

HOUSE BILL NO. HB0149

Volunteer health care professionals certification.

Sponsored by: Representative(s) Law, Jorgensen, McMurtrey,
Meuli and Tipton and Senator(s) Barrasso,
Larson and Mockler

A BILL

for

1 AN ACT relating to volunteer health care professionals;
2 providing a volunteer license for retired dentists and
3 dental hygienists, optometrists, physicians, osteopaths and
4 physician assistants as specified; conforming provisions;
5 and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 33-15-131, 33-23-117 and 33-26-601
10 are created to read:

11

12 **33-15-131. Dentist and dental hygienist volunteer**
13 **license.**

14

15 (a) As used in this section:

16

1 (i) "Low income uninsured person" means a person
2 who meets all of the following requirements:

3

4 (A) The person's income is not greater than
5 two hundred percent (200%) of the current poverty level as
6 defined by federal law, as amended;

7

8 (B) The person currently is not receiving
9 medical, disability or other assistance under any federal
10 or state government health care program; and

11

12 (C) Either of the following applies:

13

14 (I) The person is not a policyholder,
15 certificate holder, insured, contract holder, subscriber,
16 enrollee, member, beneficiary or other covered individual
17 under a health insurance or health care policy, contract or
18 plan; or

19

20 (II) The person is a policyholder,
21 certificate holder, insured, contract holder, subscriber,
22 enrollee, member, beneficiary or other covered individual
23 under a health insurance or health care policy, contract or
24 plan, but the insurer, policy, contract or plan denies

1 coverage or is the subject of insolvency or bankruptcy
2 proceedings in any jurisdiction.

3

4 (ii) "Nonprofit health care facility" means a
5 charitable nonprofit corporation or association organized
6 and operated under title 17, chapter 19 or 22 of the
7 Wyoming statutes, or any charitable organization not
8 organized and not operated for profit, that provides health
9 care services to low income uninsured persons, except that
10 "health care facility" does not include a hospital,
11 including a swing bed hospital, facility or center defined
12 under W.S. 35-2-901 or any other medical facility that is
13 operated for profit.

14

15 (b) For purposes of this section, a person shall be
16 considered retired from practice if the person's license or
17 certificate has expired.

18

19 (c) The state board of dental examiners may issue,
20 without examination, a volunteer's certificate to a person
21 who is retired from practice so that the person may provide
22 dental services to low income uninsured persons at
23 nonprofit health care facilities. The board shall deny
24 issuance of a volunteer's certificate to a person who is

1 not qualified under this section to hold a volunteer's
2 certificate.

3

4 (d) An application for a volunteer's certificate
5 shall include all of the following:

6

7 (i) A copy of the applicant's dentistry or
8 dental hygienist degree;

9

10 (ii) One (1) of the following, as applicable:

11

12 (A) A copy of the applicant's most recent
13 license or certificate authorizing the practice of
14 dentistry or dental hygiene issued by a jurisdiction in the
15 United States that licenses persons to practice dentistry
16 or dental hygiene; or

17

18 (B) A copy of the applicant's most recent
19 license equivalent to a license to practice dentistry or
20 dental hygiene in one (1) or more branches of the United
21 States armed services that the United States government
22 issued.

23

1 (iii) Evidence of one (1) of the following, as
2 applicable:

3

4 (A) That the applicant has maintained for
5 at least ten (10) years immediately prior to retirement
6 full licensure in good standing in any jurisdiction in the
7 United States that licenses persons to practice as a
8 dentist or dental hygienist; or

9

10 (B) That the applicant has practiced for at
11 least ten (10) years immediately prior to retirement in
12 good standing as a dentist or dental hygienist in one (1)
13 or more of the branches of the United States armed
14 services; and

15

16 (iv) A notarized statement from the applicant,
17 on a form prescribed by the board, that the applicant:

18

19 (A) Will not accept any form of
20 remuneration for any dental or dental hygiene services
21 rendered while in possession of a volunteer's certificate;

22

23 (B) Will devote his practice exclusively
24 and totally to providing dental or dental hygiene services

1 to low income uninsured persons at a nonprofit health care
2 facility in this state; and

3

4 (C) Will provide any other documentation
5 that the board reasonably may require.

