

**MEDICAL ASSISTANT AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Douglas R. Welton**

Senate Sponsor: Michael S. Kennedy

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**LONG TITLE**

**General Description:**

This bill allows a medical assistant to administer vaccines.

**Highlighted Provisions:**

This bill:

- ▶ allows a medical assistant to administer vaccines under the general supervision of a physician; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**58-67-102**, as last amended by Laws of Utah 2017, Chapter 299

**58-67-305**, as last amended by Laws of Utah 2018, Chapter 35

**58-68-102**, as last amended by Laws of Utah 2017, Chapter 299

**58-68-305**, as last amended by Laws of Utah 2018, Chapter 35

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

Section 1. Section **58-67-102** is amended to read:

**58-67-102. Definitions.**

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

30 (1) (a) "Ablative procedure" means a procedure that is expected to excise, vaporize,  
31 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium:  
32 YAG lasers~~[, and excluding hair removal]~~.

33 (b) "Ablative procedure" does not include hair removal.

34 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the  
35 American Medical Association.

36 (3) "Administrative penalty" means a monetary fine or citation imposed by the division  
37 for acts or omissions determined to constitute unprofessional or unlawful conduct, in  
38 accordance with a fine schedule established by the division in collaboration with the board, as a  
39 result of an adjudicative proceeding conducted in accordance with Title 63G, Chapter 4,  
40 Administrative Procedures Act.

41 (4) "Associate physician" means an individual licensed under Section [58-67-302.8](#).

42 (5) "Board" means the Physicians Licensing Board created in Section [58-67-201](#).

43 (6) "Collaborating physician" means an individual licensed under Section [58-67-302](#)  
44 who enters into a collaborative practice arrangement with an associate physician.

45 (7) "Collaborative practice arrangement" means the arrangement described in Section  
46 [58-67-807](#).

47 (8) (a) "Cosmetic medical device" means tissue altering energy based devices that have  
48 the potential for altering living tissue and that are used to perform ablative or nonablative  
49 procedures, such as American National Standards Institute (ANSI) designated Class IIIb and  
50 Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices, and  
51 excludes ANSI designated Class IIIa and lower powered devices.

52 (b) Notwithstanding Subsection (8)(a), if an ANSI designated Class IIIa and lower  
53 powered device is being used to perform an ablative procedure, the device is included in the  
54 definition of cosmetic medical device under Subsection (8)(a).

55 (9) "Cosmetic medical procedure":

56 (a) includes the use of cosmetic medical devices to perform ablative or nonablative  
57 procedures; and

- 58 (b) does not include a treatment of the ocular globe such as refractive surgery.
- 59 (10) "Diagnose" means:
- 60 (a) to examine in any manner another person, parts of a person's body, substances,  
61 fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's  
62 body, to determine the source, nature, kind, or extent of a disease or other physical or mental  
63 condition;
- 64 (b) to attempt to conduct an examination or determination described under Subsection  
65 (10)(a);
- 66 (c) to hold oneself out as making or to represent that one is making an examination or  
67 determination as described in Subsection (10)(a); or
- 68 (d) to make an examination or determination as described in Subsection (10)(a) upon  
69 or from information supplied directly or indirectly by another person, whether or not in the  
70 presence of the person making or attempting the diagnosis or examination.
- 71 (11) "LCME" means the Liaison Committee on Medical Education of the American  
72 Medical Association.
- 73 (12) "Medical assistant" means an unlicensed individual ~~[working under the indirect~~  
74 ~~supervision of a licensed physician and surgeon and engaged in specific tasks assigned by the~~  
75 ~~licensed physician and surgeon in accordance with the standards and ethics of the profession.]~~  
76 who may perform tasks as described in Subsection [58-67-305\(6\)](#).
- 77 (13) "Medically underserved area" means a geographic area in which there is a  
78 shortage of primary care health services for residents, as determined by the Department of  
79 Health.
- 80 (14) "Medically underserved population" means a specified group of people living in a  
81 defined geographic area with a shortage of primary care health services, as determined by the  
82 Department of Health.
- 83 (15) (a) (i) "Nonablative procedure" means a procedure that is expected or intended to  
84 alter living tissue, but is not intended or expected to excise, vaporize, disintegrate, or remove  
85 living tissue.

86 (ii) Notwithstanding Subsection (15)(a)(i), nonablative procedure includes hair  
87 removal.

88 (b) "Nonablative procedure" does not include:

89 (i) a superficial procedure as defined in Section 58-1-102;

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

91 (iii) the use of photo therapy and lasers for neuromusculoskeletal treatments that are  
92 performed by an individual licensed under this title who is acting within the individual's scope  
93 of practice.

