

Effective 5/14/2019

**Chapter 70a
Utah Physician Assistant Act**

**Part 1
General Provisions**

58-70a-101 Title.

This chapter is known as the "Utah Physician Assistant Act."

Amended by Chapter 349, 2019 General Session

Superseded 10/1/2024

58-70a-102 Definitions.

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

- (1) "Board" means the Physician Assistant Licensing Board created in Section 58-70a-201.
- (2) "Competence" means possessing the requisite cognitive, non-cognitive, and communicative abilities and qualities to perform effectively within the scope of practice of the physician assistant's practice while adhering to professional and ethical standards.
- (3) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (4) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- (5) "Physician" means the same as that term is defined in Section 58-67-102.
- (6) "Physician assistant" means an individual who is licensed to practice under this chapter.
- (7) "Practice as a physician assistant" means the professional activities and conduct of a physician assistant, also known as a PA, in diagnosing, treating, advising, or prescribing for any human disease, ailment, injury, infirmity, deformity, pain, or other condition under the provisions of this chapter.
- (8) "Practice of mental health therapy" means the same as that term is defined in Section 58-60-102.
- (9) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-70a-502.
- (10) "Unprofessional conduct" means "unprofessional conduct":
 - (a) as defined in Sections 58-1-501 and 58-70a-503; and
 - (b) as further defined by the division by rule.

Amended by Chapter 329, 2023 General Session

Effective 10/1/2024

58-70a-102 Definitions.

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

- (1) "Board" means the Medical Licensing Board created in Section 58-67-201.
- (2) "Competence" means possessing the requisite cognitive, non-cognitive, and communicative abilities and qualities to perform effectively within the scope of practice of the physician assistant's practice while adhering to professional and ethical standards.
- (3) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (4) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- (5) "Physician" means the same as that term is defined in Section 58-67-102.

- (6) "Physician assistant" means an individual who is licensed to practice under this chapter.
- (7) "Practice as a physician assistant" means the professional activities and conduct of a physician assistant, also known as a PA, in diagnosing, treating, advising, or prescribing for any human disease, ailment, injury, infirmity, deformity, pain, or other condition under the provisions of this chapter.
- (8) "Practice of mental health therapy" means the same as that term is defined in Section 58-60-102.
- (9) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501 and 58-70a-502.
- (10) "Unprofessional conduct" means "unprofessional conduct":
 - (a) as defined in Sections 58-1-501 and 58-70a-503; and
 - (b) as further defined by the division by rule.

Amended by Chapter 507, 2024 General Session

Part 2 Board

58-70a-201 Board.

- (1) There is created the Physician Assistant Licensing Board, which consists of seven members:
 - (a) three licensed physicians, including at least one board certified psychiatrist, who currently work or have previously worked collaboratively with a physician assistant;
 - (b) three physician assistants, one of whom is involved in the administration of an approved physician assistant education program within the state; and
 - (c) one person from the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3)
 - (a) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203.
 - (b) The board shall designate one of its members on a permanent or rotating basis to:
 - (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (ii) advise the division in the division's investigation of these complaints.
- (4)
 - (a) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.
 - (b) The board member described in Subsection (4)(a) may be disqualified:
 - (i) on the member's own motion, due to actual or perceived bias or lack of objectivity; or
 - (ii) upon challenge for cause raised on the record by any party to the adjudicative proceeding.

Amended by Chapter 312, 2021 General Session

Amended by Chapter 313, 2021 General Session

Part 3

Licensing

58-70a-301 Licensure required -- License classifications.

- (1) A license is required to engage in practice as a physician assistant, except as specifically provided in Section 58-70a-305 or 58-1-307.
- (2) The division shall issue to an individual who qualifies under this chapter a license in the classification of physician assistant.

Amended by Chapter 309, 2017 General Session

58-70a-301.1 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:
 - (a) 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; or
 - (b) issue a letter of qualification to participate in the PA Licensure Compact under Chapter 70c, PA Licensure Compact, until the criminal background check described in this section is completed.

Enacted by Chapter 222, 2023 General Session

58-70a-302 Qualifications for licensure.

