

ORIGINAL SENATE
FILE NO. 0119

ENROLLED ACT NO. 83, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

AN ACT relating to the Wyoming Dental Practice Act; providing immunity to board members and activities as specified; providing for a temporary educator's license; authorizing the dental hygienist member of the licensing board to be a full voting member; revising board member compensation as specified; revising qualifications for dentist and dental hygienist licensure and license renewal as specified; prescribing for licensure examinations; removing a requirement that the secretary of state maintain a list of licensed dentists; authorizing disciplinary reprimands and license restrictions against dentists and dental hygienists; amending grounds for disciplinary action against dentists and dental hygienists; conforming provisions; repealing obsolete provisions; amending definitions; granting rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 33-15-132 and 33-15-133 are created to read:

33-15-132. Immunity from personal liability.

(a) Members, agents and employees of the board and any person reporting information to the board under oath shall be immune from personal liability with respect to acts done and actions taken in good faith without fraud or malice.

(b) The immunity provided by this section shall extend to the members of any professional review committee, investigators and witnesses appearing before the board.

33-15-133. Temporary educator's license.

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(a) A temporary license may be issued to any dentist or dental hygienist who has applied for licensure and who exhibits good standing in another jurisdiction of the United States or Canada and has qualified for the requirements to be employed as an instructor at a dental hygiene school.

(b) The temporary educator's license shall be valid only until the meeting of the board at which the educator's application for standard licensure is considered.

(c) The temporary educator license does not permit the licensee to practice outside of the educational institution at which the licensee is employed as an instructor.

Section 2. W.S. 33-15-104, 33-15-106, 33-15-108(a), (b), (f) and (h), 33-15-109, 33-15-111, 33-15-112(a) and (b), 33-15-114(a)(vii) and (x), 33-15-119, 33-15-120 and 33-15-121(a) and (b), 33-15-128(a)(viii), (xiv) and (xvii) are amended to read:

33-15-104. Board of dental examiners; indebtedness; compensation.

The board shall not create any indebtedness on behalf of the state of Wyoming, except as provided in this section. Out of the funds assessed by the board, each of the members of the board shall receive ~~as compensation the sum of seventy five dollars (\$75.00) for each day actually engaged in the duties of his office,~~ for each day or part of a day in which they are engaged in performance of their official duties at the same rate as state legislators and shall be reimbursed for actual and necessary expenses, and mileage incurred in the performance of their official duties. ~~in~~

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~~the same manner and amount as employees of the state of Wyoming.~~ The secretary of the board shall receive compensation for his services.

33-15-106. Determination of fees.

The board shall ~~determine each year the fees to be collected for examinations, reexaminations and renewals~~ establish fees by rule and regulation for the issuance of licenses and administration of examinations pursuant to this act.

33-15-108. Licensing; qualifications; examinations; fees.

(a) Any person of good moral character, who has ~~been~~ graduated and ~~admitted to~~ attained the degree of doctor of dental surgery, ~~or~~ or doctor of dental medicine from a college or university in the United States or Canada accredited by the commission on dental accreditation of the American Dental Association, ~~or other equivalent degree by any accredited university or college authorized to grant the degree by the laws of the United States or by the laws of any state of the United States or Dominion of Canada, upon deposit of the examination fee set by the board, may make application in writing~~ may apply to the board to ~~be examined by it with reference to his~~ have the applicant's qualifications considered for licensure to practice dentistry. The applicant shall pass a written and practical examination in a manner satisfactory to the board. The written examination shall ~~be, so far as the board deems practicable, on subjects prescribed in the curriculum in the accredited colleges and universities which offer courses of study leading to the degree of doctor of dental surgery or doctor of dental medicine. At the discretion of the board,~~ consist of part I and part II of the national

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board of dental ~~examiners' examination may be accepted in lieu of the written examination administered by the board~~ examinations administered by the joint commission on national dental examinations of the American Dental Association. The clinical practical examination shall be ~~held at a place and manner designated by the board. Upon passing the written and practical examination, the board shall register the name and residence of the person and issue to the person a license to practice dentistry. The license shall contain, along with the other necessary information, the name of the person to whom issued and the date of issuance~~ based on satisfactory completion of a clinical examination acceptable to the board.

(b) The ~~examination fee shall be set by the board each year,~~ board shall set the examination fee and all reexamination fees shall be the same as the current fee for the initial examination. Fees shall be paid to the ~~secretary of the~~ board office before ~~the~~ examination. The fee shall be paid by money order, ~~cashiers'~~ cashier's check or certified check, and in no case shall the fee be refunded.

