (16) "Physician" means both physicians and surgeons licensed under Section 58-67-301, Utah Medical Practice Act, and osteopathic physicians and surgeons licensed under Section 58-68-301, Utah Osteopathic Medical Practice Act.
- (17)
 - (a) "Practice of osteopathic medicine" means:
 - (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, or to attempt to do so, by any means or instrumentality, which in whole or in part is based upon emphasis of the importance of the musculoskeletal system and manipulative therapy in the maintenance and restoration of health, by an individual in Utah or outside of the state upon or for any human within the state;
 - (ii) when a person not licensed as a physician directs a licensee under this chapter to withhold or alter the health care services that the licensee has ordered;
 - (iii) to maintain an office or place of business for the purpose of doing any of the acts described in Subsection (17)(a) whether or not for compensation; or
 - (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or treatment of human diseases or conditions, in any printed material, stationery, letterhead, envelopes, signs, or advertisements, the designation "doctor," "doctor of osteopathic medicine," "osteopathic physician," "osteopathic surgeon," "osteopathic physician and surgeon," "Dr.," "D.O.," or any combination of these designations in any manner which might cause a reasonable person to believe the individual using the designation is a licensed osteopathic physician, and if the party using the designation is not a licensed osteopathic physician, the designation must additionally contain the description of the branch of the healing arts for which the person has a license, provided that an individual who has received an earned degree of doctor of osteopathic medicine but is not a licensed osteopathic physician and surgeon in Utah may use the designation "D.O." if it is followed by "Not Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

- (b) The practice of osteopathic medicine does not include:
 - (i) except for an ablative medical procedure as provided in Subsection (17)(b)(ii), the conduct described in Subsection (17)(a)(i) that is performed in accordance with a license issued under another chapter of this title;
 - (ii) an ablative cosmetic medical procedure if the scope of practice for the person performing the ablative cosmetic medical procedure includes the authority to operate or perform a surgical procedure; or
 - (iii) conduct under Subsection 58-68-501(2).
- (18) "Prescription device" means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, and any component part or accessory, which is required under federal or state law to be prescribed by a practitioner and dispensed by or through a person or entity licensed under this chapter or exempt from licensure under this chapter.
- (19) "Prescription drug" means a drug that is required by federal or state law or rule to be dispensed only by prescription or is restricted to administration only by practitioners.
- (20) "SPEX" means the Special Purpose Examination of the Federation of State Medical Boards.
- (21) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-501.
- (22) "Unprofessional conduct" means the same as that term is defined in Sections 58-1-501 and 58-68-502 and as may be further defined by division rule.

Amended by Chapter 233, 2022 General Session