Each applicant for licensure as a physician assistant shall:

- (1) submit an application in a form prescribed by the division;
- (2) pay a fee determined by the department under Section 63J-1-504;
- (3) have successfully completed a physician assistant program accredited by:
 - (a) the Accreditation Review Commission on Education for the Physician Assistant; or
 - (b) if prior to January 1, 2001, either the:
 - (i) Committee on Accreditation of Allied Health Education Programs; or
 - (ii) Committee on Allied Health Education and Accreditation;
- (4) have passed the licensing examinations required by division rule made in collaboration with the board;
- (5) meet with the board and representatives of the division, if requested, for the purpose of evaluating the applicant's qualifications for licensure; and
- (6) if the applicant is applying to participate in the PA Licensure Compact under Chapter 70c, PA Licensure Compact, consent to a criminal background check in accordance with Section 58-70a-301.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Amended by Chapter 222, 2023 General Session

58-70a-303 Term of license -- Expiration -- Renewal.

- (1)
 - (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
 - (b) The division may by rule extend or shorten a renewal period by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal, the licensee shall show compliance with continuing education renewal requirements.
- (3) Each license issued under this chapter expires on the expiration date shown on the license unless renewed in accordance with Section 58-1-308.
- (4) The division shall accept and apply toward an hour requirement that the division establishes under Subsection (2) continuing education that a physician assistant completes in accordance with Section 26B-4-204.

Amended by Chapter 329, 2023 General Session

58-70a-304 License renewal -- Continuing education.

- (1) Prior to license renewal, each licensee shall, during each two-year licensure cycle or other cycle defined by division rule:
 - (a) view a suicide prevention video described in Section 58-1-601 and submit proof in the form required by the division; and
 - (b) complete qualified continuing professional education requirements as defined by division rule made in collaboration with the board.
- (2) If a renewal period is extended or shortened under Section 58-70a-303, the continuing education hours required for license renewal under this section are increased or decreased proportionally.

Amended by Chapter 447, 2019 General Session

58-70a-305 Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307, an individual described in Subsection (2) may engage in acts included within the definition of practice as a physician assistant, subject to the stated circumstances and limitations, without being licensed under this chapter.
- (2) Subsection (1) applies to a student enrolled in an accredited physician assistant education program while engaged in activities as a physician assistant:
 - (a) that are a part of the education program;
 - (b) that are conducted at an affiliated medical facility under the direct supervision of a:
 - (i) physician associated with the program; or
 - (ii) licensed physician assistant associated with the medical faculty; and
 - (c) for which the program accepts in writing the responsibility for the student.

Amended by Chapter 312, 2021 General Session

58-70a-306 Temporary license.

- (1) An applicant for licensure as a physician assistant who has met all qualifications for licensure except passing an examination component as required in Section 58-70a-302, may apply for and be granted a temporary license to practice under Subsection (2).
- (2)
 - (a) The applicant shall submit to the division evidence of completion of a physician assistant program as defined in Subsection 58-70a-302(3).
 - (b)
 - (i) The temporary license shall be issued for a period not to exceed 120 days to allow the applicant to pass the Physician Assistant National Certifying Examination.
 - (ii) The temporary license may not be renewed or extended.
 - (c) A temporary license holder shall work under the direct supervision of a physician.

Amended by Chapter 312, 2021 General Session

58-70a-307 Collaboration requirements -- Clinical practice experience -- Requirements for independent practice in a new specialty.

- (1) As used in this section, "collaboration" means the interaction and relationship that a physician assistant has with one or more physicians in which:
 - (a) the physician assistant and physician are cognizant of the physician assistant's qualifications and limitations in caring for patients;
 - (b) the physician assistant, while responsible for care that the physician assistant provides, consults with the physician or physicians regarding patient care; and
 - (c) the physician or physicians give direction and guidance to the physician assistant.
- (2) A physician assistant with less than 10,000 hours of post-graduate clinical practice experience shall:
 - (a) practice under written policies and procedures established at a practice level that:
 - (i) describe how collaboration will occur in accordance with this section and Subsections 58-70a-501(2) and (3);
 - (ii) describe methods for evaluating the physician assistant's competency, knowledge, and skills;