(f) The board shall keep a record book in which is recorded the names and addresses of all applicants and such other matters as affords a full record of the actions of the board. The records or transcripts ~~therefrom~~ of the records, duly certified by the president and secretary of the board with the seal of the board attached, is prima facie evidence before all courts of this state of the entries therein.

(h) The board may make and prescribe rules and regulations for the practice of dentistry in the state of Wyoming, not inconsistent with this act. For purposes of this subsection, "practice of dentistry" includes the work

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of dental hygienists, dental auxiliaries, dental technicians and dental laboratories.

33-15-109. Renewal license certificate.

(a) On or before December 31 each year, each dentist licensed to practice dentistry in this state, ~~upon receipt of written notice, shall transmit to the secretary of the board his signature and address, together with a fee determined by the board and the number of his or her license, and receive therefor a renewal license certificate. Any license granted by the board shall be cancelled after ten (10) days written notice sent to the holder by registered mail if the holder fails to secure the renewal certificate within three (3) months after December 31 each year, but any license thus cancelled may be restored by the board upon the payment of a fee as set by the board, if paid by December 31 of that year~~ and wishing to continue in the practice of dentistry shall submit a license renewal application with the applicable renewal fee.

(b) ~~Five (5) years after July 15, 1981, Any dentist whose application for renewal indicates that he the dentist has not actively practiced dentistry or engaged in teaching dentistry~~ or dental hygiene for the preceding five (5) years shall be issued a renewal certificate ~~by the board only after a hearing and upon notice to the applicant, wherein the applicant demonstrates to the board that he~~ demonstrating to the board that the dentist has maintained the qualifications set forth in this act. ~~No reexamination is required unless~~ The board may require reexamination if it finds good cause to believe that the person has not maintained the professional ability and knowledge required of an original licensee. ~~of this act.~~

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(c) The board may set continuing education requirements for renewal certificates and relicensure certificates.

33-15-111. List of licensees filed with board office.

The board shall annually publish a list of all dentists and dental hygienists licensed under this act. ~~shall be published by the board each year. This~~ The list shall contain the name and address of each dentist ~~or~~ and dental hygienist and such other information as the board deems advisable. The board ~~shall place a copy of the list on file in the office of the secretary of state who shall~~ office shall furnish copies to the public, upon request or by access to the board's website.

33-15-112. Grounds and procedure for revocation or suspension of license.

(a) ~~Any dentist may have his license revoked or suspended by~~ The board may refuse to issue or renew a license, may suspend or revoke a license, may reprimand, restrict or impose conditions on the practice of a dentist for any one (1) or more of the following causes:

(i) Conviction of, entry of a plea of nolo contendere to or entry of a deferred prosecution agreement pursuant to W.S. 7-13-301 to a felony or ~~high~~ misdemeanor ~~involving moral turpitude, in which case the record of conviction certified by the clerk or judge of the court in which the conviction is had is conclusive evidence that~~ relates adversely to the practice of dentistry or the ability to practice dentistry;

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(ii) ~~For~~ Renting or loaning to ~~any~~ another person ~~his~~ the dentist's license or diploma to be used as a license or diploma for ~~such~~ the other person;

(iii) ~~For~~ Unprofessional conduct as defined in rules and regulations of the board;

(iv) Advertising or soliciting patients, in any form of communication, in a manner that is false or misleading in any material respect; ~~or~~

(v) Being unfit or incompetent to practice dentistry for any reason, including but not limited to:

(A) Inability to practice dentistry with reasonable skill and safety because of physical or mental disability or the use of alcohol, prescription drugs, nonprescription drugs or other psychoactive substance;

(B) Performance of unsafe dental practice or failure to conform to the standards of acceptable professional dental practice, whether or not actual injury results;

(vi) Professional discipline by a professional licensing board in any jurisdiction;

(vii) Fraud, deceit or misrepresentation in providing any information or record to the board; or

~~(iv)~~ (viii) Willful violation of any provisions of this act or rules and regulations of the board.

