

CLINICAL EXERCISE PHYSIOLOGISTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Robert F. Montgomery

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; ESTABLISHING CLINICAL EXERCISE PHYSIOLOGY AS A PROFESSION LICENSED BY THE DIVISION OF PROFESSIONAL LICENSING; DEFINING TERMS; CREATING A LICENSING BOARD; AND ESTABLISHING DIFFERENT LICENSING REQUIREMENTS DEPENDING ON WHETHER OR NOT A PERSON IS A CURRENT PRACTITIONER.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

58-75-101, Utah Code Annotated 1953

58-75-102, Utah Code Annotated 1953

58-75-201, Utah Code Annotated 1953

58-75-301, Utah Code Annotated 1953

58-75-302, Utah Code Annotated 1953

58-75-303, Utah Code Annotated 1953

58-75-304, Utah Code Annotated 1953

58-75-305, Utah Code Annotated 1953

58-75-401, Utah Code Annotated 1953

58-75-501, Utah Code Annotated 1953

58-75-502, Utah Code Annotated 1953

58-75-503, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **58-75-101** is enacted to read:

CHAPTER 75. CLINICAL EXERCISE PHYSIOLOGIST LICENSING ACT

Part 1. General Provisions

1 **58-75-101. Title.**

2 This chapter shall be known as the "Clinical Exercise Physiologist Licensing Act."

3 Section 2. Section **58-75-102** is enacted to read:

4 **58-75-102. Definitions.**

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

6 (1) "Board" means the Clinical Exercise Physiologist Board created under Section
7 58-75-201.

8 (2) "Exercise protocols and programs" means the intensity, duration, frequency, and mode
9 of physical activity designed to improve or maintain an individual's functional capacity based on
10 evaluation and clinical presentation.

11 (3) "Graded exercise test" means a test to determine physiologic responses to controlled
12 exercise stress using a treadmill or stationary bike, which may or may not require the supervision
13 of a physician, depending on a patient's health status.

14 (4) "Practice of clinical exercise physiology" means a person who, under the direction,
15 approval, and supervision of a licensed physician:

16 (a) formulates, develops, and implements exercise protocols and programs;

17 (b) administers graded exercise tests; and

18 (c) provides education on exercise tests, exercise programs, and risk factor modification
19 in a diagnostic or cardiopulmonary rehabilitation setting to individuals with metabolic disorders
20 including:

21 (i) deficiencies of the cardiovascular system;

22 (ii) diabetes;

23 (iii) lipid disorders;

24 (iv) hypertension;

25 (v) cancer;

26 (vi) cystic fibrosis;

27 (vii) chronic obstructive and restrictive pulmonary disease;

28 (viii) arthritis;

29 (ix) renal disease;

30 (x) organ transplant;

31 (xi) peripheral vascular disease; and

1 (xii) obesity.

2 (5) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-75-501.

3 (6) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-75-502 and as may
4 be further defined by rule.

5 Section 3. Section **58-75-201** is enacted to read:

6 **Part 2. Board**

7 **58-75-201. Board.**

8 (1) There is created the Clinical Exercise Physiologist Board consisting of:

9 (a) four licensed clinical exercise physiologists who have practiced for a period of not less
10 than three years; and

11 (b) a member of the general public.

12 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

13 (3) The duties and responsibilities of the board shall be in accordance with Sections
14 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent
15 or rotating basis to:

16 (a) assist the division in reviewing complaints concerning the unlawful or unprofessional
17 conduct of a licensee; and

18 (b) advise the division in its investigation of these complaints.

19 (4) A board member who has, under Subsection (3), reviewed a complaint or advised in
20 its investigation may be disqualified from participating with the board when the board serves as
21 a presiding officer in an adjudicative proceeding concerning the complaint.

22 Section 4. Section **58-75-301** is enacted to read:

23 **Part 3. Licensing**

24 **58-75-301. Licensure required -- License classifications.**

25 (1) A license is required to engage in the practice of clinical exercise physiology, except
26 as specifically provided in Section 58-1-307 or 58-75-305.

27 (2) The division shall issue to a person who qualifies under this chapter a license in the
28 classification of clinical exercise physiologist.