- (b) provide a copy of the written policies and procedures and documentation of compliance with this Subsection (2) to the board upon the board's request; and
 - (c) except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant specializing in mental health care, engage in collaboration with a physician for the first 4,000 hours of the physician assistant's post-graduate clinical practice experience.
- (3)
- (a) Except as provided in Subsection 58-70a-501.1(4)(d) for a physician assistant specializing in mental health care, a physician assistant who has more than 4,000 hours of practice experience and less than 10,000 hours of practice experience shall enter into a written collaborative agreement with:
 - (i) a physician; or
 - (ii) a licensed physician assistant with more than 10,000 hours of practice experience in the same specialty as the physician assistant.
 - (b) The collaborative agreement described in Subsection (3)(a) shall:
 - (i) describe how collaboration under this section and Subsections 58-70a-501(2) and (3) will occur;
 - (ii) be kept on file at the physician assistant's practice location; and
 - (iii) be provided by the physician assistant to the board upon the board's request.
- (4) A physician assistant who wishes to change specialties to another specialty in which the PA has less than 4,000 hours of experience shall engage in collaboration for a minimum of 4,000 hours with a physician who is trained and experienced in the specialty to which the physician assistant is changing.

Enacted by Chapter 312, 2021 General Session

Amended by Chapter 313, 2021 General Session, (Coordination Clause)

Amended by Chapter 344, 2020 General Session, (Coordination Clause)

Part 4 License Denial and Discipline

58-70a-401 Grounds for denial of license -- Disciplinary proceedings.

- (1) Subject to Subsection (2), grounds for the following division actions regarding a licensee are under Section 58-1-401:
- (a) refusing to issue a license to an applicant;
 - (b) refusing to renew the license of a licensee;
 - (c) revoking, suspending, restricting, or placing on probation the license of a licensee;
 - (d) issuing a public or private reprimand to a licensee; and
 - (e) issuing a cease and desist order.
- (2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

Amended by Chapter 404, 2021 General Session

Part 5

Scope of Practice - Unlawful and Unprofessional Conduct - Penalties

58-70a-501 Scope of practice.

- (1) A physician assistant may provide any medical services that are not specifically prohibited under this chapter or rules adopted under this chapter, and that are within the physician assistant's skills and scope of competence.
- (2) A physician assistant shall consult, collaborate with, and refer to appropriate members of the health care team:
 - (a) as indicated by the patient's condition;
 - (b) based on the physician assistant's education, experience, and competencies;
 - (c) the applicable standard of care; and
 - (d) if applicable, in accordance with the requirements described in Section 58-70a-307.
- (3) Subject to Section 58-70a-307, the degree of collaboration under Subsection (2):
 - (a) shall be determined at the physician assistant's practice, including decisions made by the physician assistant's:
 - (i) employer;
 - (ii) group;
 - (iii) hospital service; or
 - (iv) health care facility credentialing and privileging system; and
 - (b) may also be determined by a managed care organization with whom the physician assistant is a network provider.
- (4) A physician assistant may only provide healthcare services:
 - (a) for which the physician assistant has been trained and credentialed, privileged, or authorized to perform; and
 - (b) that are within the physician assistant's practice specialty.
- (5) A physician assistant may authenticate through a signature, certification, stamp, verification, affidavit, or endorsement any document that may be authenticated by a physician and that is within the physician assistant's scope of practice.
- (6) A physician assistant is responsible for the care that the physician assistant provides.
- (7)
 - (a) As used in this Subsection (7):
 - (i) "ALS/ACLS certification" means a certification:
 - (A) in advanced life support by the American Red Cross;
 - (B) in advanced cardiac life support by the American Heart Association; or
 - (C) that is equivalent to a certification described in Subsection (7)(a)(i)(A) or (B).
 - (ii) "Minimal sedation anxiolysis" means creating a drug induced state:
 - (A) during which a patient responds normally to verbal commands;
 - (B) which may impair cognitive function and physical coordination; and
 - (C) which does not affect airway, reflexes, or ventilatory and cardiovascular function.
 - (b) Except as provided in Subsections (c) through (e), a physician assistant may not administer general anesthetics.
 - (c) A physician assistant may perform minimal sedation anxiolysis if the procedure is within the physician assistant's scope of practice.
 - (d) A physician assistant may perform rapid sequence induction for intubation of a patient if:
 - (i) the procedure is within the physician assistant's scope of practice;
 - (ii) the physician assistant holds a valid ALS/ACLS certification and is credentialed and privileged at the hospital where the procedure is performed; and

