

1 **PHYSICIAN ASSISTANT MENTAL HEALTH PRACTICE**
2 **AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: James A. Dunnigan

7
8 **LONG TITLE**

9 **Committee Note:**

10 The Business and Labor Interim Committee recommended this bill.

11 Legislative Vote: 14 voting for 1 voting against 5 absent

12 **General Description:**

13 This bill allows a physician assistant to specialize in psychiatric mental health and
14 defines the requirements and scope of practice for this specialization.

15 **Highlighted Provisions:**

16 This bill:

- 17 ▶ defines terms;
- 18 ▶ amends the Mental Health Professional Practice Act to allow a physician assistant
19 who specializes in psychiatric mental health to engage in the practice of mental
20 health therapy;
- 21 ▶ describes the qualifications for a physician assistant to specialize in psychiatric
22 mental health;
- 23 ▶ defines the additional scope of practice for a physician assistant specializing in
24 psychiatric mental health; and
- 25 ▶ makes technical and corresponding changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-60-102**, as last amended by Laws of Utah 2013, Chapters 16 and 123

33 **58-60-103**, as last amended by Laws of Utah 2015, Chapter 258

34 **58-60-107**, as last amended by Laws of Utah 2013, Chapter 16

35 **58-70a-102**, as last amended by Laws of Utah 2017, Chapter 309

36 **58-70a-501**, as last amended by Laws of Utah 2017, Chapter 309

37 **62A-15-602**, as last amended by Laws of Utah 2019, Chapters 189 and 256

38 ENACTS:

39 **58-70a-501.1**, Utah Code Annotated 1953

40 **58-70a-501.2**, Utah Code Annotated 1953



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

43 Section 1. Section **58-60-102** is amended to read:

44 **58-60-102. Definitions.**

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

46 (1) "Client" or "patient" means an individual who consults or is examined or
47 interviewed by an individual licensed under this chapter who is acting in the individual's
48 professional capacity.

49 (2) "Confidential communication" means information obtained by an individual
50 licensed under this chapter, including information obtained by the individual's examination of
51 the client or patient, which is:

52 (a) (i) transmitted between the client or patient and an individual licensed under this
53 chapter in the course of that relationship; or

54 (ii) transmitted among the client or patient, an individual licensed under this chapter,
55 and individuals who are participating in the diagnosis or treatment under the direction of an
56 individual licensed under this chapter, including members of the client's or patient's family; and

57 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
58 individual licensed under this chapter, and by a means not intended to be disclosed to third

59 persons other than those individuals:

60 (i) present to further the interest of the client or patient in the consultation,
61 examination, or interview;

62 (ii) reasonably necessary for the transmission of the communications; or

63 (iii) participating in the diagnosis and treatment of the client or patient under the
64 direction of the mental health therapist.

65 (3) "Hypnosis" means, when referring to individuals exempted from licensure under
66 this chapter, a process by which an individual induces or assists another individual into a
67 hypnotic state without the use of drugs or other substances and for the purpose of increasing
68 motivation or to assist the individual to alter lifestyles or habits.

69 (4) "Individual" means a natural person.

70 (5) "Mental health therapist" means an individual who is practicing within the scope of
71 practice defined in the individual's respective licensing act and is licensed under this title as:

72 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
73 health therapy;

74 (b) an advanced practice registered nurse, specializing in psychiatric mental health
75 nursing;

76 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
77 health nursing;

78 (d) a psychologist qualified to engage in the practice of mental health therapy;

79 (e) a certified psychology resident qualifying to engage in the practice of mental health
80 therapy;

81 (f) a physician assistant specializing in psychiatric mental health under Section
82 [58-70a-501.1](#);

83 (g) a physician assistant engaged in the practice of mental health therapy in
84 collaboration with:

85 (i) a physician described in Subsection (5)(a); or

86 (ii) a physician assistant described in Subsection (5)(f);

87 [~~f~~] (h) a clinical social worker;

88 [~~g~~] (i) a certified social worker;

89 [~~h~~] (j) a marriage and family therapist;

90 ~~[(i)]~~ (k) an associate marriage and family therapist;

91 ~~[(j)]~~ (l) a clinical mental health counselor; or

92 ~~[(k)]~~ (m) an associate clinical mental health counselor.

