

1 **HEALTH CARE PROFESSIONAL LICENSING AMENDMENTS**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad M. Daw**

5 Senate Sponsor: Allen M. Christensen

6

LONG TITLE

7 **Committee Note:**

8 The Health and Human Services Interim Committee recommended this bill.

9 Legislative Vote: 13 voting for 0 voting against 4 absent

10 **General Description:**

11 This bill amends the definition of unprofessional conduct for prescribing health care
12 professionals and pharmacists.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ adds a provision to each health care profession's definition of unprofessional
16 conduct to include:

- 17 • knowingly entering false or misleading information on a medical record; or
- 18 • knowingly altering a medical record for the purpose of concealing any
- 19 circumstance related to the health care provided to a patient.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **58-5a-102**, as last amended by Laws of Utah 2015, Chapter 230



- 28 [58-16a-502](#), as last amended by Laws of Utah 2012, Chapter 234
- 29 [58-17b-502](#), as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 30 [58-31b-502](#), as last amended by Laws of Utah 2019, Chapter 233
- 31 [58-44a-502](#), as last amended by Laws of Utah 2012, Chapter 285
- 32 [58-67-502](#), as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 33 [58-68-502](#), as last amended by Laws of Utah 2019, First Special Session, Chapter 5
- 34 [58-69-502](#), as last amended by Laws of Utah 2006, Chapter 158
- 35 [58-70a-503](#), as last amended by Laws of Utah 2018, Third Special Session, Chapter 1
- 36 [58-71-502](#), as enacted by Laws of Utah 1996, Chapter 282

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

39 Section 1. Section **58-5a-102** is amended to read:

40 **58-5a-102. Definitions.**

41 In addition to the definitions under Section [58-1-102](#), as used in this chapter:

42 (1) "Board" means the Podiatric Physician Board created in Section [58-5a-201](#).

43 (2) "Indirect supervision" means the same as that term is defined by the division by
 44 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

45 (3) "Medical assistant" means an unlicensed individual working under the indirect
 46 supervision of a licensed podiatric physician and engaging in specific tasks assigned by the
 47 licensed podiatric physician in accordance with the standards and ethics of the podiatry
 48 profession.

49 (4) "Practice of podiatry" means the diagnosis and treatment of conditions affecting the
 50 human foot and ankle and their manifestations of systemic conditions by all appropriate and
 51 lawful means, subject to Section [58-5a-103](#).

52 (5) "Unlawful conduct" includes:

53 (a) the conduct that constitutes unlawful conduct under Section [58-1-501](#); and

54 (b) for an individual who is not licensed under this chapter:

55 (i) using the title or name podiatric physician, podiatrist, podiatric surgeon, foot doctor,
 56 foot specialist, or D.P.M.; or

57 (ii) implying or representing that the individual is qualified to practice podiatry.

58 (6) "Unprofessional conduct" includes, for an individual licensed under this chapter:

- 59 (a) the conduct that constitutes unprofessional conduct under Section 58-1-501;
- 60 (b) communicating to a third party, without the consent of the patient, information the
61 individual acquires in treating the patient, except as necessary for professional consultation
62 regarding treatment of the patient;
- 63 (c) allowing the individual's name or license to be used by an individual who is not
64 licensed to practice podiatry under this chapter;
- 65 (d) except as described in Section 58-5a-306, employing, directly or indirectly, any
66 unlicensed individual to practice podiatry;
- 67 (e) using alcohol or drugs, to the extent the individual's use of alcohol or drugs impairs
68 the individual's ability to practice podiatry;
- 69 (f) unlawfully prescribing, selling, or giving away any prescription drug, including
70 controlled substances, as defined in Section 58-37-2;
- 71 (g) gross incompetency in the practice of podiatry;
- 72 (h) willfully and intentionally making a false statement or entry in hospital records,
73 medical records, or reports;
- 74 (i) willfully making a false statement in reports or claim forms to governmental
75 agencies or insurance companies with the intent to secure payment not rightfully due;
- 76 (j) willfully using false or fraudulent advertising; ~~and~~
- 77 (k) conduct the division defines as unprofessional conduct by rule made in accordance
78 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act[-]; or
- 79 (l) knowingly:
- 80 (i) entering into any medical record any false or misleading information; or
- 81 (ii) altering a medical record in any way for the purpose of concealing an act, omission,
82 or record of events, medical condition, or any other circumstance related to the patient and the
83 medical or podiatric care provided.

