

PROFESSIONAL LICENSING AMENDMENTS

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Margaret Dayton

AN ACT RELATING TO OCCUPATIONS AND PROFESSIONS; EXEMPTING FROM LICENSURE PHYSICIANS AND DENTISTS LICENSED IN OTHER STATES WHO PROVIDE PROFESSIONAL SERVICES AS A PUBLIC SERVICE AND WITHOUT COMPENSATION.

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

AMENDS:

58-67-305, as enacted by Chapter 248, Laws of Utah 1996

58-68-305, as enacted by Chapter 248, Laws of Utah 1996

58-69-306, as enacted by Chapter 116, Laws of Utah 1996

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

Section 1. Section **58-67-305** is amended to read:

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 withdraw blood to determine the alcohol or drug content pursuant to Section 41-6-44.1;

(6) a medical assistant while working under the direct and immediate supervision of a licensed physician and surgeon, to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of medicine; ~~and~~

(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 ten 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; and

~~[(7)]~~ (8) an individual providing expert testimony in a legal proceeding.

Section 2. Section **58-68-305** is amended to read:

58-68-305. 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 lawful 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) permit 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 withdraw blood to determine the alcohol or drug content pursuant to Section 41-6-44.1;

(6) a medical assistant while working under the direct and immediate supervision of a licensed osteopathic physician, to the extent the medical assistant is engaged in tasks appropriately delegated by the supervisor in accordance with the standards and ethics of the practice of medicine; ~~and~~

(7) an individual engaging in the practice of osteopathic medicine when:

(a) the individual is licensed in good standing as an osteopathic physician in another state with no licensing action pending and no less than ten 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; and

~~(7)~~ (8) an individual providing expert testimony in a legal proceeding.

Section 3. Section **58-69-306** is amended to read:

58-69-306. Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307[;];

(1) a person performing mechanical work on inert matter in a laboratory pursuant to a written prescription from a licensed dentist may engage in acts and practices included in the practice of dentistry or dental hygiene without being licensed under this chapter[-]; and

(2) a person licensed in good standing as a dentist in another state, with no licensing action pending and no less than ten years of professional experience, may engage in the practice of dentistry without being licensed under this chapter if:

(a) the services are rendered as a public service and for a noncommercial purpose;

(b) 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

(c) the individual does not otherwise engage in unlawful or unprofessional conduct.