93 (6) "Mental illness" means a mental or emotional condition defined in an approved
94 diagnostic and statistical manual for mental disorders generally recognized in the professions of
95 mental health therapy listed under Subsection (5).

96 (7) "Practice of mental health therapy" means treatment or prevention of mental illness,
97 whether in person or remotely, including:

98 (a) conducting a professional evaluation of an individual's condition of mental health,
99 mental illness, or emotional disorder consistent with standards generally recognized in the
100 professions of mental health therapy listed under Subsection (5);

101 (b) establishing a diagnosis in accordance with established written standards generally
102 recognized in the professions of mental health therapy listed under Subsection (5);

103 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
104 emotional disorder; and

105 (d) engaging in the conduct of professional intervention, including psychotherapy by
106 the application of established methods and procedures generally recognized in the professions
107 of mental health therapy listed under Subsection (5).

108 (8) "Remotely" means communicating via Internet, telephone, or other electronic
109 means that facilitate real-time audio or visual interaction between individuals when they are not
110 physically present in the same room at the same time.

111 (9) "Unlawful conduct" is as defined in Sections [58-1-501](#) and [58-60-109](#).

112 (10) "Unprofessional conduct" is as defined in Sections [58-1-501](#) and [58-60-110](#), and
113 may be further defined by division rule.

114 Section 2. Section **58-60-103** is amended to read:

115 **58-60-103. Licensure required.**

116 (1) (a) An individual shall be licensed under:

117 (i) this chapter;

118 (ii) Chapter 67, Utah Medical Practice Act;

119 (iii) Chapter 68, Utah Osteopathic Medical Practice Act;

120 (iv) Chapter 31b, Nurse Practice Act;

- 121 (v) Chapter 61, Psychologist Licensing Act;
- 122 (vi) Chapter 70a, Utah Physician Assistant Act; or
- 123 (vii) exempted from licensure under this chapter [~~in order to~~].
- 124 (b) Only an individual described in Subsection (1)(a) may:
- 125 [~~(a)~~] (i) engage in, or represent that the individual will engage in, the practice of mental
- 126 health therapy, clinical social work, certified social work, marriage and family therapy, or
- 127 clinical mental health counseling; or
- 128 [~~(b)~~] (ii) practice as, or represent that the individual is, a mental health therapist,
- 129 clinical social worker, certified social worker, marriage and family therapist, clinical mental
- 130 health counselor, psychiatrist, psychologist, registered psychiatric mental health nurse
- 131 specialist, certified psychology resident, associate marriage and family therapist, or associate
- 132 clinical mental health counselor.
- 133 (2) An individual shall be licensed under this chapter or exempted from licensure under
- 134 this chapter in order to:
- 135 (a) engage in, or represent that the individual is engaged in, practice as a social service
- 136 worker; or
- 137 (b) represent that the individual is, or use the title of, a social service worker.
- 138 (3) An individual shall be licensed under this chapter or exempted from licensure under
- 139 this chapter in order to:
- 140 (a) engage in, or represent that the individual is engaged in, practice as a substance use
- 141 disorder counselor; or
- 142 (b) represent that the individual is, or use the title of, a substance use disorder
- 143 counselor.
- 144 (4) Notwithstanding the provisions of Subsection [58-1-307\(1\)\(c\)](#), an individual shall be
- 145 certified under this chapter, or otherwise exempted from licensure under this chapter, in order
- 146 to engage in an internship or residency program of supervised clinical training necessary to
- 147 meet the requirements for licensure as:
- 148 (a) a marriage and family therapist under Part 3, Marriage and Family Therapist
- 149 Licensing Act; or
- 150 (b) a clinical mental health counselor under Part 4, Clinical Mental Health Counselor
- 151 Licensing Act.