84 Section 2. Section 58-16a-502 is amended to read:

85 **58-16a-502. Unprofessional conduct.**

86 "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- 87 (1) using or employing the services of an optometric assistant to assist a licensee in any
88 manner not in accordance with:

- 89 (a) the generally recognized practices and standards of ethics of the profession; or

- 90 (b) applicable state law or division rule;
- 91 (2) failure to refer a patient to an appropriate licensed practitioner when:
- 92 (a) the patient's condition does not respond to treatment; or
- 93 (b) the treatment is not within the scope of competence or licensure of the licensee;
- 94 (3) providing confidential information regarding a patient to any third party who does
- 95 not have a legal and professional ground for obtaining the information;
- 96 (4) knowingly prescribing, selling, giving away, or administering any prescription drug
- 97 unless:
- 98 (a) for a legitimate medical purpose;
- 99 (b) upon a proper diagnosis indicating the use of the drug in the amount prescribed or
- 100 provided; and
- 101 (c) in compliance with Section 58-17b-309;
- 102 (5) giving or receiving directly or indirectly any fee, commission, rebate, or other
- 103 compensation for professional services not actually and personally rendered, except as part of a
- 104 legal relationship within a lawful professional partnership, corporation, or association;
- 105 (6) failure to transfer pertinent and necessary information from a patient's medical
- 106 records to another optometrist or physician when so requested by the patient or his
- 107 representative, as designated in writing; [or]
- 108 (7) failure to provide a contact lens prescription to a person who sells contact lenses in
- 109 accordance with Section 58-16a-306[-]; or
- 110 (8) knowingly:
- 111 (a) entering into any medical record any false or misleading information; or
- 112 (b) altering a medical record in any way for the purpose of concealing an act, omission,
- 113 or record of events, medical condition, or any other circumstance related to the patient and the
- 114 medical or optometric care provided.

115 Section 3. Section 58-17b-502 is amended to read:

116 **58-17b-502. Unprofessional conduct.**

117 (1) "Unprofessional conduct" includes:

118 (a) willfully deceiving or attempting to deceive the division, the board, or their agents

119 as to any relevant matter regarding compliance under this chapter;

120 (b) except as provided in Subsection (2):

- 121 (i) paying or offering rebates to practitioners or any other health care providers, or
122 receiving or soliciting rebates from practitioners or any other health care provider; or
- 123 (ii) paying, offering, receiving, or soliciting compensation in the form of a commission,
124 bonus, rebate, kickback, or split fee arrangement with practitioners or any other health care
125 provider, for the purpose of obtaining referrals;
- 126 (c) misbranding or adulteration of any drug or device or the sale, distribution, or
127 dispensing of any outdated, misbranded, or adulterated drug or device;
- 128 (d) engaging in the sale or purchase of drugs or devices that are samples or packages
129 bearing the inscription "sample" or "not for resale" or similar words or phrases;
- 130 (e) except as provided in Section 58-17b-503 or Part 9, Charitable Prescription Drug
131 Recycling Act, accepting back and redistributing any unused drug, or a part of it, after it has
132 left the premises of any pharmacy, unless the drug is in a unit pack, as defined in Section
133 58-17b-503, or the manufacturer's sealed container, as defined in rule;
- 134 (f) an act in violation of this chapter committed by a person for any form of
135 compensation if the act is incidental to the person's professional activities, including the
136 activities of a pharmacist, pharmacy intern, or pharmacy technician;
- 137 (g) violating:
- 138 (i) the federal Controlled Substances Act, Title II, P.L. 91-513;
- 139 (ii) Title 58, Chapter 37, Utah Controlled Substances Act; or
- 140 (iii) rules or regulations adopted under either act;
- 141 (h) requiring or permitting pharmacy interns or technicians to engage in activities
142 outside the scope of practice for their respective license classifications, as defined in this
143 chapter and division rules made in collaboration with the board, or beyond their scope of
144 training and ability;
- 145 (i) administering:
- 146 (i) without appropriate training, as defined by rule;
- 147 (ii) without a physician's order, when one is required by law; and
- 148 (iii) in conflict with a practitioner's written guidelines or written protocol for
149 administering;
- 150 (j) disclosing confidential patient information in violation of the provisions of the
151 Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, 110 Stat.