- (iii)
 - (A) a qualified physician is not available and able to perform the procedure; or
 - (B) the procedure is performed by the physician assistant under supervision of or delegation by a physician.
- (e) Subsection (7)(b) does not apply to anesthetics administered by a physician assistant:
 - (i) in an intensive care unit of a hospital;
 - (ii) for the purpose of enabling a patient to tolerate ventilator support or intubation; and
 - (iii) under supervision of or delegation by a physician whose usual scope of practice includes the procedure.
- (8)
 - (a) A physician assistant may prescribe or administer an appropriate controlled substance that is within the physician assistant's scope of practice if the physician assistant holds a Utah controlled substance license and a DEA registration.
 - (b) A physician assistant may prescribe, order, administer, and procure a drug or medical device that is within the physician assistant's scope of practice.
 - (c) A physician assistant may dispense a drug if dispensing the drug:
 - (i) is permitted under Title 58, Chapter 17b, Pharmacy Practice Act; and
 - (ii) is within the physician assistant's scope of practice.
- (9) A physician assistant may not perform or induce an abortion in violation of the requirements of Section 76-7-302 or Section 76-7a-201, regardless of whether the physician assistant is found guilty of a crime in connection with the violation.
- (10) A physician assistant practicing independently may only perform or provide a health care service that:
 - (a) is appropriate to perform or provide outside of a health care facility; and
 - (b) the physician assistant has been trained and credentialed or authorized to provide or perform independently without physician supervision.
- (11) A physician assistant, while practicing as a physician assistant:
 - (a) shall wear an identification badge showing the physician assistant's license classification as a physician assistant;
 - (b) shall identify themselves to a patient as a physician assistant; and
 - (c) may not identify themselves to any person in connection with activities allowed under this chapter other than as a physician assistant or PA.

Amended by Chapter 301, 2023 General Session

58-70a-501.1 Qualifications for a physician assistant specializing in mental health care -- Rulemaking.

- (1) A physician assistant specializing in mental health care under this section shall:
 - (a) hold a valid license as a physician assistant under this chapter;
 - (b) obtain and maintain a Certification of Added Qualification in psychiatry issued by the National Commission on Certification of Physician Assistants;
 - (c) complete:
 - (i) an accredited doctorate level academic program for physician assistants approved by the division in collaboration with the board;
 - (ii) a post-graduate certificate program for physician assistants to practice within psychiatric and mental health care that is approved by the division in collaboration with the board; or
 - (iii) a post-graduate residency in psychiatry and additional clinical practice or coursework in accordance with requirements approved by the division in collaboration with the board; and