152 Section 3. Section **58-60-107** is amended to read:

153 **58-60-107. Exemptions from licensure.**

154 (1) Except as modified in Section **58-60-103**, the exemptions from licensure in Section
155 **58-1-307** apply to this chapter.

156 (2) In addition to the exemptions from licensure in Section **58-1-307**, the following
157 may engage in acts included within the definition of practice as a mental health therapist,
158 subject to the stated circumstances and limitations, without being licensed under this chapter:

159 (a) the following when practicing within the scope of the license held:

160 (i) a physician and surgeon or osteopathic physician and surgeon licensed under
161 Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

162 (ii) an advanced practice registered nurse, specializing in psychiatric mental health
163 nursing, licensed under Chapter 31b, Nurse Practice Act; ~~and~~

164 (iii) a psychologist licensed under Chapter 61, Psychologist Licensing Act; and

165 (iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act,
166 and specializing in psychiatric mental health under Section **58-70a-501.1**;

167 (b) a recognized member of the clergy while functioning in a ministerial capacity as
168 long as the member of the clergy does not represent that the member of the clergy is, or use the
169 title of, a license classification in Subsection **58-60-102(5)**;

170 (c) an individual who is offering expert testimony in a proceeding before a court,
171 administrative hearing, deposition upon the order of a court or other body having power to
172 order the deposition, or a proceeding before a master, referee, or alternative dispute resolution
173 provider;

174 (d) an individual engaged in performing hypnosis who is not licensed under this title in
175 a profession which includes hypnosis in its scope of practice, and who:

176 (i) (A) induces a hypnotic state in a client for the purpose of increasing motivation or
177 altering lifestyles or habits, such as eating or smoking, through hypnosis;

178 (B) consults with a client to determine current motivation and behavior patterns;

179 (C) prepares the client to enter hypnotic states by explaining how hypnosis works and
180 what the client will experience;

181 (D) tests clients to determine degrees of suggestibility;

182 (E) applies hypnotic techniques based on interpretation of consultation results and

- 183 analysis of client's motivation and behavior patterns; and
- 184 (F) trains clients in self-hypnosis conditioning;
- 185 (ii) may not:
- 186 (A) engage in the practice of mental health therapy;
- 187 (B) use the title of a license classification in Subsection 58-60-102(5); or
- 188 (C) use hypnosis with or treat a medical, psychological, or dental condition defined in
- 189 generally recognized diagnostic and statistical manuals of medical, psychological, or dental
- 190 disorders;
- 191 (e) an individual's exemption from licensure under Subsection 58-1-307(1)(b)
- 192 terminates when the student's training is no longer supervised by qualified faculty or staff and
- 193 the activities are no longer a defined part of the degree program;
- 194 (f) an individual holding an earned doctoral degree or master's degree in social work,
- 195 marriage and family therapy, or clinical mental health counseling, who is employed by an
- 196 accredited institution of higher education and who conducts research and teaches in that
- 197 individual's professional field, but only if the individual does not engage in providing or
- 198 supervising professional services regulated under this chapter to individuals or groups
- 199 regardless of whether there is compensation for the services;
- 200 (g) an individual in an on-the-job training program approved by the division while
- 201 under the supervision of qualified persons;
- 202 (h) an individual providing general education in the subjects of alcohol, drug use, or
- 203 substance use disorders, including prevention;
- 204 (i) an individual providing advice or counsel to another individual in a setting of their
- 205 association as friends or relatives and in a nonprofessional and noncommercial relationship, if
- 206 there is no compensation paid for the advice or counsel; and
- 207 (j) an individual who is licensed, in good standing, to practice mental health therapy or
- 208 substance use disorder counseling in a state or territory of the United States outside of Utah
- 209 may provide short term transitional mental health therapy remotely or short term transitional
- 210 substance use disorder counseling remotely to a client in Utah only if:
- 211 (i) the individual is present in the state or territory where the individual is licensed to
- 212 practice mental health therapy or substance use disorder counseling;
- 213 (ii) the client relocates to Utah;

