

1 **ORTHO-BIONOMY EXEMPTION AMENDMENTS**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad R. Wilson**

5 Senate Sponsor: Deidre M. Henderson

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies Title 58, Chapter 47b, Massage Therapy Practice Act, by exempting
10 the practice of ortho-bionomy from licensure under the act.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ exempts an individual from licensure as a massage therapist if:
- 14 • the individual is certified to practice ortho-bionomy;
 - 15 • the individual's practice is limited to the scope of practice of ortho-bionomy;
- 16 and
- 17 • the individual's clients remain fully clothed from the shoulders to the knees; and
- 18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill coordinates with H.B. 207, Massage Therapy Practice Act Amendments, by
23 providing substantive and technical amendments.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **58-47b-304**, as last amended by Laws of Utah 2009, Chapter 220

27 **Utah Code Sections Affected by Coordination Clause:**

28 **58-47b-304**, as last amended by Laws of Utah 2009, Chapter 220

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

31 Section 1. Section **58-47b-304** is amended to read:

32 **58-47b-304. Exemptions from licensure.**

33 (1) In addition to the exemptions from licensure in Section **58-1-307**, the following
34 individuals may engage in the practice of massage therapy as defined under this chapter,
35 subject to the stated circumstances and limitations, without being licensed, but may not
36 represent themselves as a massage therapist or massage apprentice:

37 (a) [~~physicians and surgeons~~] a physician or surgeon licensed under Title 58, Chapter
38 67, Utah Medical Practice Act;

39 (b) [~~nurses~~] a nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or under
40 Title 58, Chapter 44a, Nurse Midwife Practice Act;

41 (c) [~~physical therapists~~] a physical therapist licensed under Title 58, Chapter 24b,
42 Physical Therapy Practice Act;

43 (d) [~~physical therapist assistants~~] a physical therapist assistant licensed under Title 58,
44 Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical
45 therapist;

46 (e) [~~osteopathic physicians and surgeons~~] an osteopathic physician or surgeon licensed
47 under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

48 (f) [~~chiropractic physicians~~] a chiropractic physician licensed under Title 58, Chapter
49 73, Chiropractic Physician Practice Act;

50 (g) [~~hospital staff members~~] a hospital staff member employed by a hospital, who
51 [~~practice~~] practices massage as part of [~~their~~] the staff member's responsibilities;

52 [~~(h) athletic trainers who practice massage as part of their responsibilities while~~
53 ~~employed by an educational institution or an athletic team that participates in organized sports~~
54 ~~competition;~~]

55 (h) an athletic trainer licensed under Title 58, Chapter 40a, Athletic Trainer Licensing
56 Act;

57 (i) [~~students~~] a student in training enrolled in a massage therapy school approved by the

58 division;

59 (j) [~~naturopathic physicians~~] a naturopathic physician licensed under Title 58, Chapter
60 71, Naturopathic Physician Practice Act;

61 (k) an occupational therapist licensed under Title 58, Chapter 42a, Occupational
62 Therapy Practice Act; [~~and~~]

63 (l) [~~persons~~] an individual performing gratuitous massage[-]; and

64 (m) an individual:

65 (i) certified to practice ortho-bionomy by, and who is in good standing with, an
66 industry recognized organization that is approved by the division, in collaboration with the
67 board;

68 (ii) whose practice is limited to the scope of practice of ortho-bionomy;

69 (iii) whose clients remain fully clothed from the shoulders to the knees; and

70 (iv) whose clients do not receive gratuitous massage from the individual.

71 (2) This chapter may not be construed to authorize any individual licensed under this
72 chapter to engage in any manner in the practice of medicine as defined by the laws of this state.

73 (3) This chapter may not be construed to:

74 (a) [~~create or~~] require insurance coverage or reimbursement for massage therapy from
75 third party payors [~~if this type of coverage did not exist on or before February 15, 1990~~]; or

76 (b) prevent [~~any~~] an insurance carrier from offering coverage for massage therapy.

77 Section 2. **Coordinating H.B. 324 with H.B. 207 – Substantive and technical**
78 **amendments.**

79 If this H.B. 324 and H.B. 207, Massage Therapy Practice Act Amendments, both pass
80 and become law, the Legislature intends that the Office of Legislative Research and General
81 Counsel, in preparing the Utah Code database for publication, modify Subsection

82 58-47b-304(1)(m) to read:

83 "(m) an individual:

84 (i) certified by or through, and in good standing with, an industry recognized
85 organization that is approved by the division, in collaboration with the board, and that

86 represents a profession with established standards and ethics;
87 (ii) (A) who limits the manipulation of the soft tissues of the body to the hands, feet,
88 and outer ears only, including the practice of reflexology and foot zone therapy; or
89 (B) who is certified to practice ortho-bionomy and whose practice is limited to the
90 scope of practice of ortho-bionomy;
91 (iii) whose clients remain fully clothed from the shoulders to the knees; and
92 (iv) whose clients do not receive gratuitous massage from the individual."