

3rd Sub. S.B. 40

MEDICAL AND OSTEOPATHIC PRACTICE ACT AMENDMENTS

SENATE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 2, 2012 4:08 PM

Senator **Peter C. Knudson** proposes the following amendments:

1. *Page 3, Line 63:*

63 living tissue, but not to excise, {~~burn,~~} vaporize or remove living tissue.

2. *Page 3, Line 67:*

67 (iii) the use of {~~infrared~~} photo therapy and lasers for neuromusculoskeletal treatments

3. *Page 4, Lines 97 through 99:*

97 within their respective scope of practice, and qualified under {~~Subsection (2)(i)~~} ~~Subsections (2)(f)(iii)~~
and (2)(i) :

98 (i) a physician assistant, if {~~supervised by~~} acting under the supervision of a physician and
the procedure is included in

99 the delegation of services agreement as defined in Section 58-70a-102 :

4. *Page 4, Lines 105 through 106:*

105 respective scope of practice, and qualified under {~~Subsection (2)(i)~~} ~~Subsections (2)(f)(iii) and (2)(i)~~ ;
and

106 (ii) a medical assistant who is qualified under {~~Subsection (2)(i)~~} ~~Subsections (2)(f)(iii) and~~
(2)(i) :

5. *Page 5, Line 145:*

145 procedure , except physician assistants, who shall be supervised as provided in Chapter 70a, Physician
Assistant Act, and indirect cosmetic medical procedure supervision to individuals in delegation

6. *Page 6, Lines 153 through 154:*

153 (iii) {~~if a practical nurse or medical assistant,~~} has maintained competence to perform the
154 nonablative cosmetic medical procedure {~~for hair removal~~} through documented
{~~training~~} education and

7. *Page 6, Line 157:*

157 procedures {~~for hair removal~~} ;

8. Page 6, Lines 171 through 174:

171 (a) (i) except as provided in Subsection (3)(a)(ii), a physician who has an unrestricted license to
practice medicine shall:
172 {~~(i)~~} (A) develop a treatment plan for the nonablative cosmetic medical procedure; and
173 {~~(ii)~~} (B) conduct an in-person face-to-face evaluation of the patient prior to the initiation of
174 a treatment protocol or series of treatments; =
(ii) a nurse practitioner who has an unrestricted license for advanced practice registered nursing
may perform the evaluation and treatment plan under Subsections (3)(a)(i) for nonablative medical
procedures other than tattoo removal;

9. Page 7, Lines 181 through 182:

181 (I) a physician assistant, if {~~supervised by a physician and~~} the procedure is included in
182 the delegation of services agreement and if the physician assistant is supervised as provided in
Chapter 70a, Physician Assistant Act ;

10. Page 7, Line 206:

206 (5) Failure to comply with the provisions of this section is unprofessional conduct. =
(6) A chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice Act is not
subject to the supervision requirements in this section for a nonablative cosmetic medical procedure for
hair removal if the chiropractic physician is acting within the scope of practice of a chiropractic physician
and with training specific to nonablative hair removal.

11. Page 17, Line 503:

503 (1) "Ablative procedure" means a procedure that is expected to excise, {~~burn,~~} vaporize

12. Page 18, Lines 539 through 541:

539 (10) (a) "Nonablative procedure" means a procedure that is expected or intended to alter
540 living tissue, but not excise, {~~burn,~~} vaporize or remove living tissue {~~and~~} ;
(b) "Nonablative procedure" does not include ;
(i) a
541 superficial procedure as defined in Section 58-1-102 {~~, or~~} ;
(ii) the application of permanent make-up ; or
(iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are performed by
an individual licensed under this title who is acting within their scope of practice .

13. Page 20, Line 597:

597 (1) "Ablative procedure" means a procedure that is expected to excise, ~~{burn}~~, vaporize

14. Page 21, Lines 632 through 634:

632 (10) (a) "Nonablative procedure" means a procedure that is expected or intended to alter
633 living tissue, but not excise, ~~{burn,}~~ vaporize or remove living tissue ~~{and}~~ .

(b) "Nonablative procedure" does not include .

(i) a

634 superficial procedure as defined in Section 58-1-102 ~~{or}~~ .

(ii) the application of permanent make-up ; or

(iii) the use of photo therapy lasers for neuromusculoskeletal treatments that are preformed by an individual licensed under this title who is acting within their scope of practice .