(b) The proceedings under this section may be taken by the board from matters within its knowledge or upon information from another. If the informant is a member of

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the board, the other members of the board shall judge the accused. All complaints shall be in writing, verified by some party familiar with the facts ~~therein charged, and shall be filed with the secretary of the board~~ alleged or by additional information or data which supports the complaint and shall be filed with the board. Upon receiving the complaint, the board, ~~if it deem the complaint sufficient,~~ shall proceed as in a contested case under the Wyoming Administrative Procedure Act and rules and regulations of the board. Upon revocation of any license, the fact shall be noted upon the records of the board and the license shall be marked cancelled upon the date of its revocation. ~~The secretary of the board, upon judgment of suspension or revocation being entered, shall transmit to the secretary of state a copy of the judgment order, certified by the secretary of the board, and the same shall be kept in the same manner as the list of licensed dentists.~~

33-15-114. Persons deemed to be practicing dentistry; work authorizations from licensed dentist.

(a) Except as provided by paragraph (xii) of this subsection, any person is deemed to be practicing dentistry within the meaning of this act:

(vii) Who gives or professes to give interpretations or readings of dental ~~roentgenograms~~ radiographs;

(x) Who states or advertises or permits to be stated ~~or advertised by a sign, card, circular, handbill, newspaper, radio or otherwise that he~~ through any medium of communication that the licensee can perform or will attempt to perform dental ~~operations~~ treatment or render a diagnosis in connection therewith; or

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33-15-119. Dental hygienists; generally.

Any dentist authorized to practice dentistry within the state may employ dental hygienists who shall be examined and possess the qualifications provided in this act. A dental hygienist may ~~remove calcareous deposits, accretions and stains from the teeth and may~~ perform any services for a patient which are consistent with what dental hygienists are trained to do in accredited dental hygiene schools accredited by the commission on dental accreditation of the American Dental Association. Hygienists shall not perform any other operation on the teeth or mouth and shall be regulated by the rules and regulations promulgated by the board. The above services shall be performed under the supervision of a licensed dentist. ~~If the dental hygienist has been educated in expanded duties as a student in a dental hygiene program accredited by the commission on dental accreditation of the American Dental Association, or as a student in a continuing education course which had the prior approval of the board, he may be permitted to engage in those duties after the hygienist has received an expanded duties certificate from the board issued after appropriate examination to test the applicant's qualifications.~~ Dental hygienists shall practice in the office of any licensed dentist, or in any public or private institution under the supervision of a licensed dentist. The board may revoke or suspend the license of any ~~dental hygienist for violating any provision hereof, and may revoke or suspend the license of any~~ dentist who permits any dental hygienist operating under his supervision to perform any operations or functions other than those permitted under this act.

33-15-120. Dental hygienists; qualifications; examination; fees and license.

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(a) Any person of good moral character who is a graduate of an a dental hygiene program accredited by the commission on dental accreditation of the American Dental Association, ~~accredited school for dental hygienists, upon payment of a fee set annually by the board, may be examined by the board on the subjects prescribed and taught in accredited colleges or universities offering courses leading to the certificate or degree of dental hygienist. At the discretion of the board, the examination of the national board of dental examiners may be accepted in lieu of the written examination, together with a clinical examination approved by the board. If the applicant has received training in expanded duties and intends to perform those expanded duties he shall qualify by examination covering those expanded areas and receive an expanded duties certificate from the board listing these services. Expanded duties certificates shall be issued after the applicant has successfully completed a written examination approved by the board covering those expanded duties together with a clinical examination approved by the board. If the applicant fails to pass either examination, the applicant may take another examination at the next regular examination meeting upon the payment of a fee set annually by the board~~ who has completed in a manner satisfactory to the board the dental hygiene national board examination administered by the joint commission on national dental examinations of the American Dental Association and who has completed any clinical board accepted by the board may apply to the board to have the person's qualifications considered for licensure to practice dental hygiene. Applicants shall be required to pass a written examination satisfactory to the board.

(b) If the applicant fails the board examination three (3) times, he shall show evidence of additional

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education to the satisfaction of the board before ~~he may be reexamined~~ reexamination.

(c) If the applicant successfully ~~passes the examinations~~ completes the requirements for licensure, the applicant shall be licensed as a dental hygienist. If the expanded duties applicant has successfully ~~passed the expanded duties examination~~ met the requirements for expanded duties, the applicant shall be certified in those expanded duties. The certificate issued by the board shall list the expanded duties which the hygienist is qualified and permitted to perform. On or before December 31 each year, each dental hygienist licensed to practice dental hygiene, ~~upon receipt of written notice, shall transmit to the secretary of the board his name and address, together with a fee set by the board and the number of his registration certificate, and receive a renewal license certificate~~ and wishing to continue in the practice of dental hygiene shall submit a license renewal application with the applicable renewal fee. The renewal certificate shall ~~at all times be properly displayed in the office of the one who is named as holder of the license and no person is deemed in legal practice who does not possess a renewal certificate~~ be made available to the supervising dentist. Any license granted by the board shall be cancelled after ten (10) days notice by registered mail if the holder fails to secure the renewal certificate within three (3) months after December 31 each year. Any license cancelled may be restored by the board upon payment of a fee set ~~annually~~ by the board, if paid by December 31 of ~~that~~ the year the license was cancelled.

