

JUDICIAL CODE AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Gene Davis

House Sponsor: _____

LONG TITLE

General Description:

This bill expands the definition of "health care provider" to include licensed athletic trainers.

Highlighted Provisions:

This bill:

- expands the definition of "health care provider" to include licensed athletic trainers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-3-403, as last amended by Laws of Utah 2009, Chapter 220

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

Section 1. Section 78B-3-403 is amended to read:

78B-3-403. Definitions.

As used in this part:

(1) "Audiologist" means a person licensed to practice audiology under Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act.



28 (2) "Certified social worker" means a person licensed to practice as a certified social
29 worker under Section 58-60-205.

30 (3) "Chiropractic physician" means a person licensed to practice chiropractic under
31 Title 58, Chapter 73, Chiropractic Physician Practice Act.

32 (4) "Clinical social worker" means a person licensed to practice as a clinical social
33 worker under Section 58-60-205.

34 (5) "Commissioner" means the commissioner of insurance as provided in Section
35 31A-2-102.

36 (6) "Dental hygienist" means a person licensed to engage in the practice of dental
37 hygiene as defined in Section 58-69-102.

38 (7) "Dentist" means a person licensed to engage in the practice of dentistry as defined
39 in Section 58-69-102.

40 (8) "Division" means the Division of Occupational and Professional Licensing created
41 in Section 58-1-103.

42 (9) "Future damages" includes a judgment creditor's damages for future medical
43 treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and
44 suffering.

45 (10) "Health care" means any act or treatment performed or furnished, or which should
46 have been performed or furnished, by any health care provider for, to, or on behalf of a patient
47 during the patient's medical care, treatment, or confinement.

48 (11) "Health care facility" means general acute hospitals, specialty hospitals, home
49 health agencies, hospices, nursing care facilities, assisted living facilities, birthing centers,
50 ambulatory surgical facilities, small health care facilities, health care facilities owned or
51 operated by health maintenance organizations, and end stage renal disease facilities.

52 (12) "Health care provider" includes any person, partnership, association, corporation,
53 or other facility or institution who causes to be rendered or who renders health care or
54 professional services as a hospital, health care facility, physician, registered nurse, licensed
55 practical nurse, nurse-midwife, licensed Direct-entry midwife, dentist, dental hygienist,
56 optometrist, clinical laboratory technologist, pharmacist, physical therapist, physical therapist
57 assistant, podiatric physician, psychologist, chiropractic physician, naturopathic physician,
58 osteopathic physician, osteopathic physician and surgeon, audiologist, speech-language

59 pathologist, clinical social worker, certified social worker, social service worker, marriage and
60 family counselor, practitioner of obstetrics, licensed athletic trainer, or others rendering similar
61 care and services relating to or arising out of the health needs of persons or groups of persons
62 and officers, employees, or agents of any of the above acting in the course and scope of their
63 employment.

64 (13) "Hospital" means a public or private institution licensed under Title 26, Chapter
65 21, Health Care Facility Licensing and Inspection Act.

66 (14) "Licensed athletic trainer" means a person licensed under Title 58, Chapter 40A,
67 Athletic Trainer Licensing Act.

68 [~~(14)~~] (15) "Licensed Direct-entry midwife" means a person licensed under the
69 Direct-entry Midwife Act to engage in the practice of direct-entry midwifery as defined in
70 Section 58-77-102.

71 [~~(15)~~] (16) "Licensed practical nurse" means a person licensed to practice as a licensed
72 practical nurse as provided in Section 58-31b-301.

73 [~~(16)~~] (17) "Malpractice action against a health care provider" means any action against
74 a health care provider, whether in contract, tort, breach of warranty, wrongful death, or
75 otherwise, based upon alleged personal injuries relating to or arising out of health care rendered
76 or which should have been rendered by the health care provider.

77 [~~(17)~~] (18) "Marriage and family therapist" means a person licensed to practice as a
78 marriage therapist or family therapist under Sections 58-60-305 and 58-60-405.

79 [~~(18)~~] (19) "Naturopathic physician" means a person licensed to engage in the practice
80 of naturopathic medicine as defined in Section 58-71-102.

81 [~~(19)~~] (20) "Nurse-midwife" means a person licensed to engage in practice as a nurse
82 midwife under Section 58-44a-301.

83 [~~(20)~~] (21) "Optometrist" means a person licensed to practice optometry under Title 58,
84 Chapter 16a, Utah Optometry Practice Act.

85 [~~(21)~~] (22) "Osteopathic physician" means a person licensed to practice osteopathy
86 under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

87 [~~(22)~~] (23) "Patient" means a person who is under the care of a health care provider,
88 under a contract, express or implied.

89 [~~(23)~~] (24) "Periodic payments" means the payment of money or delivery of other

90 property to a judgment creditor at intervals ordered by the court.

91 ~~[(24)]~~ (25) "Pharmacist" means a person licensed to practice pharmacy as provided in
92 Section 58-17b-301.

93 ~~[(25)]~~ (26) "Physical therapist" means a person licensed to practice physical therapy
94 under Title 58, Chapter 24b, Physical Therapy Practice Act.

95 ~~[(26)]~~ (27) "Physical therapist assistant" means a person licensed to practice physical
96 therapy, within the scope of a physical therapist assistant license, under Title 58, Chapter 24b,
97 Physical Therapy Practice Act.

98 ~~[(27)]~~ (28) "Physician" means a person licensed to practice medicine and surgery under
99 Title 58, Chapter 67, Utah Medical Practice Act.

100 ~~[(28)]~~ (29) "Podiatric physician" means a person licensed to practice podiatry under
101 Title 58, Chapter 5a, Podiatric Physician Licensing Act.

102 ~~[(29)]~~ (30) "Practitioner of obstetrics" means a person licensed to practice as a
103 physician in this state under Title 58, Chapter 67, Utah Medical Practice Act, or under Title 58,
104 Chapter 68, Utah Osteopathic Medical Practice Act.

105 ~~[(30)]~~ (31) "Psychologist" means a person licensed under Title 58, Chapter 61,
106 Psychologist Licensing Act, to engage in the practice of psychology as defined in Section
107 58-61-102.

108 ~~[(31)]~~ (32) "Registered nurse" means a person licensed to practice professional nursing
109 as provided in Section 58-31b-301.

110 ~~[(32)]~~ (33) "Relative" means a patient's spouse, parent, grandparent, stepfather,
111 stepmother, child, grandchild, brother, sister, half brother, half sister, or spouse's parents. The
112 term includes relationships that are created as a result of adoption.

113 ~~[(33)]~~ (34) "Representative" means the spouse, parent, guardian, trustee,
114 attorney-in-fact, person designated to make decisions on behalf of a patient under a medical
115 power of attorney, or other legal agent of the patient.

116 ~~[(34)]~~ (35) "Social service worker" means a person licensed to practice as a social
117 service worker under Section 58-60-205.

118 ~~[(35)]~~ (36) "Speech-language pathologist" means a person licensed to practice
119 speech-language pathology under Title 58, Chapter 41, Speech-language Pathology and
120 Audiology Licensing Act.

121 [~~36~~] (37) "Tort" means any legal wrong, breach of duty, or negligent or unlawful act
122 or omission proximately causing injury or damage to another.

123 [~~37~~] (38) "Unanticipated outcome" means the outcome of a medical treatment or
124 procedure that differs from an expected result.

Legislative Review Note
as of 2-21-12 8:22 AM

Office of Legislative Research and General Counsel