214 (iii) the client is a client of the individual immediately before the client relocates to
215 Utah;

216 (iv) the individual provides the short term transitional mental health therapy or short
217 term transitional substance use disorder counseling remotely to the client only during the 45
218 day period beginning on the day on which the client relocates to Utah;

219 (v) within 10 days after the day on which the client relocates to Utah, the individual
220 provides written notice to the division of the individual's intent to provide short term
221 transitional mental health therapy or short term transitional substance use disorder counseling
222 remotely to the client; and

223 (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

224 Section 4. Section 58-70a-102 is amended to read:

225 **58-70a-102. Definitions.**

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

227 (1) "Board" means the Physician Assistant Licensing Board created in Section
228 58-70a-201.

229 (2) (a) "Delegation of services agreement" means written criteria jointly developed by a
230 physician assistant's supervising physician and substitute supervising physicians and the
231 physician assistant, that permits a physician assistant, working under the direction or review of
232 the supervising physician, to assist in the management of common illnesses and injuries.

233 (b) The agreement defines the working relationship and delegation of duties between
234 the supervising physician and the physician assistant as specified by division rule and shall
235 include:

236 (i) the prescribing of controlled substances;

237 (ii) the degree and means of supervision;

238 (iii) the frequency and mechanism of quality review, including the mechanism for
239 review of patient data and documentation of the review, as determined by the supervising
240 physician and the physician assistant;

241 (iv) procedures addressing situations outside the scope of practice of the physician
242 assistant; and

243 (v) procedures for providing backup for the physician assistant in emergency situations.

244 (3) "Direct supervision" means the supervising physician is:

245 (a) physically present at the point of patient treatment on site where the physician
246 assistant he is supervising is practicing; and

247 (b) immediately available for consultation with the physician assistant.

248 (4) "Practice as a physician assistant" means:

249 (a) the professional activities and conduct of a physician assistant, also known as a PA,
250 in diagnosing, treating, advising, or prescribing for any human disease, ailment, injury,
251 infirmity, deformity, pain, or other condition, dependent upon and under the supervision of a
252 supervising physician or substitute supervising physician in accordance with a delegation of
253 services agreement; and

254 (b) the physician assistant acts as the agent of the supervising physician or substitute
255 supervising physician when acting in accordance with a delegation of services agreement.

256 (5) "Practice of mental health therapy" means the same as that term is defined in
257 Section 58-60-102.

258 ~~[(5)]~~ (6) "Substitute supervising physician" means an individual who meets the
259 requirements of a supervising physician under this chapter and acts as the supervising physician
260 in the absence of the supervising physician.

261 ~~[(6)]~~ (7) "Supervising physician" means an individual who:

262 (a) is currently licensed to practice under Title 58, Chapter 67, Utah Medical Practice
263 Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

264 (b) acts as the primary supervisor of a physician assistant and takes responsibility for
265 the professional practice and conduct of a physician assistant in accordance with this chapter;
266 and

267 (c) is not an employee of the physician assistant whom the individual supervises.

268 ~~[(7)]~~ (8) "Supervision" means the supervising physician is available for consultation
269 with the physician assistant, either personally or by other means permitting direct verbal
270 communication between the physician and the physician assistant.

271 ~~[(8)]~~ (9) "Unlawful conduct" ~~[is]~~ means "unlawful conduct" as defined in Sections
272 58-1-501 and 58-70a-502.

273 ~~[(9)]~~ (10) "Unprofessional conduct" ~~[is]~~ means "unprofessional conduct":

274 (a) as defined in Sections 58-1-501 and 58-70a-503; and ~~[as may be further defined by~~
275 ~~rule.]~~

276 (b) as further defined by the division by rule.

277 Section 5. Section **58-70a-501** is amended to read:

278 **58-70a-501. Scope of practice.**

279 (1) A physician assistant may provide any medical services that are not specifically
280 prohibited under this chapter or rules adopted under this chapter, and that are:

281 (a) within the physician assistant's skills and scope of competence;

282 (b) within the usual scope of practice of the physician assistant's supervising physician;

283 and

284 (c) except as provided in Section 58-70a-501.2 provided under the supervision of a
285 supervising physician and in accordance with a delegation of services agreement.

286 (2) A physician assistant, in accordance with a delegation of services agreement, may
287 prescribe or administer an appropriate controlled substance if:

288 (a) the physician assistant holds a Utah controlled substance license and a DEA
289 registration; and

290 (b) the prescription or administration of the controlled substance is within the
291 prescriptive practice of the supervising physician and also within the delegated prescribing
292 stated in the delegation of services agreement.

293 (3) A physician assistant shall, while practicing as a physician assistant, wear an
294 identification badge showing the physician assistant's license classification as a physician
295 assistant.

296 (4) A physician assistant may not:

297 (a) except as provided in Section 58-70a-501.2, independently charge or bill a patient,
298 or others on behalf of the patient, for services rendered;

299 (b) identify himself or herself to any person in connection with activities allowed under
300 this chapter other than as a physician assistant; or

301 (c) use the title "doctor" or "physician," or by any knowing act or omission lead or
302 permit anyone to believe the physician assistant is a physician.

303 Section 6. Section **58-70a-501.1** is enacted to read:

304 **58-70a-501.1. Qualifications for a physician assistant specializing in psychiatric**
305 **mental health -- Rulemaking -- Scope of practice.**

306 (1) A physician assistant specializing in psychiatric mental health under this section

307 shall:

308 (a) hold a valid license as a physician assistant under this chapter;

309 (b) obtain and maintain a Certification of Added Qualification in psychiatry issued by
310 the National Commission on Certification of Physician Assistants;

311 (c) complete:

312 (i) an accredited doctorate level academic program for physician assistants approved by
313 the division in collaboration with the board; or

314 (ii) a post-graduate residency in psychiatry and additional clinical practice or
315 coursework in accordance with requirements approved by the division in collaboration with the
316 board; and

317 (d) complete the clinical practice requirement established by the division in
318 collaboration with the board.

319 (2) The division, in collaboration with the board, may approve a program under
320 Subsection (1)(c)(i), if the program:

321 (a) is a regionally accredited doctoral level academic program;

322 (b) includes at least 1,600 didactic hours of instruction that results in a doctorate of
323 medical science degree or equivalent; and

324 (c) provides graduate level instruction in:

325 (i) neuroscience;

326 (ii) health care law and ethics;

327 (iii) health care delivery;

328 (iv) evidence-based medicine;

329 (v) evidence-based research;

330 (vi) academic writing and publication;

331 (vii) psychiatric assessment;

332 (viii) crisis intervention;

333 (ix) a comprehensive review of mental disorders as characterized by the current
334 Diagnostic and Statistical Manual of Mental Disorders, including diagnostic criteria and
335 prevalence; and

336 (x) medical and therapeutic management of each condition across the lifespan in
337 diverse populations and in a variety of clinical settings.

338 (3) The division, in collaboration with the board, may establish continuing education
339 requirements for a physician assistant specializing in psychiatric mental health under this
340 section.

341 Section 7. Section **58-70a-501.2** is enacted to read:

342 **58-70a-501.2. Scope of practice for a physician assistant specializing in psychiatric**
343 **mental health.**

344 (1) A physician assistant specializing in psychiatric mental health under Section
345 58-70a-501.1 may engage in the practice of mental health therapy consistent with the physician
346 assistant's education, experience, and competency.

347 (2) A physician assistant specializing in psychiatric mental health may collaborate with
348 a physician, but is not limited to the usual scope of practice of the collaborating physician
349 unless specified under the clinical privileges granted to the physician assistant by a hospital or
350 health care facility.