94 (16) "Physician" means both physicians and surgeons licensed under Section  
95 58-67-301, Utah Medical Practice Act, and osteopathic physicians and surgeons licensed under  
96 Section 58-68-301, Utah Osteopathic Medical Practice Act.

97 (17) (a) "Practice of medicine" means:

98 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human  
99 disease, ailment, injury, infirmity, deformity, pain or other condition, physical or mental, real  
100 or imaginary, including to perform cosmetic medical procedures, or to attempt to do so, by any  
101 means or instrumentality, and by an individual in Utah or outside the state upon or for any  
102 human within the state;

103 (ii) when a person not licensed as a physician directs a licensee under this chapter to  
104 withhold or alter the health care services that the licensee has ordered;

105 (iii) to maintain an office or place of business for the purpose of doing any of the acts  
106 described in Subsection (17)(a) whether or not for compensation; or

107 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or  
108 treatment of human diseases or conditions in any printed material, stationery, letterhead,  
109 envelopes, signs, or advertisements, the designation "doctor," "doctor of medicine,"  
110 "physician," "surgeon," "physician and surgeon," "Dr.," "M.D.," or any combination of these  
111 designations in any manner which might cause a reasonable person to believe the individual  
112 using the designation is a licensed physician and surgeon, and if the party using the designation  
113 is not a licensed physician and surgeon, the designation must additionally contain the

114 description of the branch of the healing arts for which the person has a license, provided that an  
115 individual who has received an earned degree of doctor of medicine degree but is not a licensed  
116 physician and surgeon in Utah may use the designation "M.D." if it is followed by "Not  
117 Licensed" or "Not Licensed in Utah" in the same size and style of lettering.

118 (b) The practice of medicine does not include:

119 (i) except for an ablative medical procedure as provided in Subsection (17)(b)(ii), the  
120 conduct described in Subsection (17)(a)(i) that is performed in accordance with a license issued  
121 under another chapter of this title;

122 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
123 performing the ablative cosmetic medical procedure includes the authority to operate or  
124 perform a surgical procedure; or

125 (iii) conduct under Subsection 58-67-501(2).

126 (18) "Prescription device" means an instrument, apparatus, implement, machine,  
127 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
128 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
129 and dispensed by or through a person or entity licensed under this chapter or exempt from  
130 licensure under this chapter.

131 (19) "Prescription drug" means a drug that is required by federal or state law or rule to  
132 be dispensed only by prescription or is restricted to administration only by practitioners.

133 (20) "SPEX" means the Special Purpose Examination of the Federation of State  
134 Medical Boards.

135 (21) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501  
136 and 58-67-501.

137 (22) "Unprofessional conduct" means the same as that term is defined in Sections  
138 58-1-501 and 58-67-502, and as may be further defined by division rule.

139 Section 2. Section 58-67-305 is amended to read:

140 **58-67-305. Exemptions from licensure.**

141 In addition to the exemptions from licensure in Section 58-1-307, the following

142 individuals may engage in the described acts or practices without being licensed under this  
143 chapter:

144 (1) an individual rendering aid in an emergency, when no fee or other consideration of  
145 value for the service is charged, received, expected, or contemplated;

146 (2) an individual administering a domestic or family remedy;

147 (3) (a) (i) a person engaged in the sale of vitamins, health foods, dietary supplements,  
148 herbs, or other products of nature, the sale of which is not otherwise prohibited by state or  
149 federal law; and

150 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or  
151 based on a personal belief, when obtaining or providing any information regarding health care  
152 and the use of any product under Subsection (3)(a)(i); and

153 (b) Subsection (3)(a) does not:

154 (i) allow a person to diagnose any human disease, ailment, injury, infirmity, deformity,  
155 pain, or other condition; or

156 (ii) prohibit providing truthful and non-misleading information regarding any of the  
157 products under Subsection (3)(a)(i);

158 (4) a person engaged in good faith in the practice of the religious tenets of any church  
159 or religious belief, without the use of prescription drugs;

160 (5) an individual authorized by the Department of Health under Section 26-1-30, to  
161 draw blood pursuant to Subsection 41-6a-523(1)(a)(vi), 53-10-405(2)(a)(vi),  
162 72-10-502(5)(a)(vi), or 77-23-213(3)(a)(vi);

163 ~~[(6) a medical assistant while working under the indirect supervision of a licensed  
164 physician and surgeon, to the extent the medical assistant:]~~