- (d) complete the clinical practice requirement described in Subsection (4).
- (2) The division, in collaboration with the board, may approve a program under Subsections (1)(c) (i) and (ii), if the program:
 - (a) is an accredited doctoral level or post-graduate academic program;
 - (b) includes at least 1,600 hours of accredited instructional hours that results in:
 - (i) a doctorate degree or equivalent; or
 - (ii) a graduate level certification in psychiatric mental health; and
 - (c) provides graduate level instruction in:
 - (i) at least 2 credit hours or equivalent of neuroscience;
 - (ii) health care law and ethics;
 - (iii) health care delivery;
 - (iv) evidence-based mental health medicine;
 - (v) evidence-based mental health research;
 - (vi) at least 3 credit hours or equivalent of psychotherapy;
 - (vii) psychiatric assessment;
 - (viii) crisis intervention;
 - (ix) group and family therapy;
 - (x) suicide risk assessment;
 - (xi) violence risk assessment;
 - (xii) at least 3 credit hours or equivalent of psychopharmacology;
 - (xiii) a comprehensive review of mental disorders as characterized by the current Diagnostic and Statistical Manual of Mental Disorders, including diagnostic criteria and prevalence; and
 - (xiv) medical and therapeutic management of each condition across the lifespan in diverse populations and in a variety of clinical settings.
- (3) The division, in collaboration with the board, may:
 - (a) approve and accept the completion of a post-graduate residency in psychiatry under Subsection (1)(c)(iii) if the residency includes clinical and academic training that is substantially equivalent to the training described in Subsections (2)(b) and (c); and
 - (b) require the completion of additional coursework or clinical hours for an individual who meets the training requirement under Subsection (1)(c) through a post-graduate residency in psychiatry.
- (4)
 - (a) A physician assistant specializing in mental health care under this section shall complete 10,000 hours of clinical practice in mental health.
 - (b) The clinical practice hours described in Subsection (4)(a) shall be completed after the individual passes the Physician Assistant National Certifying Exam administered by the National Commission on Certification of Physician Assistants.
 - (c) Up to 1,000 hours of clinical practice under Subsection (4)(a) may be completed as part of an approved education program in mental health if the clinical practice hours meet the requirements described in Subsection (4)(d).
 - (d)
 - (i) At least the first 4,000 hours of the clinical practice hours described in Subsection (4)(a) shall be completed under the supervision of a psychiatrist.
 - (ii) At least 2,000 hours of the clinical practice hours described in Subsection (4)(a) shall be completed in psychotherapy under the supervision of a mental health therapist or a psychiatrist who has been trained in and has at least two years of practice experience in psychotherapy.

- (iii) The remaining clinical practice hours required under Subsection (4)(a) and not received under Subsections (4)(d)(i) and (ii) shall be completed in collaboration as defined in Section 58-70a-307 with a psychiatrist.
- (5) The division, in collaboration with the board, shall establish continuing education requirements for a physician assistant specializing in mental health care under this section.

Enacted by Chapter 313, 2021 General Session

Amended by Chapter 313, 2021 General Session, (Coordination Clause)

Amended by Chapter 344, 2020 General Session, (Coordination Clause)

58-70a-501.2 Scope of practice for a physician assistant specializing in mental health care.

- (1)
 - (a) A physician assistant specializing in mental health care under Section 58-70a-501.1 may engage in the practice of mental health therapy consistent with the physician assistant's education, experience, and competence.
 - (b) Section 58-70a-501 applies to a physician assistant specializing in mental health care in addition to this section.
- (2) A physician assistant specializing in mental health care is responsible for meeting the local standards of care in the provision of services, including mental health therapy and psychopharmacology.
- (3)
 - (a) Except as provided in Subsection (3)(b), a physician assistant specializing in mental health care may administer a behavioral health screening instrument.
 - (b) A physician assistant specializing in mental health care may not perform a psychological or neuropsychological assessment or evaluation, including:
 - (i) an intellectual assessment;
 - (ii) a forensic assessment or evaluation; and
 - (iii) administration of a psychological or neuropsychological test or instrument that requires qualification level B or qualification level C under the Standards for Educational and Psychological Testing approved as policy by the American Psychological Association.
- (4)
 - (a) A physician assistant may not administer neurostimulation or neuromodulation.
 - (b) Subsection (4)(a) does not apply to neurostimulation or neuromodulation administered by a physician assistant:
 - (i) in a health care facility; and
 - (ii) under supervision of a physician whose usual scope of practice includes neurostimulation or neuromodulation.
- (5) As a condition of probation or reinstatement of a license, the division may require that, for a specified duration, a physician assistant specializing in mental health care collaborate with or practice under the supervision of a physician who is board certified in psychiatry.
- (6) A physician assistant who is in the process of completing the clinical training requirement in Subsection 58-70a-501.1(1)(d), may engage in the practice of mental health therapy if the physician assistant:
 - (a) meets the requirements described in Subsections 58-70a-501.1(1)(a) through (c);
 - (b) engages in the practice of mental health therapy under the supervision of:
 - (i) a mental health therapist who has been trained in and has at least two years of practice experience in psychotherapy; or
 - (ii) a physician who is board certified in psychiatry; and

- (c) engages in the practice of mental health therapy in accordance with rules made by the division regarding the supervision described in Subsection (6)(b).