6

7 (e) The holder of a volunteer's certificate may
8 provide dental or dental hygiene services only on the
9 premises of a nonprofit health care facility in this state
10 and only to low income uninsured persons. The holder shall
11 not accept any form of remuneration for providing dental or
12 dental hygiene services while in possession of the
13 certificate. The board may revoke a volunteer's certificate
14 on receiving proof satisfactory to the board that the
15 holder has engaged in practice in this state outside the
16 scope of the certificate.

17

18 (f) A volunteer's certificate shall be valid for a
19 period of one (1) year, unless earlier revoked under
20 subsection (e) of this section or pursuant to title 33,
21 chapter 15 of the Wyoming statutes. A volunteer's
22 certificate may be renewed upon the application of the
23 holder. The board shall maintain a register of all persons
24 who hold volunteer's certificates. The board shall not

1 charge a fee for issuing or renewing a certificate pursuant
2 to this section.

3

4 (g) To be eligible for renewal of a volunteer's
5 certificate, the holder of the certificate shall certify to
6 the board completion of any continuing education required
7 under this act as if the holder of the certificate were in
8 active practice. The board shall not renew a certificate if
9 the holder has not complied with the continuing education
10 requirements. The nonprofit health care facility in which
11 the holder provides dental or dental hygiene services may
12 pay for or reimburse the holder for any costs incurred in
13 obtaining the required continuing education.

14

15 (h) The board shall issue to each person who
16 qualifies under this section a volunteer's certificate that
17 states the certificate holder is authorized to provide
18 dental or dental hygiene services pursuant to the laws of
19 this state.

20

21 (j) Except as provided in this section, any person
22 holding a volunteer's certificate issued by the board under
23 this section shall be subject to the requirements of this
24 act and the jurisdiction of the board as if he were

1 licensed to practice dentistry or dental hygiene under this
2 act.

3

4 (k) The board shall adopt rules to administer and
5 enforce this section.

6

7 **33-23-117. Optometry volunteer license.**

8

9 (a) As used in this section, "low income uninsured
10 person" and "nonprofit health care facility" have the same
11 meanings as in W.S. 33-15-131(a).

12

13 (b) For purposes of this section, a person shall be
14 considered retired from practice if the person's license or
15 certificate has expired.

16

17 (c) The state board of optometry may issue, without
18 examination, a volunteer certificate to a person who is
19 retired from practice so that the person may provide
20 optometry services to low income uninsured persons at
21 nonprofit health care facilities. The board shall deny
22 issuance of a volunteer's certificate to a person who is
23 not qualified under this section to hold a volunteer's
24 certificate.

1

2 (d) An application for a volunteer's certificate
3 shall include all of the following:

4

5 (i) A copy of the applicant's optometry degree;

6

7 (ii) One (1) of the following, as applicable:

8

9 (A) A copy of the applicant's most recent
10 license or certificate authorizing the practice of
11 optometry issued by a jurisdiction in the United States
12 that licenses persons to practice optometry; or

13

14 (B) A copy of the applicant's most recent
15 license equivalent to a license to practice optometry in
16 one (1) or more branches of the United States armed
17 services that the United States government issued.

18

19 (iii) Evidence of one (1) of the following, as
20 applicable:

21

22 (A) That the applicant has maintained for
23 at least ten (10) years immediately prior to retirement
24 full licensure in good standing in any jurisdiction in the

1 United States that licenses persons to practice optometry;
2 or

3

4 (B) That the applicant has practiced for at
5 least ten (10) years immediately prior to retirement in
6 good standing as an optometrist in one (1) or more of the
7 branches of the United States armed services; and

8

9 (iv) A notarized statement from the applicant,
10 on a form prescribed by the board, that the applicant:

11

12 (A) Will not accept any form of
13 remuneration for any optometric services rendered while in
14 possession of a volunteer certificate;

15

16 (B) Will devote his practice exclusively
17 and totally to providing medical services to low income
18 uninsured persons at a nonprofit health care facility in
19 this state; and

20

21 (C) Will provide any other documentation
22 that the board reasonably may require.