351 (3) Except as provided in Subsection (7), the division may not require a physician
352 assistant specializing in psychiatric mental health to maintain a delegation of services
353 agreement or any other agreement with a specific physician or other group in order to engage in
354 the physician assistant's full scope of practice under this section.

355 (4) A physician assistant specializing in psychiatric mental health is responsible for
356 meeting the local standards of care in the provision of services, including mental health therapy
357 and psychopharmacology.

358 (5) A physician assistant specializing in psychiatric mental health may directly bill and
359 collect fees for service or reassign the collection of fees for service to another entity.

360 (6) In addition to the scope of practice described in Section 58-70a-501, a physician
361 assistant specializing in psychiatric mental health may:

362 (a) perform comprehensive physical and psychiatric examinations in an inpatient or
363 ambulatory setting;

364 (b) provide validated psychiatric or mental health therapeutic services in accordance
365 with the needs of the client or patient and the competency of the physician assistant;

366 (c) initiate, modify, and maintain treatment plans in accordance with the needs of the
367 patient and available resources;

368 (d) collaborate with or refer a patient to:

- 369 (i) more specialized care as indicated by the condition of the patient; and
370 (ii) services indicated for the safe and effective treatment of the patient;
371 (e) serve as the sole owner of a mental health facility as defined in Section
372 62A-15-602;
373 (f) be credentialed or privileged as a licensed independent mental health care provider
374 by third party or direct payers and health care providers;
375 (g) qualify as a designated examiner under Section 62A-15-629 for the purpose of
376 certifying:
377 (i) an application for emergency involuntary commitment; or
378 (ii) an application for mental health involuntary commitment;
379 (h) independently authorize and procure any diagnostic or therapeutic procedures,
380 devices, or pharmaceutical products indicated for conditions treated by the physician assistant
381 under the physician assistant's mental health scope of practice;
382 (i) provide telemedicine, teletherapeutic, and telepsychiatric services through the use of
383 electronic communication or information technology within the clinical scope of services
384 provided by the physician assistant;
385 (j) notwithstanding Subsection 58-70a-501(2), prescribe or administer a controlled
386 substance if the physician assistant holds a Utah controlled substance license and registration
387 with the United States Drug Enforcement Administration;
388 (k) prescribe medication assisted treatment for opioid use disorder if the physician
389 assistant has obtained a valid waiver from the United State Drug Enforcement Administration;
390 and
391 (l) practice as an independently licensed mental health care provider.
392 (7) As a condition of probation or reinstatement of a license, the division may require
393 that, for a specified duration, a physician assistant specializing in psychiatric mental health
394 collaborate with or practice under the supervision of:
395 (a) a physician; or
396 (b) a physician assistant specializing in psychiatric mental health.
397 (8) A physician assistant who is in the process of completing the clinical training
398 requirement in Subsection 58-70a-501.1(1)(d), may engage in the practice of mental health
399 therapy if the physician assistant:

400 (a) meets the requirements described in Subsections 58-70a-501.1(1)(a) through (c);

401 and

402 (b) engages in the practice of mental health therapy in collaboration with:

403 (i) a physician assistant specializing in psychiatric mental health; or

404 (ii) a physician who is board certified in psychiatry.

405 Section 8. Section 62A-15-602 is amended to read:

406 **62A-15-602. Definitions.**

407 As used in this part, Part 7, Commitment of Persons Under Age 18 to Division of
408 Substance Abuse and Mental Health, Part 8, Interstate Compact on Mental Health, Part 9, Utah
409 Forensic Mental Health Facility, Part 10, Declaration for Mental Health Treatment, and Part
410 12, Essential Treatment and Intervention Act:

411 (1) "Adult" means an individual 18 years [~~of age~~] old or older.

412 (2) "Approved treatment facility or program" means a treatment provider that meets the
413 standards described in Subsection 62A-15-103(2)(a)(v).

414 (3) "Assisted outpatient treatment" means involuntary outpatient mental health
415 treatment ordered under Section 62A-15-630.5.