Enacted by Chapter 313, 2021 General Session

58-70a-502 Unlawful conduct.

Reserved.

Amended by Chapter 312, 2021 General Session

58-70a-503 Unprofessional conduct.

(1) "Unprofessional conduct" includes:

- (a) violation of a patient confidence to any person who does not have a legal right and a professional need to know the information concerning the patient;
- (b) knowingly prescribing, selling, giving away, or directly or indirectly administering, or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts prescribed or provided;
- (c) prescribing prescription drugs for oneself or administering prescription drugs to oneself, except those that have been legally prescribed for the physician assistant by a licensed practitioner and that are used in accordance with the prescription order for the condition diagnosed;
- (d) in a practice that has physician assistant ownership interests, failure to allow a physician the independent final decision making authority on treatment decisions for the physician's patient;
- (e) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;
- (f) falsely making an entry in, or altering, a medical record with the intent to conceal:
 - (i) a wrongful or negligent act or omission of an individual licensed under this chapter or an individual under the direction or control of an individual licensed under this chapter; or
 - (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
- (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
- (h) designating a child as do not resuscitate without parental consent.

(2)

- (a) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when registered as a qualified medical provider or acting as a limited medical provider, as those terms are defined in Section 26B-4-201, recommending the use of medical cannabis.
- (b) Notwithstanding Subsection (2)(a), the division, in consultation with the board and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define unprofessional conduct for a physician assistant described in Subsection (2)(a).

Amended by Chapter 237, 2024 General Session

58-70a-504 Penalty for unlawful conduct.

- (1) Any person who violates the unlawful conduct provision defined in Subsection 58-1-501(1)(a) is guilty of a third degree felony.

- (2) Any person who violates any of the unlawful conduct provisions defined in Subsections 58-1-501(1)(b) through (1)(e) or Section 58-70a-502 is guilty of a class A misdemeanor.

Enacted by Chapter 229, 1997 General Session

58-70a-505 Opiate antagonist -- Exclusion from unlawful or unprofessional conduct.

- (1) As used in this section:
- (a) "Dispense" means the same as that term is defined in Section 58-17b-102.
 - (b) "Increased risk" means the same as that term is defined in Section 26B-4-501.
 - (c) "Opiate antagonist" means the same as that term is defined in Section 26B-4-501.
 - (d) "Opiate-related drug overdose event" means the same as that term is defined in Section 26B-4-501.
 - (e) "Prescribe" means the same as that term is defined in Section 58-17b-102.
- (2) The prescribing or dispensing of an opiate antagonist by a licensee under this chapter is not unprofessional or unlawful conduct if the licensee prescribed or dispensed the opiate antagonist:
- (a) in a good faith effort to assist:
 - (i) an individual who is at increased risk of experiencing an opiate-related drug overdose event;
or
 - (ii) a family member of, friend of, or other person, including a person described in Subsections 26B-4-512(1)(a)(i)(A) through (1)(a)(i)(F), that is in a position to assist an individual who is at increased risk of experiencing an opiate-related drug overdose event; or
 - (b) to an overdose outreach provider pursuant to Subsection 26B-4-509(2)(a)(iii).
- (3) The provisions of this section and Title 26B, Chapter 4, Part 5, Treatment Access, do not establish a duty or standard of care in the prescribing, dispensing, or administration of an opiate antagonist.

Amended by Chapter 329, 2023 General Session

58-70a-507 Volunteer health care services.

- (1) A physician assistant may provide health care services as a volunteer for a charitable organization or at a public or private event, including a religious event, youth camp, community event, or health fair, if the physician assistant:
- (a) receives no compensation for such services; and
 - (b) provides the health care services in a manner that is consistent with the physician assistant's education, experience, and scope of practice.
- (2) Notwithstanding Subsection 58-70a-501(8), a physician assistant who is providing volunteer health services under this section may not issue a prescription to a patient for a controlled substance.

Enacted by Chapter 312, 2021 General Session