23

1 (e) The holder of a volunteer's certificate may
2 provide optometric services only on the premises of a
3 nonprofit health care facility in this state and only to
4 low income uninsured persons. The holder shall not accept
5 any form of remuneration for providing optometric services
6 while in possession of the certificate. The board may
7 revoke a volunteer's certificate on receiving proof
8 satisfactory to the board that the holder has engaged in
9 practice in this state outside the scope of the
10 certificate.

11

12 (f) A volunteer's certificate shall be valid for a
13 period of one (1) year, unless earlier revoked under
14 subsection (e) of this section or pursuant to title 33,
15 chapter 23 of the Wyoming statutes. A volunteer's
16 certificate may be renewed upon the application of the
17 holder. The board shall maintain a register of all persons
18 who hold volunteer's certificates. The board shall not
19 charge a fee for issuing or renewing a certificate pursuant
20 to this section.

21

22 (g) To be eligible for renewal of a volunteer's
23 certificate, the holder of the certificate shall certify to
24 the board completion of any continuing education required

1 under this act as if the holder of the certificate were in
2 active practice. The board shall not renew a certificate if
3 the holder has not complied with the continuing education
4 requirements. The nonprofit health care facility in which
5 the holder provides optometric services may pay for or
6 reimburse the holder for any costs incurred in obtaining
7 the required continuing education.

8

9 (h) The board shall issue to each person who
10 qualifies under this section a volunteer's certificate that
11 states the certificate holder is authorized to provide
12 optometric services pursuant to the laws of this state.

13

14 (j) Except as provided in this section, any person
15 holding a volunteer certificate issued by the board under
16 this section shall be subject to the requirements of this
17 act and the jurisdiction of the board as if he were
18 licensed to practice optometry under this act.

19

20 (k) The board shall adopt rules to administer and
21 enforce this section.

22

23

ARTICLE 6

24

VOLUNTEER PHYSICIANS AND PHYSICIAN ASSISTANTS

1

2 **33-26-601. Physician and physician assistant special**
3 **volunteer license.**

4

5 (a) As used in this section, "low income uninsured
6 person" and "nonprofit health care facility" have the same
7 meanings as in W.S. 33-15-131(a).

8

9 (b) For purposes of this section, a person shall be
10 considered retired from practice if the person's license
11 has expired.

12

13 (c) The state board of medicine may issue, without
14 examination, a volunteer's license to a person who is
15 retired from practice so that the person may provide
16 medical services to low income uninsured persons at
17 nonprofit health care facilities. The board shall deny
18 issuance of a volunteer's license to a person who is not
19 qualified under this section to hold a volunteer's license.

20

21 (d) An application for a volunteer's license shall
22 include all of the following:

23

1 (i) A copy of the applicant's medical education
2 and postgraduate training documents certified as true and
3 accurate by the state licensing authority with whom the
4 physician or physician's assistant holds current licensure
5 or has most recently held current licensure;

6

7 (ii) A copy of the applicant's most recent
8 license authorizing the practice of medicine issued by a
9 jurisdiction in the United States that licenses persons to
10 practice medicine;

11

12 (iii) Evidence of one (1) of the following, as
13 applicable:

14

15 (A) That the applicant has maintained for
16 at least ten (10) years immediately prior to retirement
17 full licensure in good standing in any jurisdiction in the
18 United States that licenses persons to practice allopathic
19 or osteopathic medicine or to practice as a physician
20 assistant; or

21

22 (B) That the applicant has practiced for at
23 least ten (10) years immediately prior to retirement in
24 good standing as a doctor of allopathic or osteopathic

1 medicine or as a physician assistant in one (1) or more of
2 the branches of the United States armed services; and

3

4 (iv) A notarized statement from the applicant,
5 on a form prescribed by the board, that the applicant:

6

7 (A) Will not accept any form of
8 remuneration for any medical services rendered while in
9 possession of a volunteer's license;

10

11 (B) Will devote his practice exclusively
12 and totally to providing medical services to low income
13 uninsured persons at a nonprofit health care facility in
14 this state; and

15

16 (C) Will provide any other documentation
17 that the board reasonably may require.