152 1936, as amended, or other applicable law;

153 (k) engaging in the practice of pharmacy without a licensed pharmacist designated as
154 the pharmacist-in-charge;

155 (l) failing to report to the division any adverse action taken by another licensing
156 jurisdiction, government agency, law enforcement agency, or court for conduct that in
157 substance would be considered unprofessional conduct under this section;

158 (m) as a pharmacist or pharmacy intern, compounding a prescription drug in a dosage
159 form which is regularly and commonly available from a manufacturer in quantities and
160 strengths prescribed by a practitioner;

161 (n) failing to act in accordance with Title 26, Chapter 64, Family Planning Access Act,
162 when dispensing a self-administered hormonal contraceptive under a standing order; ~~and~~

163 (o) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act[?];

164 or

165 (p) knowingly:

166 (i) entering into any medical record any false or misleading information; or

167 (ii) altering a medical record in any way for the purpose of concealing an act, omission,
168 or record of events, medical condition, or any other circumstance related to the patient and the
169 medical or pharmaceutical care provided.

170 (2) Subsection (1)(b) does not apply to:

171 (a) giving or receiving a price discount based on purchase volume;

172 (b) passing along a pharmaceutical manufacturer's rebate; or

173 (c) providing compensation for services to a veterinarian.

174 (3) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
175 61a, Utah Medical Cannabis Act:

176 (a) when registered as a pharmacy medical provider, as that term is defined in Section
177 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

178 (b) when acting as a state central patient portal medical provider, as that term is defined
179 in Section 26-61a-102, providing state central patient portal medical provider services.

180 (4) Notwithstanding Subsection (3), the division, in consultation with the board and in
181 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
182 unprofessional conduct for a pharmacist described in Subsections (3)(a) and (b).

183 Section 4. Section **58-31b-502** is amended to read:

184 **58-31b-502. Unprofessional conduct.**

185 (1) "Unprofessional conduct" includes:

186 (a) failure to safeguard a patient's right to privacy as to the patient's person, condition,
187 diagnosis, personal effects, or any other matter about which the licensee is privileged to know
188 because of the licensee's or person with a certification's position or practice as a nurse or
189 practice as a medication aide certified;

190 (b) failure to provide nursing service or service as a medication aide certified in a
191 manner that demonstrates respect for the patient's human dignity and unique personal character
192 and needs without regard to the patient's race, religion, ethnic background, socioeconomic
193 status, age, sex, or the nature of the patient's health problem;

194 (c) engaging in sexual relations with a patient during any:

195 (i) period when a generally recognized professional relationship exists between the
196 person licensed or certified under this chapter and the patient; or

197 (ii) extended period when a patient has reasonable cause to believe a professional
198 relationship exists between the person licensed or certified under the provisions of this chapter
199 and the patient;

200 (d) (i) as a result of any circumstance under Subsection (1)(c), exploiting or using
201 information about a patient or exploiting the licensee's or the person with a certification's
202 professional relationship between the licensee or holder of a certification under this chapter and
203 the patient; or

204 (ii) exploiting the patient by use of the licensee's or person with a certification's
205 knowledge of the patient obtained while acting as a nurse or a medication aide certified;

206 (e) unlawfully obtaining, possessing, or using any prescription drug or illicit drug;

207 (f) unauthorized taking or personal use of nursing supplies from an employer;

208 (g) unauthorized taking or personal use of a patient's personal property;

209 (h) knowingly;

210 (i) entering into any medical record any false or misleading information; or

211 (ii) altering a medical record in any way for the purpose of concealing an act, omission,
212 or record of events, medical condition, or any other circumstance related to the patient and the
213 medical or nursing care provided;

- 214 (i) unlawful or inappropriate delegation of nursing care;
- 215 (j) failure to exercise appropriate supervision of persons providing patient care services
- 216 under supervision of the licensed nurse;
- 217 (k) employing or aiding and abetting the employment of an unqualified or unlicensed
- 218 person to practice as a nurse;
- 219 (l) failure to file or record any medical report as required by law, impeding or
- 220 obstructing the filing or recording of such a report, or inducing another to fail to file or record
- 221 such a report;
- 222 (m) breach of a statutory, common law, regulatory, or ethical requirement of
- 223 confidentiality with respect to a person who is a patient, unless ordered by a court;
- 224 (n) failure to pay a penalty imposed by the division;
- 225 (o) prescribing a Schedule II controlled substance without complying with the
- 226 requirements in Section 58-31b-803, if applicable;
- 227 (p) violating Section 58-31b-801;
- 228 (q) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part
- 229 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if
- 230 applicable; and
- 231 (r) establishing or operating a pain clinic without a consultation and referral plan for
- 232 Schedule II or III controlled substances.
- 233 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
- 234 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
- 235 is defined in Section 26-61a-102, recommending the use of medical cannabis.
- 236 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
- 237 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
- 238 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).
- 239 Section 5. Section 58-44a-502 is amended to read:
- 240 **58-44a-502. Unprofessional conduct.**
- 241 "Unprofessional conduct" includes:
- 242 (1) disregard for a patient's dignity or right to privacy as to [his] the patient's person,
- 243 condition, possessions, or medical record;
- 244 (2) engaging in an act, practice, or omission which when considered with the duties