165 ~~[(a) is engaged in tasks appropriately delegated by the supervisor in accordance with  
166 the standards and ethics of the practice of medicine;]~~

167 ~~[(b) does not perform surgical procedures;]~~

168 ~~[(c) does not prescribe prescription medications;]~~

169 ~~[(d) does not administer anesthesia, anesthesia does not mean a local anesthetic for~~

170 ~~minor procedural use; and]~~

171 ~~[(e) does not engage in other medical practices or procedures as defined by division~~  
172 ~~rule in collaboration with the board;]~~

173 (6) a medical assistant:

174 (a) administering a vaccine under the general supervision of a physician; or

175 (b) under the indirect supervision of a physician, engaging in tasks appropriately  
176 delegated by the physician in accordance with the standards and ethics of the practice of  
177 medicine, except for:

178 (i) performing surgical procedures;

179 (ii) prescribing prescription medications;

180 (iii) administering anesthesia other than for a local anesthetic for minor procedural use;

181 or

182 (iv) engaging in other medical practices or procedures as defined by division rule in  
183 collaboration with the board;

184 (7) an individual engaging in the practice of medicine when:

185 (a) the individual is licensed in good standing as a physician in another state with no  
186 licensing action pending and no less than 10 years of professional experience;

187 (b) the services are rendered as a public service and for a noncommercial purpose;

188 (c) no fee or other consideration of value is charged, received, expected, or  
189 contemplated for the services rendered beyond an amount necessary to cover the proportionate  
190 cost of malpractice insurance; and

191 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;

192 (8) an individual providing expert testimony in a legal proceeding; and

193 (9) an individual who is invited by a school, association, society, or other body  
194 approved by the division to conduct a clinic or demonstration of the practice of medicine in  
195 which patients are treated, if:

196 (a) the individual does not establish a place of business in this state;

197 (b) the individual does not regularly engage in the practice of medicine in this state;

198 (c) the individual holds a current license in good standing to practice medicine issued  
199 by another state, district or territory of the United States, or Canada;

200 (d) the primary purpose of the event is the training of others in the practice of  
201 medicine; and

202 (e) neither the patient nor an insurer is billed for the services performed.

203 Section 3. Section **58-68-102** is amended to read:

204 **58-68-102. Definitions.**

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

206 (1) (a) "Ablative procedure" means a procedure that is expected to excise, vaporize,  
207 disintegrate, or remove living tissue, including the use of carbon dioxide lasers and erbium:  
208 YAG lasers~~[, and excluding hair removal]~~.

209 (b) "Ablative procedure" does not include hair removal.

210 (2) "ACGME" means the Accreditation Council for Graduate Medical Education of the  
211 American Medical Association.

212 (3) "Administrative penalty" means a monetary fine imposed by the division for acts or  
213 omissions determined to constitute unprofessional or unlawful conduct, as a result of an  
214 adjudicative proceeding conducted in accordance with Title 63G, Chapter 4, Administrative  
215 Procedures Act.

216 (4) "AOA" means the American Osteopathic Association.

217 (5) "Associate physician" means an individual licensed under Section **58-68-302.5**.

218 (6) "Board" means the Osteopathic Physician and Surgeon's Licensing Board created in  
219 Section **58-68-201**.

220 (7) "Collaborating physician" means an individual licensed under Section **58-68-302**  
221 who enters into a collaborative practice arrangement with an associate physician.

222 (8) "Collaborative practice arrangement" means the arrangement described in Section  
223 **58-68-807**.

224 (9) (a) "Cosmetic medical device" means tissue altering energy based devices that have  
225 the potential for altering living tissue and that are used to perform ablative or nonablative

226 procedures, such as American National Standards Institute (ANSI) designated Class IIIb and  
227 Class IV lasers, intense pulsed light, radio frequency devices, and lipolytic devices and  
228 excludes ANSI designated Class IIIa and lower powered devices.

229 (b) Notwithstanding Subsection (9)(a), if an ANSI designated Class IIIa and lower  
230 powered device is being used to perform an ablative procedure, the device is included in the  
231 definition of cosmetic medical device under Subsection (9)(a).

232 (10) "Cosmetic medical procedure":

233 (a) includes the use of cosmetic medical devices to perform ablative or nonablative  
234 procedures; and

235 (b) does not include a treatment of the ocular globe such as refractive surgery.

