

6th Sub. S.B. 161
PHARMACY PRACTICE ACT REVISIONS

Representative **Evan J. Vickers** proposes the following amendments:

1. *Page 2, Lines 40 through 41:*

- 40 58-17b-309, as last amended by Laws of Utah 2011, Chapter 76
= **58-31b-502, as last amended by Laws of Utah 2006, Chapter 291**
41 58-67-502, as last amended by Laws of Utah 2011, Chapter 206

2. *Page 8, Lines 234 through 235:*

234 recommendations from the evaluation required by this Subsection (3).

235 (4) This section sunsets in accordance with Section 63I-1-258.

= **Section 4. Section 58-31B-502 is amended to read:**

58-31b-502. Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) failure to safeguard a patient's right to privacy as to the patient's person, condition, diagnosis, personal effects, or any other matter about which the licensee is privileged to know because of the licensee's or person with a certification's position or practice as a nurse or practice as a medication aide certified;
- (2) failure to provide nursing service or service as a medication aide certified in a manner that demonstrates respect for the patient's human dignity and unique personal character and needs without regard to the patient's race, religion, ethnic background, socioeconomic status, age, sex, or the nature of the patient's health problem;
- (3) engaging in sexual relations with a patient during any:
 - (a) period when a generally recognized professional relationship exists between the person licensed or certified under this chapter and patient; or
 - (b) extended period when a patient has reasonable cause to believe a professional relationship exists between the person licensed or certified under the provisions of this chapter and the patient;
- (4) (a) as a result of any circumstance under Subsection (3), exploiting or using information about a patient or exploiting the licensee's or the person with a certification's professional relationship between the licensee or holder of a certification under this chapter and the patient; or
(b) exploiting the patient by use of the licensee's or person with a certification's knowledge of the patient obtained while acting as a nurse or a medication aide certified;
- (5) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;
- (6) unauthorized taking or personal use of nursing supplies from an employer;
- (7) unauthorized taking or personal use of a patient's personal property;
- (8) knowingly entering into any medical record any false or misleading information or altering a medical

record in any way for the purpose of concealing an act, omission, or record of events, medical condition, or any other circumstance related to the patient and the medical or nursing care provided;

(9) unlawful or inappropriate delegation of nursing care;

(10) failure to exercise appropriate supervision of persons providing patient care services under supervision of the licensed nurse;

(11) employing or aiding and abetting the employment of an unqualified or unlicensed person to practice as a nurse;

(12) failure to file or record any medical report as required by law, impeding or obstructing the filing or recording of such a report, or inducing another to fail to file or record such a report;

(13) breach of a statutory, common law, regulatory, or ethical requirement of confidentiality with respect to a person who is a patient, unless ordered by a court;

(14) failure to pay a penalty imposed by the division;

(15) prescribing a schedule II-III controlled substance without a consulting physician or outside of a consultation and referral plan; ~~{and}~~

(16) violating Section 58-31b-801 ~~{.~~ ; and

(17) violating the dispensing requirements of Section 58-17b-309 or Section 58-17b-309.5, if applicable.

Renumber remaining sections accordingly.