18

19 (e) The holder of a volunteer's license may provide
20 medical services only on the premises of a nonprofit health
21 care facility in this state and only to low income
22 uninsured persons. The holder shall not accept any form of
23 remuneration for providing medical services while in
24 possession of the license. The board may revoke a

1 volunteer's license on receiving proof satisfactory to the
2 board that the holder has engaged in practice in this state
3 outside the scope of the license.

4

5 (f) A volunteer's license shall be valid for a period
6 of one (1) year, unless earlier revoked under subsection
7 (e) of this section or pursuant to title 33, chapter 26 of
8 the Wyoming statutes. A volunteer's license may be renewed
9 upon the application of the holder. The board shall
10 maintain a register of all persons who hold volunteer's
11 licenses. The board shall not charge a fee for issuing or
12 renewing a license pursuant to this section.

13

14 (g) To be eligible for renewal of a volunteer's
15 license, the holder of the license shall certify to the
16 board completion of any continuing education required under
17 this chapter as if the holder of the license were in active
18 practice. The board shall not renew a license if the holder
19 has not complied with the continuing education
20 requirements. The nonprofit health care facility in which
21 the holder provides medical services may pay for or
22 reimburse the holder for any costs incurred in obtaining
23 the required continuing education.

24

1 (h) The board shall issue to each person who
2 qualifies under this section a volunteer's license. The
3 volunteer's medical license shall permit the general
4 practice of medicine under this chapter.

5

6 (j) Except as provided in this section, any person
7 holding a volunteer's license issued by the board under
8 this section shall be subject to the requirements of this
9 chapter and the jurisdiction of the board.

10

11 (k) The board shall adopt rules to administer and
12 enforce this section.

13

14 **Section 2.** W.S. 33-15-128(a)(xvii), 33-23-101(e),
15 35-1-401(a)(x) and 35-17-106(a)(i) and (iii) are amended to
16 read:

17

18 **33-15-128. Definitions.**

19

20 (a) As used in this act:

21

22 (xvii) "This act" means W.S. 33-15-101 through
23 ~~33-15-130~~ 33-15-131 and may be cited as the "Wyoming Dental
24 Practice Act".

1

2

33-23-101. Definitions and exceptions.

3

4

(e) Nothing in W.S. 33-23-101 through ~~33-23-116~~

5

33-23-117 shall prevent an optometrist from using

6

assistants in his practice under his direct personal

7

supervision in the office in which the optometrist

8

practices his profession.

9

10

35-1-401. Definitions.

11

12

(a) As used in this act:

13

14

(x) "Physician" means a person authorized or

15

licensed to practice medicine as provided in W.S. 33-26-101

16

through ~~33-26-511~~ 33-26-601;

17

18

35-17-106. Election to be covered by federal

19

immunity.

20

21

(a) The state of Wyoming elects to be immediately

22

covered by the immunity granted by the Health Care Quality

23

Improvement Act of 1986, P.L. 99-660, Title IV adopted by

24

Congress in 1986, to the extent authorized, as of the

1 effective date of this section for all health care
2 professional review bodies as defined in the act and for:

3

4 (i) The board of dental examiners, W.S.
5 33-15-101 through ~~33-15-128~~ 33-15-131;

6

7 (iii) The state board of examiners in optometry,
8 W.S. 33-23-101 through ~~33-23-115~~ 33-23-117;

9

10 **Section 3.** This act is effective July 1, 2003.

11

12

(END)