236 (11) "Diagnose" means:

237 (a) to examine in any manner another person, parts of a person's body, substances,  
238 fluids, or materials excreted, taken, or removed from a person's body, or produced by a person's  
239 body, to determine the source, nature, kind, or extent of a disease or other physical or mental  
240 condition;

241 (b) to attempt to conduct an examination or determination described under Subsection  
242 (11)(a);

243 (c) to hold oneself out as making or to represent that one is making an examination or  
244 determination as described in Subsection (11)(a); or

245 (d) to make an examination or determination as described in Subsection (11)(a) upon  
246 or from information supplied directly or indirectly by another person, whether or not in the  
247 presence of the person making or attempting the diagnosis or examination.

248 (12) "Medical assistant" means an unlicensed individual ~~[working under the indirect~~  
249 ~~supervision of a licensed osteopathic physician and surgeon and engaged in specific tasks~~  
250 ~~assigned by the licensed osteopathic physician and surgeon in accordance with the standards~~  
251 ~~and ethics of the profession.] who may perform tasks as described in Subsection [58-68-305\(6\)](#).~~

252 (13) "Medically underserved area" means a geographic area in which there is a  
253 shortage of primary care health services for residents, as determined by the Department of

254 Health.

255 (14) "Medically underserved population" means a specified group of people living in a  
256 defined geographic area with a shortage of primary care health services, as determined by the  
257 Department of Health.

258 (15) (a) (i) "Nonablative procedure" means a procedure that is expected or intended to  
259 alter living tissue, but is not expected or intended to excise, vaporize, disintegrate, or remove  
260 living tissue.

261 (ii) Notwithstanding Subsection (15)(a)(i), nonablative procedure includes hair  
262 removal.

263 (b) "Nonablative procedure" does not include:

264 (i) a superficial procedure as defined in Section 58-1-102;

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

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

269 (16) "Physician" means both physicians and surgeons licensed under Section  
270 58-67-301, Utah Medical Practice Act, and osteopathic physicians and surgeons licensed under  
271 Section 58-68-301, Utah Osteopathic Medical Practice Act.

272 (17) (a) "Practice of osteopathic medicine" means:

273 (i) to diagnose, treat, correct, administer anesthesia, or prescribe for any human  
274 disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real  
275 or imaginary, or to attempt to do so, by any means or instrumentality, which in whole or in part  
276 is based upon emphasis of the importance of the musculoskeletal system and manipulative  
277 therapy in the maintenance and restoration of health, by an individual in Utah or outside of the  
278 state upon or for any human within the state;

279 (ii) when a person not licensed as a physician directs a licensee under this chapter to  
280 withhold or alter the health care services that the licensee has ordered;

281 (iii) to maintain an office or place of business for the purpose of doing any of the acts

282 described in Subsection (17)(a) whether or not for compensation; or  
283 (iv) to use, in the conduct of any occupation or profession pertaining to the diagnosis or  
284 treatment of human diseases or conditions, in any printed material, stationery, letterhead,  
285 envelopes, signs, or advertisements, the designation "doctor," "doctor of osteopathic medicine,"  
286 "osteopathic physician," "osteopathic surgeon," "osteopathic physician and surgeon," "Dr.,"  
287 "D.O.," or any combination of these designations in any manner which might cause a  
288 reasonable person to believe the individual using the designation is a licensed osteopathic  
289 physician, and if the party using the designation is not a licensed osteopathic physician, the  
290 designation must additionally contain the description of the branch of the healing arts for which  
291 the person has a license, provided that an individual who has received an earned degree of  
292 doctor of osteopathic medicine but is not a licensed osteopathic physician and surgeon in Utah  
293 may use the designation "D.O." if it is followed by "Not Licensed" or "Not Licensed in Utah"  
294 in the same size and style of lettering.

295 (b) The practice of osteopathic medicine does not include:

296 (i) except for an ablative medical procedure as provided in Subsection (17)(b)(ii), the  
297 conduct described in Subsection (17)(a)(i) that is performed in accordance with a license issued  
298 under another chapter of this title;

299 (ii) an ablative cosmetic medical procedure if the scope of practice for the person  
300 performing the ablative cosmetic medical procedure includes the authority to operate or  
301 perform a surgical procedure; or

302 (iii) conduct under Subsection 58-68-501(2).

303 (18) "Prescription device" means an instrument, apparatus, implement, machine,  
304 contrivance, implant, in vitro reagent, or other similar or related article, and any component  
305 part or accessory, which is required under federal or state law to be prescribed by a practitioner  
306 and dispensed by or through a person or entity licensed under this chapter or exempt from  
307 licensure under this chapter.

308 (19) "Prescription drug" means a drug that is required by federal or state law or rule to  
309 be dispensed only by prescription or is restricted to administration only by practitioners.