416 (4) "Commitment to the custody of a local mental health authority" means that an adult
417 is committed to the custody of the local mental health authority that governs the mental health
418 catchment area where the adult resides or is found.

419 (5) "Community mental health center" means an entity that provides treatment and
420 services to a resident of a designated geographical area, that operates by or under contract with
421 a local mental health authority, and that complies with state standards for community mental
422 health centers.

423 (6) "Designated examiner" means:

424 (a) a licensed physician, preferably a psychiatrist, who is designated by the division as
425 specially qualified by training or experience in the diagnosis of mental or related illness; [~~or~~]

426 (b) a physician assistant specializing in psychiatric mental health under Section
427 58-60a-501.1; or

428 [~~(b)~~] (c) a licensed mental health professional designated by the division as specially
429 qualified by training and who has at least five years' continual experience in the treatment of
430 mental illness.

431 (7) "Designee" means a physician who has responsibility for medical functions
432 including admission and discharge, an employee of a local mental health authority, or an
433 employee of a person that has contracted with a local mental health authority to provide mental
434 health services under Section 17-43-304.

435 (8) "Essential treatment" and "essential treatment and intervention" mean court-ordered
436 treatment at a local substance abuse authority or an approved treatment facility or program for
437 the treatment of an adult's substance use disorder.

438 (9) "Harmful sexual conduct" means the following conduct upon an individual without
439 the individual's consent, including the nonconsensual circumstances described in Subsections
440 76-5-406(2)(a) through (l):

441 (a) sexual intercourse;

442 (b) penetration, however slight, of the genital or anal opening of the individual;

443 (c) any sexual act involving the genitals or anus of the actor or the individual and the
444 mouth or anus of either individual, regardless of the gender of either participant; or

445 (d) any sexual act causing substantial emotional injury or bodily pain.

446 (10) "Institution" means a hospital or a health facility licensed under Section 26-21-8.

447 (11) "Local substance abuse authority" means the same as that term is defined in
448 Section 62A-15-102 and described in Section 17-43-201.

449 (12) "Mental health facility" means the Utah State Hospital or other facility that
450 provides mental health services under contract with the division, a local mental health
451 authority, a person that contracts with a local mental health authority, or a person that provides
452 acute inpatient psychiatric services to a patient.

453 (13) "Mental health officer" means an individual who is designated by a local mental
454 health authority as qualified by training and experience in the recognition and identification of
455 mental illness, to:

456 (a) apply for and provide certification for a temporary commitment; or

457 (b) assist in the arrangement of transportation to a designated mental health facility.

458 (14) "Mental illness" means:

459 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
460 behavioral, or related functioning; or

461 (b) the same as that term is defined in:

462 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
463 published by the American Psychiatric Association; or

464 (ii) the current edition of the International Statistical Classification of Diseases and
465 Related Health Problems.

466 (15) "Patient" means an individual who is:

467 (a) under commitment to the custody or to the treatment services of a local mental
468 health authority; or

469 (b) undergoing essential treatment and intervention.

470 (16) "Physician" means ~~[an individual who is:]~~ the same as that term is defined in
471 Section 58-67-102.

472 ~~[(a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or]~~

473 ~~[(b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical~~
474 ~~Practice Act.]~~

475 (17) "Serious bodily injury" means bodily injury that involves a substantial risk of
476 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or
477 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

478 (18) "Substantial danger" means that due to mental illness, an individual is at serious
479 risk of:

480 (a) suicide;

481 (b) serious bodily self-injury;

482 (c) serious bodily injury because the individual is incapable of providing the basic
483 necessities of life, including food, clothing, or shelter;

484 (d) causing or attempting to cause serious bodily injury to another individual; or

485 (e) engaging in harmful sexual conduct.

486 (19) "Treatment" means psychotherapy, medication, including the administration of
487 psychotropic medication, or other medical treatments that are generally accepted medical or
488 psychosocial interventions for the purpose of restoring the patient to an optimal level of
489 functioning in the least restrictive environment.