

**Senator Bill Wright** proposes to substitute the following bill:

**VETERINARY PRACTICE ACT AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Bill Wright**

**This act modifies the Veterinary Practice Act, the Chiropractic Physician Practice Act, the Massage Therapy Practice Act, and the Physical Therapist Practice Act. This act provides a limited exemption from licensing under the Veterinary Practice Act and expands the scope of practice for chiropractic physicians, physical therapists, and massage therapists who provide certain treatments for animals, and who meet specified training requirements.**

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

AMENDS:

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

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

**58-47b-102**, as last amended by Chapter 309, Laws of Utah 2000

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

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

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

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

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

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

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

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

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

(b) immediately available to assist the person being supervised in the services being



26 performed.

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

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

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

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

36 (b) development of a physical therapy plan and the implementation of and modification  
37 of the treatment plan[-]; and

38 (c) the practice described in this Subsection (6) on an animal to the extent permitted by:

39 (i) Subsection 58-28-8(12);

40 (ii) the provisions of this chapter; and

41 (iii) division rule.

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

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

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

51 **58-28-8. Exemptions from chapter.**

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

54 (1) any person who practices veterinary medicine, surgery, or dentistry upon any animal  
55 owned by him, and the employee of that person when the practice is upon an animal owned by his  
56 employer, and incidental to his employment, except that this exemption does not apply to any

57 person, or his employee, when the ownership of an animal was acquired for the purpose of  
58 circumventing this chapter;

59 (2) any person who as a student at a veterinary college approved by the board engages in  
60 the practice of veterinary medicine, surgery, and dentistry as part of his academic training and  
61 under the supervision and control of a licensed veterinarian, if that practice is during the last two  
62 years of the college course of instruction and does not exceed an 18-month duration;

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

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

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

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

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

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

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

84 (10) any person performing or teaching nonsurgical bovine artificial insemination; ~~and~~

85 (11) any person affiliated with an institution of higher education who teaches nonsurgical  
86 bovine embryo transfer or any technician trained by or approved by an institution of higher  
87 education who performs nonsurgical bovine embryo transfer, but only if any prescription drug used

88 in the procedure is prescribed and administered under the direction of a veterinarian licensed to  
89 practice in Utah[-]; and

90 (12) (a) upon written referral by a licensed veterinarian, the practice of animal chiropractic  
91 by a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act, who  
92 has completed an animal chiropractic course of at least 150 hours approved by the American  
93 Veterinary Chiropractic Association or the division;

94 (b) upon written referral by a licensed veterinarian, the practice of animal physical therapy  
95 by a physical therapist licensed under Chapter 24a, Physical Therapist Practice Act, who has  
96 completed at least 100 hours of animal physical therapy training, including quadruped anatomy  
97 and hands-on training, approved by the division; and

98 (c) the practice of animal massage therapy by a massage therapist licensed under Chapter  
99 47b, Massage Therapy Practice Act, who has completed at least 60 hours of animal massage  
100 therapy training, including quadruped anatomy and hands-on training, approved by the division.

101 Section 3. Section **58-47b-102** is amended to read:

102 **58-47b-102. Definitions.**

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

104 (1) "Board" means the Utah Board of Massage Therapy created in Section 58-47b-201.

105 (2) "Breast" means the female mammary gland and does not include the muscles,  
106 connective tissue, or other soft tissue of the upper chest.

107 (3) "Homeostasis" means maintaining, stabilizing, or returning to equilibrium the muscular  
108 system.

109 (4) "Massage apprentice" means an individual licensed under this chapter as a massage  
110 apprentice to work under the direct supervision of a licensed massage therapist.

111 (5) "Massage therapist" means an individual licensed under this chapter as a massage  
112 therapist.

113 (6) "Practice of massage therapy" means:

114 (a) the examination, assessment, and evaluation of the soft tissue structures of the body  
115 for the purpose of devising a treatment plan to promote homeostasis;

116 (b) the systematic manual or mechanical manipulation of the soft tissue of the body for the  
117 therapeutic purpose of:

118 (i) promoting the health and well-being of a client;

- 119 (ii) enhancing the circulation of the blood and lymph;  
120 (iii) relaxing and lengthening muscles;  
121 (iv) relieving pain;  
122 (v) restoring metabolic balance; and  
123 (vi) achieving homeostasis;  
124 (c) the use of the hands or a mechanical or electrical apparatus in connection with this  
125 Subsection (6);  
126 (d) the use of rehabilitative procedures involving the soft tissue of the body;  
127 (e) range of motion or movements without spinal adjustment as set forth in Section  
128 58-73-102;  
129 (f) oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower, steam, and cabinet  
130 baths;  
131 (g) manual traction and stretching exercise;  
132 (h) correction of muscular distortion by treatment of the soft tissues of the body;  
133 (i) counseling, education, and other advisory services to reduce the incidence and severity  
134 of physical disability, movement dysfunction, and pain; [~~and~~]  
135 (j) similar or related activities and modality techniques[-]; and  
136 (k) the practice described in this Subsection (6) on an animal to the extent permitted by:  
137 (i) Subsection 58-28-8(12);  
138 (ii) the provisions of this chapter; and  
139 (iii) division rule.  
140 (7) "Soft tissue" means the muscles and related connective tissue.  
141 (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-47b-501.  
142 (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-47b-502 and as  
143 may be further defined by division rule.  
144 Section 4. Section **58-73-102** is amended to read:  
145 **58-73-102. Definitions.**  
146 (1) "Adjustment of the articulation of the spinal column" means performance by a  
147 chiropractic physician by the use of passive movements directed toward the goal of restoring joints  
148 to their proper physiological relationship of motion and related function, releasing adhesions, or  
149 stimulating joint receptors using one or more of the following techniques:

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

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

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

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

160 (2) "Board" means the Chiropractic Physician Licensing Board created in Section  
161 58-73-201.

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

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

167 (5) "Diagnosis of the articulation of the spinal column" means to examine the articulations  
168 of the spinal column of another human to determine the source, nature, kind, or extent of a disease,  
169 vertebral subluxation, or other physical condition, and to make a determination of the source,  
170 nature, kind, or extent of a disease or other physical condition.

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

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

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

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

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

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

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

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

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

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

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

198 (ii) a determination based upon or derived from information supplied directly or indirectly  
199 by a third person[-]; and

200 (e) the practice described in this Subsection (9) on an animal to the extent permitted by:

201 (i) Subsection 58-28-8(12);

202 (ii) the provisions of this chapter; and

203 (iii) division rule.

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