310 (20) "SPEX" means the Special Purpose Examination of the Federation of State  
311 Medical Boards.

312 (21) "Unlawful conduct" means the same as that term is defined in Sections 58-1-501  
313 and 58-68-501.

314 (22) "Unprofessional conduct" means the same as that term is defined in Sections  
315 58-1-501 and 58-68-502 and as may be further defined by division rule.

316 Section 4. Section 58-68-305 is amended to read:

317 **58-68-305. Exemptions from licensure.**

318 In addition to the exemptions from licensure in Section 58-1-307, the following  
319 individuals may engage in the described acts or practices without being licensed under this  
320 chapter:

321 (1) an individual rendering aid in an emergency, when no fee or other consideration of  
322 value for the service is charged, received, expected, or contemplated;

323 (2) an individual administering a domestic or family remedy;

324 (3) (a) (i) a person engaged in the lawful sale of vitamins, health foods, dietary  
325 supplements, herbs, or other products of nature, the sale of which is not otherwise prohibited  
326 by state or federal law; and

327 (ii) a person acting in good faith for religious reasons, as a matter of conscience, or  
328 based on a personal belief, when obtaining or providing any information regarding health care  
329 and the use of any product under Subsection (3)(a)(i); and

330 (b) Subsection (3)(a) does not:

331 (i) permit a person to diagnose any human disease, ailment, injury, infirmity,  
332 deformity, pain, or other condition; or

333 (ii) prohibit providing truthful and non-misleading information regarding any of the  
334 products under Subsection (3)(a)(i);

335 (4) a person engaged in good faith in the practice of the religious tenets of any church  
336 or religious belief without the use of prescription drugs;

337 (5) an individual authorized by the Department of Health under Section 26-1-30, to

338 draw blood pursuant to Subsection ~~41-6a-523~~(1)(a)(vi), ~~53-10-405~~(2)(a)(vi),  
339 ~~72-10-502~~(5)(a)(vi), or ~~77-23-213~~(3)(a)(vi);  
340 ~~[(6) a medical assistant while working under the indirect supervision of a licensed~~  
341 ~~osteopathic physician, to the extent the medical assistant:]~~  
342 ~~[(a) is engaged in tasks appropriately delegated by the supervisor in accordance with~~  
343 ~~the standards and ethics of the practice of medicine;]~~  
344 ~~[(b) does not perform surgical procedures;]~~  
345 ~~[(c) does not prescribe prescription medications;]~~  
346 ~~[(d) does not administer anesthesia, anesthesia does not mean a local anesthetic for~~  
347 ~~minor procedural use; and]~~  
348 ~~[(e) does not engage in other medical practices or procedures as defined by division~~  
349 ~~rule in collaboration with the board;]~~  
350 (6) a medical assistant:  
351 (a) administering a vaccine under the general supervision of a physician; or  
352 (b) under the indirect supervision of a physician, engaging in tasks appropriately  
353 delegated by the physician in accordance with the standards and ethics of the practice of  
354 medicine, except for:  
355 (i) performing surgical procedures;  
356 (ii) prescribing prescription medications;  
357 (iii) administering anesthesia other than a local anesthetic for minor procedural use; or  
358 (iv) engaging in other medical practices or procedures as defined by division rule in  
359 collaboration with the board;  
360 (7) an individual engaging in the practice of osteopathic medicine when:  
361 (a) the individual is licensed in good standing as an osteopathic physician in another  
362 state with no licensing action pending and no less than 10 years of professional experience;  
363 (b) the services are rendered as a public service and for a noncommercial purpose;  
364 (c) no fee or other consideration of value is charged, received, expected, or  
365 contemplated for the services rendered beyond an amount necessary to cover the proportionate

366 cost of malpractice insurance; and

367 (d) the individual does not otherwise engage in unlawful or unprofessional conduct;

368 (8) an individual providing expert testimony in a legal proceeding; and

369 (9) an individual who is invited by a school, association, society, or other body

370 approved by the division in collaboration with the board to conduct a clinic or demonstration of  
371 the practice of medicine in which patients are treated, if:

372 (a) the individual does not establish a place of business in this state;

373 (b) the individual does not regularly engage in the practice of medicine in this state;

374 (c) the individual holds a current license in good standing to practice medicine issued  
375 by another state, district or territory of the United States, or Canada;

376 (d) the primary purpose of the event is the training of others in the practice of  
377 medicine; and

378 (e) neither the patient nor an insurer is billed for the services performed.