245 and responsibilities of a certified nurse midwife does or could jeopardize the health, safety, or
246 welfare of a patient or the public;

247 (3) failure to confine one's practice as a certified nurse midwife to those acts or
248 practices permitted by law;

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

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

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

255 (7) prescribing a schedule II-III controlled substance without a consulting physician;
256 [and]

257 (8) (a) failure to have and maintain a safe mechanism for obtaining medical
258 consultation, collaboration, and referral with a consulting physician, including failure to
259 identify one or more consulting physicians in the written documents required by Subsection
260 [58-44a-102\(9\)\(b\)\(iii\)](#); or

261 (b) representing that the certified nurse midwife is in compliance with Subsection
262 (8)(a) when the certified nurse midwife is not in compliance with Subsection (8)(a)~~[-]~~; or

263 (9) knowingly;

264 (a) entering into any medical record any false or misleading information; or

265 (b) altering a medical record in any way for the purpose of concealing an act, omission,
266 or record of events, medical condition, or any other circumstance related to the patient and the
267 medical or midwife care provided.

268 Section 6. Section **58-67-502** is amended to read:

269 **58-67-502. Unprofessional conduct.**

270 (1) "Unprofessional conduct" includes, in addition to the definition in Section
271 [58-1-501](#):

272 (a) using or employing the services of any individual to assist a licensee in any manner
273 not in accordance with the generally recognized practices, standards, or ethics of the
274 profession, state law, or division rule;

275 (b) making a material misrepresentation regarding the qualifications for licensure under

276 Section 58-67-302.7 or Section 58-67-302.8;

277 (c) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
278 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable; [or]

279 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act[?];

280 or

281 (e) knowingly:

282 (i) entering into any medical record any false or misleading information; or

283 (ii) altering a medical record in any way for the purpose of concealing an act, omission,
284 or record of events, medical condition, or any other circumstance related to the patient and the
285 medical care provided.

286 (2) "Unprofessional conduct" does not include:

287 (a) in compliance with Section 58-85-103:

288 (i) obtaining an investigational drug or investigational device;

289 (ii) administering the investigational drug to an eligible patient; or

290 (iii) treating an eligible patient with the investigational drug or investigational device;

291 or

292 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

293 (i) when registered as a qualified medical provider, as that term is defined in Section
294 26-61a-102, recommending the use of medical cannabis;

295 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
296 26-61a-102, providing pharmacy medical provider services in a medical cannabis pharmacy; or

297 (iii) when registered as a state central patient portal medical provider, as that term is
298 defined in Section 26-61a-102, providing state central patient portal medical provider services.

299 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
300 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
301 unprofessional conduct for a physician described in Subsection (2)(b).

302 Section 7. Section 58-68-502 is amended to read:

303 **58-68-502. Unprofessional conduct.**

304 (1) "Unprofessional conduct" includes, in addition to the definition in Section
305 58-1-501:

306 (a) using or employing the services of any individual to assist a licensee in any manner

307 not in accordance with the generally recognized practices, standards, or ethics of the
308 profession, state law, or division rule;

309 (b) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
310 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable;

311 (c) making a material misrepresentation regarding the qualifications for licensure under
312 Section [58-68-302.5](#); [or]

313 (d) violating the requirements of Title 26, Chapter 61a, Utah Medical Cannabis Act[-];
314 or

315 (e) knowingly:

316 (i) entering into any medical record any false or misleading information; or

317 (ii) altering a medical record in any way for the purpose of concealing an act, omission,
318 or record of events, medical condition, or any other circumstance related to the patient and the
319 medical care provided.

320 (2) "Unprofessional conduct" does not include:

321 (a) in compliance with Section [58-85-103](#):

322 (i) obtaining an investigational drug or investigational device;

323 (ii) administering the investigational drug to an eligible patient; or

324 (iii) treating an eligible patient with the investigational drug or investigational device;

325 or

326 (b) in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act:

327 (i) when registered as a qualified medical provider, as that term is defined in Section
328 [26-61a-102](#), recommending the use of medical cannabis;

329 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
330 [26-61a-102](#), providing pharmacy medical provider services in a medical cannabis pharmacy; or

331 (iii) when registered as a state central patient portal medical provider, as that term is
332 defined in Section [26-61a-102](#), providing state central patient portal medical provider services.