29 Section 5. Section **58-75-302** is enacted to read:

30 **58-75-302. Qualifications for licensure.**

31 Each applicant for licensure as a clinical exercise physiologist shall:

1 (1) submit an application on a form prescribed by the division;

2 (2) pay a fee as determined by the department under Section 63-38-3.2;

3 (3) be of good moral character;

4 (4) pass the examination required by the division by rule;

5 (5) attain a Master of Science, Master of Education, or Master of Arts degree in an exercise
6 studies curriculum from a school accredited by the American Association of Collegiate Registrars
7 and Admission Officers;

8 (6) (a) successfully complete an internship of 300 hours in exercise physiology under the
9 supervision of a clinical exercise physiologist, which may be part of a Master Degree program; or

10 (b) have one year of experience as a clinical exercise physiologist in a cardiopulmonary
11 program or a diagnostic setting approved by the board;

12 (7) pass the written portion of the American College of Sports Medicine's Exercise
13 Specialist Examination; and

14 (8) meet the requirements for current Advanced Cardiac Life Support certification as
15 demonstrated by a current certificate or other documentation.

16 Section 6. Section **58-75-303** is enacted to read:

17 **58-75-303. Licensing of current practitioners.**

18 (1) A person who has practiced as a clinical exercise physiologist for a period of 18
19 months immediately prior to July 1, 1998, shall be licensed as a clinical exercise physiologist
20 under this chapter if the person:

21 (a) submits an application on a form prescribed by the division;

22 (b) pays a fee as determined by the department under Section 63-38-3.2;

23 (c) is of good moral character;

24 (d) passes the examination required by the division by rule;

25 (e) holds at least a Bachelor of Science degree in an exercise science curriculum from a
26 school accredited by the American Association of Collegiate Registrars and Admission Officers;

27 (f) passes the written portion of the American College of Sports Medicine's Exercise
28 Specialist or Program Director Certification examination;

29 (g) meets the requirements for current Advanced Cardiac Life Support certification as
30 demonstrated by a current certificate or other documentation; and

31 (h) (i) has successfully completed an internship of 300 hours; or

1 (ii) has one year of experience as a clinical exercise physiologist in a cardiopulmonary
2 program or a diagnostic setting approved by the board.

3 (2) A person may not be licensed under this section after December 31, 1999.

4 Section 7. Section **58-75-304** is enacted to read:

5 **58-75-304. Term of license -- Expiration -- Renewal.**

6 (1) The division shall issue each license under this chapter in accordance with a two-year
7 renewal cycle established by rule. The division may by rule extend or shorten a renewal period
8 by as much as one year to stagger the renewal cycles it administers.

9 (2) Each license automatically expires on the expiration date shown on the license unless
10 the licensee renews it in accordance with Section 58-1-308.

11 Section 8. Section **58-75-305** is enacted to read:

12 **58-75-305. Exemptions from licensure.**

13 In addition to the exemptions from licensure set forth in Section 58-1-307, the following
14 persons may engage in the practice of clinical exercise physiology without being licensed under
15 this chapter:

16 (1) an individual licensed as a physician and surgeon or osteopathic physician and surgeon
17 under this title; or

18 (2) a commissioned physician or surgeon serving in the armed forces of the United States
19 or other federal agency.

20 Section 9. Section **58-75-401** is enacted to read:

21 **Part 4. License Denial and Discipline**

22 **58-75-401. Grounds for denial of license -- Disciplinary proceedings.**

23 Grounds for refusing to issue a license to an applicant, for refusing to renew the license of
24 a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee,
25 for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall
26 be in accordance with Section 58-1-401.

27 Section 10. Section **58-75-501** is enacted to read:

28 **Part 5. Unlawful and Unprofessional Conduct -- Penalties**

29 **58-75-501. Unlawful conduct.**

30 "Unlawful conduct" includes a person using in his name or business activities the title
31 "Licensed Clinical Exercise Physiologist" unless the person possesses a valid license issued by the

1 division under this chapter.

2 Section 11. Section **58-75-502** is enacted to read:

3 **58-75-502. Unprofessional conduct.**

4 "Unprofessional conduct" includes:

5 (1) acting contrary to the instructions of the physician responsible for supervising the
6 licensee;

7 (2) knowingly operating exercise or monitoring equipment that is unsafe or not in
8 compliance with standards of condition or operation consistent with the patient's safety;

9 (3) negligently, recklessly, wilfully, or intentionally providing incorrect or false
10 information on a patient record or other record related to the payment of services;

11 (4) permitting a person to operate exercise equipment without giving instructions on safety
12 and proper operating procedures; and

13 (5) using any controlled substance, unless the controlled substance is prescribed by a
14 physician and is used in accordance with the physician's instruction.

15 Section 12. Section **58-75-503** is enacted to read:

16 **58-75-503. Penalty for unlawful conduct.**

17 A person who violates the unlawful conduct provisions specifically defined in this chapter
18 is guilty of a class B misdemeanor.

Legislative Review Note
as of 12-22-97 11:13 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel