

1                                   **VETERINARY PRACTICE AMENDMENTS**

2   2000 GENERAL SESSION

3   STATE OF UTAH

4   **Sponsor: Bill Wright**

5 AN ACT RELATING TO OCCUPATIONAL AND PROFESSIONAL LICENSING;  
6 PROVIDING THAT PERSONS LICENSED TO PRACTICE CHIROPRACTIC, MASSAGE  
7 THERAPY, OR PHYSICAL THERAPY IN THIS STATE AND WHO HAVE SPECIFIED  
8 TRAINING REGARDING ANIMALS, ARE EXEMPT FROM VETERINARY PRACTICE ACT  
9 LICENSURE REQUIREMENTS; AND MAKING CLARIFYING AND TECHNICAL  
10 AMENDMENTS.

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

12 AMENDS:

13           **58-24a-102**, as last amended by Chapter 222, Laws of Utah 1994

14           **58-28-8**, as last amended by Chapters 4 and 297, Laws of Utah 1993

15           **58-73-102**, as last amended by Chapter 284, Laws of Utah 1998

16           **58-73-601**, as last amended by Chapter 284, Laws of Utah 1998

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

18           Section 1. Section **58-24a-102** is amended to read:

19           **58-24a-102. Definitions.**

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

21           (1) "Board" means the Physical Therapy Licensing Board.

22           (2) "General supervision" means the supervising physical therapist is available for  
23 immediate voice communication with the person being supervised.

24           (3) "Immediate supervision" means the supervising physical therapist is:

25           (a) present in the area where the person supervised is performing services; and

26           (b) immediately available to assist the person being supervised in the services being  
27 performed.

28 (4) "Physical therapist aide" means an individual performing activities related to physical  
29 therapy under the immediate supervision of a physical therapist.

30 (5) "Physical therapist assistant" means an individual who has successfully completed an  
31 accredited physical therapy assistant program and who performs activities related to physical  
32 therapy under the general supervision of a physical therapist.

33 (6) "Physical therapy" or "physiotherapy" means the:

34 (a) treatment [of a human being] to assess, prevent, correct, alleviate, and limit physical  
35 disability, movement dysfunction, bodily malfunction, and pain resulting from disorders,  
36 congenital and aging conditions, injury, and disease; and

37 (b) development of a physical therapy plan and the implementation of and modification  
38 of the treatment plan.

39 (7) "Unlawful conduct" as defined in Section 58-1-501 includes using in connection with  
40 his name or business activities the words "physical therapist," "physiotherapist," "licensed physical  
41 therapist," "registered physical therapist," or the letters "P.T.," "L.P.T.," "R.P.T.," or any other  
42 words, letters, abbreviations, or insignia indicating or implying directly or indirectly that the person  
43 is authorized to practice physical therapy, when the person is not licensed under this chapter.

44 (8) "Unprofessional conduct" as defined in Section 58-1-501 and as may be further defined  
45 by rule includes failing to provide immediate supervision of a physical therapist assistant or aide  
46 whose activities are the licensee's responsibility under Section 58-24a-112.

47 Section 2. Section **58-28-8** is amended to read:

48 **58-28-8. Exemptions from chapter.**

49 In addition to the exemptions from licensure in Section 58-1-307 this chapter does not  
50 apply to:

51 (1) any person who practices veterinary medicine, surgery, or dentistry upon any animal  
52 owned by him, and the employee of that person when the practice is upon an animal owned by his  
53 employer, and incidental to his employment, except that this exemption does not apply to any  
54 person, or his employee, when the ownership of an animal was acquired for the purpose of  
55 circumventing this chapter;

56 (2) any person who as a student at a veterinary college approved by the board engages in  
57 the practice of veterinary medicine, surgery, and dentistry as part of his academic training and  
58 under the supervision and control of a licensed veterinarian, if that practice is during the last two

59 years of the college course of instruction and does not exceed an 18-month duration;

60 (3) a veterinarian who is an officer or employee of the government of the United States,  
61 or the state, or its political subdivisions, and technicians under his supervision, while engaged in  
62 the practice of veterinary medicine, surgery, or dentistry for that government;

63 (4) any person while engaged in the vaccination of poultry, pullorum testing, typhoid  
64 testing of poultry, and related poultry disease control activity;

65 (5) any person who is engaged in bona fide and legitimate medical, dental, pharmaceutical,  
66 or other scientific research, if that practice of veterinary medicine, surgery, or dentistry is directly  
67 related to, and a necessary part of, that research;

68 (6) veterinarians licensed under the laws of another state rendering professional services  
69 in association with licensed veterinarians of this state for a period not to exceed 90 days;

70 (7) registered pharmacists of this state engaged in the sale of veterinary supplies,  
71 instruments, and medicines, if the sale is at his regular place of business;

72 (8) except as otherwise provided in Subsection 58-28-2(6)(d), any person in this state  
73 engaged in the sale of veterinary supplies, instruments, and medicines, except prescription drugs  
74 which must be sold in compliance with state and federal regulations, if the supplies, instruments,  
75 and medicines are sold in original packages bearing adequate identification and directions for  
76 application and administration and the sale is made in the regular course of, and at the regular  
77 place of business;

78 (9) any person rendering emergency first aid to animals in those areas where a licensed  
79 veterinarian is not available, and if suspicious reportable diseases are reported immediately to the  
80 state veterinarian;

81 (10) any person performing or teaching nonsurgical bovine artificial insemination; [and]

82 (11) any person affiliated with an institution of higher education who teaches nonsurgical  
83 bovine embryo transfer or any technician trained by or approved by an institution of higher  
84 education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used  
85 in the procedure is prescribed and administered under the direction of a veterinarian licensed to  
86 practice in Utah[-]; and

87 (12) any person who:

88 (a) is licensed in this state to practice:

89 (i) chiropractic care, pursuant to Title 58, Chapter 73, Chiropractic Physician Practice Act;

90           (ii) physical therapy, pursuant to Title 58, Chapter 24a, Physical Therapist Practice Act;  
91 or  
92           (iii) massage therapy, pursuant to Title 58, Chapter 47b, Massage Therapy Practice Act;  
93 and  
94           (b) has specialized training in dealing with animals, in accordance with guidelines  
95 established by the Veterinary Board.

96           Section 3. Section **58-73-102** is amended to read:

97           **58-73-102. Definitions.**

98           (1) "Adjustment of the articulation of the spinal column" means performance by a  
99 chiropractic physician by the use of passive movements directed toward the goal of restoring joints  
100 to their proper physiological relationship of motion and related function, releasing adhesions, or  
101 stimulating joint receptors using one or more of the following techniques:

102           (a) impulse adjusting or the use of sudden, high velocity, short amplitude thrust of a nature  
103 that the patient cannot prevent the motion, commencing where the motion encounters the elastic  
104 barrier of resistance and ends at the limit of anatomical integrity;

105           (b) instrument adjusting, utilizing instruments specifically designed to deliver sudden, high  
106 velocity, short amplitude thrust;

107           (c) light force adjusting utilizing sustained joint traction or applied directional pressure,  
108 or both, which may be combined with passive motion to restore joint mobility; and

109           (d) long distance lever adjusting utilizing forces delivered at some distance from the  
110 dysfunctional site and aimed at transmission through connected structures to accomplish joint  
111 mobility.

112           (2) "Board" means the Chiropractic Physician Licensing Board created in Section  
113 58-73-201.

114           (3) "Chiropractic assistant" means a person who performs activities related to the practice  
115 of chiropractic under the supervision of a licensed chiropractic physician in accordance with  
116 division rule established in collaboration with the board.

117           (4) "Chiropractic physician" means a person who has been licensed under this chapter to  
118 practice chiropractic.

119           (5) "Diagnosis of the articulation of the spinal column" means to examine the articulations  
120 of the spinal column [of another human] to determine the source, nature, kind, or extent of a

121 disease, vertebral subluxation, or other physical condition, and to make a determination of the  
122 source, nature, kind, or extent of a disease or other physical condition.

123 (6) "Elastic barrier" means the point at which the patient cannot move a joint by his own  
124 means and through which movement is obtained or caused by a practitioner's skillful treatment  
125 using the practitioner's hands in a manipulation of a joint by thrust of sudden, high velocity, short  
126 amplitude so the patient cannot prevent the motion.

127 (7) "Incisive surgery" means any procedure having the power or quality of cutting of a  
128 patient for the purpose of treating disease, injury, or deformity, and includes the use of laser.

129 (8) (a) "Manipulate the articulation of the spinal column" means use by a practitioner of  
130 a skillful treatment using the practitioner's hands in a manipulation of a joint by thrust of sudden,  
131 high velocity, short amplitude so the patient cannot prevent the motion. Movement of the joint is  
132 by force beyond its active limit of motion.

133 (b) This manipulation commences where mobilization ends and specifically begins when  
134 the elastic barrier of resistance is encountered and ends at the limit of anatomical integrity.

135 (c) Manipulation as described in this definition is directed to the goal of restoring joints  
136 to their proper physiological relationship of motion and related function, releasing adhesions, or  
137 stimulating joint receptors.

138 (9) "Practice of chiropractic" means a practice of a branch of the healing arts:

139 (a) the purpose of which is to restore or maintain [human] health, in which patient care or  
140 first aid, hygienic, nutritional, or rehabilitative procedures are administered;

141 (b) which places emphasis upon specific vertebral adjustment, manipulation, and treatment  
142 of the articulation and adjacent tissues of the spinal column, musculoskeletal structure of the body,  
143 and nervous system;

144 (c) that involves examining, diagnosing, treating, correcting, or prescribing treatment for  
145 any [human] disease, ailment, injury, infirmity, deformity, pain, or other condition, or the attempt  
146 to do so, in accordance with Section 58-73-601; and

147 (d) that involves diagnosing, prescribing treatment, or making a determination of treatment  
148 necessity for another person's condition by means of:

149 (i) a physical examination of the person; or

150 (ii) a determination based upon or derived from information supplied directly or indirectly  
151 by a third person.

152 (10) "Therapeutically position the articulation of the spinal column" means to adjust or  
153 manipulate the articulation of the spinal column.

154 Section 4. Section **58-73-601** is amended to read:

155 **58-73-601. Scope of practice for a chiropractic physician.**

156 (1) A chiropractic physician licensed under this chapter may engage in the practice of  
157 chiropractic as defined in Section 58-73-102 in accordance with the following standards.

158 (2) A chiropractic physician may:

159 (a) examine, diagnose, and treat only within the scope of chiropractic as described in this  
160 Subsection (2);

161 (b) use x-ray for diagnostic purposes only;

162 (c) administer:

163 (i) physical agents, including light, heat, cold, water, air, sound, compression, electricity,  
164 and electromagnetic radiation except gamma radiation; and

165 (ii) physical activities and devices, including:

166 (A) exercise with and without devices;

167 (B) joint mobilization;

168 (C) mechanical stimulation;

169 (D) postural drainage;

170 (E) traction;

171 (F) positioning;

172 (G) wound debridement, cleansing, and dressing changes;

173 (H) splinting;

174 (I) training in locomotion and other functional activities with and without assistance  
175 devices; and

176 (J) correction of posture, body mechanics, and gait;

177 (d) administer the following topically applied medicinal agents, including steroids,  
178 anesthetics, coolants, and analgesics for wound care and for musculoskeletal treatment, including  
179 their use by iontophoresis or phonophoresis;

180 (e) treat pain incident to major or minor surgery, cancer, obstetrics, or x-ray therapy;

181 (f) utilize immobilizing appliances, casts, and supports for support purposes, but may not  
182 set displaced bone fractures;

183 (g) inform the patient of possible side effects of medication and recommend referral to the  
184 prescribing practitioner;

185 (h) provide instruction in the use of physical measures, activities, and devices for  
186 preventive and therapeutic purposes;

187 (i) provide consulting, educational, and other advisory services for the purposes of  
188 reducing the incidence and severity of physical disability, movement dysfunctions, bodily  
189 malfunction, and pain;

190 (j) ~~[treat a human being to]~~ provide treatment to assess, prevent, correct, alleviate, and  
191 limit physical disability, movement dysfunction, bodily malfunction, and pain resulting from  
192 disorders, congenital and aging conditions, injury, and disease; and

193 (k) administer, interpret, and evaluate tests.

194 (3) A chiropractic physician may not:

195 (a) perform incisive surgery;

196 (b) administer drugs or medicines for which an authorized prescription is required by law  
197 except as provided in Subsection (2)(d);

198 (c) treat cancer;

199 (d) practice obstetrics;

200 (e) prescribe or administer x-ray therapy; or

201 (f) set displaced fractures.

202 (4) A chiropractic physician shall assume responsibility for his examinations, diagnoses,  
203 and treatment.

204 (5) Nothing in this section authorizes a chiropractic physician to prescribe, possess for  
205 dispensing, dispense, purchase without a prescription written by a licensed and authorized  
206 practitioner, or administer, except under Subsection (2)(d), a drug requiring a prescription to  
207 dispense, under Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 17a,  
208 Pharmacy Practice Act.

209 (6) Only primary health care providers licensed under this title as osteopathic physicians,  
210 physicians and surgeons, naturopaths, and chiropractic physicians, may diagnose, adjust,  
211 manipulate, or therapeutically position the articulation of the spinal column to the extent permitted  
212 by their scopes of practice.

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**Legislative Review Note**

**as of 2-17-00 8:12 AM**

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

**Office of Legislative Research and General Counsel**