333 (3) Notwithstanding Subsection (2)(b), the division, in consultation with the board and
334 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
335 unprofessional conduct for a physician described in Subsection (2)(b).

336 Section 8. Section [58-69-502](#) is amended to read:

337 **58-69-502. Unprofessional conduct.**

338 (1) "Unprofessional conduct" includes, in addition to the definition in Section
339 58-1-501:
340 (a) sharing professional fees with an unlicensed person or paying any person for
341 sending or referring a patient;
342 (b) making an unsubstantiated claim of superiority in training or skill as a dentist or
343 dental hygienist or in the performance of professional services;
344 (c) refusing authorized agents of the division or state or local health authorities access
345 to the facilities related to the practice of dentistry or dental hygiene during normal business
346 hours for the purpose of inspection; ~~and~~
347 (d) failing to maintain facilities, instruments, equipment, supplies, appliances, or other
348 property or conditions related to the practice of dentistry in a sanitary condition consistent with
349 the standards and ethics of the professions of dentistry or dental hygiene~~[-];~~ or
350 (e) knowingly:
351 (i) entering into any medical record any false or misleading information; or
352 (ii) altering a medical record in any way for the purpose of concealing an act, omission,
353 or record of events, medical condition, or any other circumstance related to the patient and the
354 medical or dental care provided.
355 (2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:
356 (a) includes for the practice of dentistry:
357 (i) advertising or otherwise holding oneself out to the public as practicing a dental
358 specialty in which the dentist has not successfully completed the education specified for the
359 dental specialty as defined by the American Dental Association; and
360 (ii) using the following words in advertising "Endodontist," "Orthodontist," "Oral and
361 Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice Limited to,"
362 "Pediatric Dentist," "Periodontist," or "Limited to Specialty of" when the dentist has not
363 successfully completed the education specified for the dental specialty as defined by the
364 American Dental Association; and
365 (b) does not include a dentist who advertises as being qualified in a recognized
366 specialty area of dental practice so long as each such advertisement, regardless of form,
367 contains a prominent disclaimer that the dentist is licensed as a general dentist or that the
368 specialty services will be provided by a general dentist.

369 Section 9. Section **58-70a-503** is amended to read:

370 **58-70a-503. Unprofessional conduct.**

371 (1) "Unprofessional conduct" includes:

372 (a) violation of a patient confidence to any person who does not have a legal right and a
373 professional need to know the information concerning the patient;

374 (b) knowingly prescribing, selling, giving away, or directly or indirectly administering,
375 or offering to prescribe, sell, furnish, give away, or administer any prescription drug except for
376 a legitimate medical purpose upon a proper diagnosis indicating use of that drug in the amounts
377 prescribed or provided;

378 (c) prescribing prescription drugs for oneself or administering prescription drugs to
379 oneself, except those that have been legally prescribed for the physician assistant by a licensed
380 practitioner and that are used in accordance with the prescription order for the condition
381 diagnosed;

382 (d) failure to maintain at the practice site a delegation of services agreement that
383 accurately reflects current practices;

384 (e) failure to make the delegation of services agreement available to the division for
385 review upon request;

386 (f) in a practice that has physician assistant ownership interests, failure to allow the
387 supervising physician the independent final decision making authority on patient treatment
388 decisions, as set forth in the delegation of services agreement or as defined by rule; ~~and~~

389 (g) violating the dispensing requirements of Chapter 17b, Part 8, Dispensing Medical
390 Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if applicable[-]; or

391 (h) knowingly:

392 (i) entering into any medical record any false or misleading information; or

393 (ii) altering a medical record in any way for the purpose of concealing an act, omission,
394 or record of events, medical condition, or any other circumstance related to the patient and the
395 medical care provided.

396 (2) "Unprofessional conduct" does not include, in accordance with Title 26, Chapter
397 61a, Utah Medical Cannabis Act, when registered as a qualified medical provider, as that term
398 is defined in Section **26-61a-102**, recommending the use of medical cannabis.

399 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in

400 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
401 unprofessional conduct for a physician assistant described in Subsection (2).

402 Section 10. Section **58-71-502** is amended to read:

403 **58-71-502. Unprofessional conduct.**

404 "Unprofessional conduct" includes:

405 (1) using or employing the services of any individual to assist a licensee in any manner
406 not in accordance with the generally recognized practices, standards, or ethics of the
407 profession, state law, or division rule[-]; or

408 (2) knowingly:

409 (a) entering into any medical record any false or misleading information; or

410 (b) altering a medical record in any way for the purpose of concealing an act, omission,
411 or record of events, medical condition, or any other circumstance related to the patient and the
412 medical or naturopathic care provided.