

ORDER FOR LIFE SUSTAINING TREATMENT

AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill modifies provisions related to orders for life sustaining treatment.

Highlighted Provisions:

This bill:

► modifies professional conduct standards for physicians, advance practice registered nurses, and physician assistants ~~H→ [to include obtaining a parent or guardian signature when completing an order for life sustaining treatment for a minor]~~ related to do not resuscitate orders ←H ; and

► makes technical and conforming changes ~~H→~~ related orders for life sustaining treatment ←H .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-31b-502, as last amended by Laws of Utah 2023, Chapters 223, 301 and 329

58-67-502, as last amended by Laws of Utah 2023, Chapters 2, 301, 317, and 329

58-68-502, as last amended by Laws of Utah 2023, Chapters 2, 301, 317, and 329

58-70a-503, as last amended by Laws of Utah 2023, Chapter 329

75-2a-103, as last amended by Laws of Utah 2023, Chapters 139, 330

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59 under supervision of the licensed nurse;

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

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

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

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

68 (n) violating Section 58-31b-801;

69 (o) violating the dispensing requirements of Section 58-17b-309 or Chapter 17b, Part
70 8, Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, if
71 applicable;

72 (p) performing or inducing an abortion in violation of the requirements of Section
73 76-7-302 or Section 76-7a-201, regardless of whether the person licensed or certified under the
74 provisions of this chapter is found guilty of a crime in connection with the violation;

75 (q) falsely making an entry in, or altering, a medical record with the intent to conceal:

76 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
77 or an individual under the direction or control of an individual licensed under this chapter; or

78 (ii) conduct described in Subsections (1)(a) through (n) or Subsection 58-1-501(1); ~~[or]~~

79 (r) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research
80 and Medical Cannabis[-]; or

81 (s) for an advance practice registered nurse, ~~H~~→ [failing to comply with Subsection

82 75-2a-106(3)(b)(iii) when completing an order for life sustaining treatment for the minor]

82a designating a child as do not resuscitate without parental consent ←~~H~~ .

83 (2) "Unprofessional conduct" does not include, in accordance with Title 26B, Chapter
84 4, Part 2, Cannabinoid Research and Medical Cannabis, when registered as a qualified medical
85 provider, or acting as a limited medical provider, as those terms are defined in Section
86 26B-4-201, recommending the use of medical cannabis.

87 (3) Notwithstanding Subsection (2), the division, in consultation with the board and in
88 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, shall define
89 unprofessional conduct for an advanced practice registered nurse described in Subsection (2).

90 Section 2. Section 58-67-502 is amended to read:

91 **58-67-502. Unprofessional conduct.**

92 (1) "Unprofessional conduct" includes, in addition to the definition in Section
93 58-1-501:

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

97 (b) making a material misrepresentation regarding the qualifications for licensure under
98 Section 58-67-302.7 or 58-67-302.8;

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

101 (d) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research
102 and Medical Cannabis;

103 (e) performing or inducing an abortion in violation of the requirements of Section
104 76-7-302 or Section 76-7a-201, regardless of whether the individual licensed under this chapter
105 is found guilty of a crime in connection with the violation;

106 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:

107 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
108 or an individual under the direction or control of an individual licensed under this chapter; or

109 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1); ~~[or]~~

110 (g) performing, or causing to be performed, upon an individual who is less than 18
111 years old:

112 (i) a primary sex characteristic surgical procedure; or

113 (ii) a secondary sex characteristic surgical procedure~~[-]; or~~

114 (h) ~~H→ [failing to comply with Subsection 75-2a-106(3)(b)(iii) when completing an order~~
115 **for life sustaining treatment for the minor] designating a child as do not resuscitate without**
115a **parental consent ←H** .

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

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

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

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

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

152 (g) performing or causing to be performed, upon an individual who is less than 18
153 years old[;];

154 (i) a primary sex characteristic surgical procedure; or

155 (ii) a secondary sex characteristic surgical procedure[;]; or

156 (h) ~~H→ [failing to comply with Subsection 75-2a-106(3)(b)(iii) when completing an order~~
157 ~~for life sustaining treatment for the minor] designating a child as do not resuscitate without~~
157a ~~parental consent ←H .~~

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

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

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

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

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

163 or

164 (b) in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and
165 Medical Cannabis:

166 (i) when registered as a qualified medical provider or acting as a limited medical
167 provider, as those terms are defined in Section 26B-4-201, recommending the use of medical
168 cannabis; or

169 (ii) when registered as a pharmacy medical provider, as that term is defined in Section
170 26B-4-201, providing pharmacy medical provider services in a medical cannabis pharmacy.

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

174 Section 4. Section **58-70a-503** is amended to read:

175 **58-70a-503. Unprofessional conduct.**

176 (1) "Unprofessional conduct" includes:

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

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

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

187 (d) in a practice that has physician assistant ownership interests, failure to allow a
188 physician the independent final decision making authority on treatment decisions for the
189 physician's patient;

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

192 (f) falsely making an entry in, or altering, a medical record with the intent to conceal:

193 (i) a wrongful or negligent act or omission of an individual licensed under this chapter
194 or an individual under the direction or control of an individual licensed under this chapter; or

195 (ii) conduct described in Subsections (1)(a) through (e) or Subsection 58-1-501(1);
196 [and]

197 (g) violating the requirements of Title 26B, Chapter 4, Part 2, Cannabinoid Research
198 and Medical Cannabis[-]; or

199 (h) ~~H→ [failing to comply with Subsection 75-2a-106(3)(b)(iii) when completing an order~~
200 ~~for life sustaining treatment for the minor] designating a child as do not resuscitate without~~
200a ~~parental consent ←H .~~

201 (2) (a) "Unprofessional conduct" does not include, in accordance with Title 26B,
202 Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, when registered as a qualified
203 medical provider or acting as a limited medical provider, as those terms are defined in Section
204 26B-4-201, recommending the use of medical cannabis.

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

208 Section 5. Section **75-2a-103** is amended to read:

209 **75-2a-103. Definitions.**

210 As used in this chapter:

211 (1) "Adult" means an individual who is:

212 (a) at least 18 years old; or

213 (b) an emancipated minor.