(d) ~~Five (5) years after July 1, 1981,~~ Any dental hygienist whose application for renewal indicates that ~~he~~ the hygienist has not actively practiced dental hygiene or engaged in teaching dental hygiene for the preceding five

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(5) years shall be issued a renewal certificate ~~by the board only after a hearing and upon notice to the applicant, wherein the applicant demonstrates~~ demonstrating to the board that ~~he~~ the hygienist has maintained the qualifications set forth in this act. ~~No reexamination is required unless~~ The board may require reexamination if it finds good cause to believe that the person has not maintained the professional ability and knowledge required of an original licensee ~~of~~ under this act.

(e) The board shall promulgate reasonable rules and regulations for the licensure of dental hygienists and the practice of dental hygiene, and may prescribe continuing education requirements for renewal certificates and relicensure.

33-15-121. Grounds and proceedings for suspension of, revocation of, or refusal to renew license.

(a) The board may refuse to issue or renew, or may suspend or revoke, the license of any dental hygienist for any of the following causes:

(i) Conviction of, entry of a plea of nolo contendere to or entry of a deferred prosecution agreement pursuant to W.S. 7-13-301 to a felony or ~~high~~ misdemeanor that relates adversely to the practice of dental hygiene or the ability to practice dental hygiene;

(ii) ~~For~~ Unprofessional conduct, as defined in rules and regulations of the board;

(iii) Advertising or soliciting patients, in any form of communication, in a manner that is false or misleading in any material respect;

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~~(iii)~~(iv) ~~For~~ Renting or loaning to ~~any~~ another person ~~his or her~~ the hygienist's license or diploma to be used as a license or diploma for ~~that~~ the other person; ~~or~~

(v) Being unfit or incompetent to practice dental hygiene for any reason, including but not limited to:

(A) Inability to practice dental hygiene with reasonable skill and safety because of physical or mental disability or the use of alcohol, prescription drugs, nonprescription drugs or other psychoactive substance; or

(B) Performance of unsafe dental hygiene practice or failure to conform to the standards of acceptable professional dental hygiene practice, whether or not actual injury results.

(vi) Professional discipline by a professional licensing board in any jurisdiction;

(vii) Fraud, deceit or misrepresentation in providing any information or record to the board; or

~~(iv)~~(viii) For willful violation of any provision of this act or rules and regulations of the board.

(b) All proceedings ~~taken~~ by the board ~~in the revocation or suspension of any dental hygienist's license pursuant to subsection (a) of this section~~ shall be ~~taken under the proceedings as~~ set forth in W.S. ~~33-15-112 in the same manner as provided~~ 33-15-112(b) for the revocation or suspension of a dentist's license.

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33-15-128. Definitions.

(a) As used in this act:

(viii) "Dental laboratory technician" means a person who, at the direction of ~~the~~ a licensed dentist, makes, provides, repairs or alters oral prosthetic appliances and other artificial devices which are inserted into the human mouth or which come into contact with the human mouth and its adjacent tissues and structures. A dental technician is a dental prosthetic auxiliary ~~when~~ working under the supervision of a licensed dentist;

(xiv) "Specialty" means a special area of dental practice for ethical specialty announcement and limitation of practice which are dental public health, endodontics, oral pathology, oral and maxillofacial surgery, orthodontics, ~~pedodontics~~ pediatric dentistry, periodontics, ~~prostodontics~~ prosthodontics, oral and maxillofacial radiology and any other specialty area recognized by the board of dental examiners of Wyoming;

(xvii) "This act" means W.S. 33-15-101 through ~~33-15-131~~ 33-15-133 and may be cited as the "Wyoming Dental Practice Act".

Section 3. W.S. 33-15-101(g), 33-15-113, 33-15-122 and 33-15-128(a)(xi) are repealed.

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Section 4. This act is effective July 1, 2007.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk