

ORTHO-BIONOMY EXEMPTION AMENDMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad R. Wilson

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

▶ exempts an individual from licensure as a massage therapist if the individual is engaged within the scope of practice of a profession with established standards and ethics and uses touch, words, and directed movement to deepen awareness of existing patterns of movement in the body, including the practice of Ortho-Bionomy; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

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

Utah Code Sections Affected:

AMENDS:

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

Utah Code Sections Affected by Coordination Clause:



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

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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]~~ an athletic trainer who practices massage as part of
53 ~~[their]~~ the athletic trainer's responsibilities while employed by an educational institution or an
54 athletic team that participates in organized sports competition;

55 (i) ~~[students]~~ a student in training enrolled in a massage therapy school approved by the
56 division;

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

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

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

62 (m) an individual engaged within the scope of practice of a profession with established
 63 standards and ethics who uses touch, words, and directed movement to deepen awareness of
 64 existing patterns of movement in the body or to suggest new possibilities of movement,
 65 including the practice of Ortho-Bionomy.

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

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

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

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

72 Section 2. **Coordinating H.B. 324 with H.B. 207 -- Substantive and technical**
 73 **amendments.**

74 If this H.B. 324 and H.B. 207, Massage Therapy Practice Act Amendments, both pass
 75 and become law, the Legislature intends that the Office of Legislative Research and General
 76 Counsel, in preparing the Utah Code database for publication, modify Subsection
 77 58-47b-304(1)(m) to read:

78 "(m) an individual engaged within the scope of practice of a profession with
 79 established standards and ethics:

80 (i) who limits the manipulation of the soft tissues of the body to the hands, feet, and
 81 ears only, including the practice of reflexology and foot zone therapy;

82 (ii) who uses touch, words, and directed movement to deepen awareness of existing
 83 patterns of movement in the body or to suggest new possibilities of movement, including the
 84 practice of Ortho-Bionomy, the Feldenkrais method, the Trager approach, and body-mind
 85 centering; or

86 (iii) in which touch is limited to that which is essential for palpation and affectation of
 87 the human energy system."

Legislative Review Note
as of 2-5-14 3:35 PM

Office of Legislative Research and General Counsel