

HOUSE BILL NO. HB0138

Denturists licensing board.

Sponsored by: Representative(s) Quarberg and Senator(s) Scott

A BILL

for

1 AN ACT relating to the licensure of denturists; creating a
2 board of denturists; regulating the practice of denturism;
3 providing for licensing, fees, examinations and other
4 regulation of denturists; repealing prohibition on
5 soliciting for denturism services; providing criminal
6 penalties for violations of denturist act; providing
7 definitions; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 33-15-201 through 33-15-217 are
12 created to read:

13

14

CHAPTER 15

15

DENTISTS, DENTAL HYGIENISTS AND DENTURISTS

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ARTICLE 2
DENTURISTS

33-15-201. Definitions.

(a) As used in this article:

(i) "Board" means the Wyoming board of denturists;

(ii) "Denture" means a removable full or partial upper or lower dental appliance to be worn in the mouth to replace the missing natural teeth;

(iii) "Denturist" means a person licensed under this article to engage in the practice of denturism;

(iv) "Practice of denturism" means:

(A) Making, placing, constructing, altering, reproducing or repairing a denture; and

1 (B) Taking impressions and furnishing or
2 supplying a denture directly to a person or advising the
3 use of a denture and maintaining a facility for the same.

4
5 (b) This article may be cited as the "Wyoming Denture
6 Practice Act".

7

8 **33-15-202. Board of denturists.**

9

10 (a) There is created the Wyoming board of denturists.
11 The board shall carry out the purposes and enforce the
12 provisions of this article. The board shall consist of
13 five (5) members appointed by the governor with the advice
14 and consent of the senate. Appointments made between
15 sessions of the legislature shall be made in accordance
16 with W.S. 28-12-101.

17

18 (b) The term for board members is four (4) years and
19 shall be in accordance with W.S. 28-12-101 through
20 28-12-103.

21

22 (c) The board shall consist of:

23

24 (i) Three (3) practicing denturists; and

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2 (ii) One (1) practicing dentist;

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4 (iii) One (1) member of the public, appointed by
5 the governor.

6

7 (d) The governor may remove any member as provided in
8 W.S. 9-1-202. Any vacancy upon the board caused by the
9 resignation, death or removal of a member shall be filled
10 by the governor by appointment for the unexpired term of
11 that member. Any appointment to fill a vacancy shall be
12 made within ninety (90) days after the vacancy occurs.

13

14 (e) Each member of the board shall, before entering
15 upon the duties of his office, take and subscribe an oath
16 or affirmation that he will support the constitution and
17 the laws of the United States and the state of Wyoming, and
18 that he will faithfully perform the duties as a member of
19 the board.

20

21 (f) The board shall elect from its members a
22 president, vice-president and a secretary-treasurer. The
23 board shall have a common seal. The board shall meet in
24 June each year, and more often if necessary, at such times

1 and places designated by the board. The meeting of the
2 board shall be at the call of the president and the
3 secretary-treasurer. Five (5) days notice shall be given
4 by the secretary-treasurer to all board members of the time
5 and place of the meeting. A majority of the board
6 constitutes a quorum.

7

8 (g) The board shall not create any indebtedness on
9 behalf of the state of Wyoming, except as provided in this
10 section. Out of the funds assessed by the board, each of
11 the members of the board shall receive compensation for
12 each day or part of a day in which they are engaged in
13 performance of their official duties at the same rate as
14 state legislators and shall be reimbursed for actual and
15 necessary expenses, and mileage incurred in the performance
16 of their official duties.

17

18 (h) The board shall report annually to the governor
19 respecting all activities, as required by W.S. 9-2-1014.

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21 **33-15-203. Denturists; generally.**

22

23 (a) Before making and fitting a denture, a denturist
24 shall examine the patient's oral cavity.

1

2 (b) If the examination gives the denturist reasonable
3 cause to believe that there is an abnormality or disease
4 process that requires medical or dental treatment, the
5 denturist shall immediately refer the patient to a dentist
6 or physician. In such cases, the denturist shall take no
7 further action to manufacture or place a denture until the
8 patient has been examined by a dentist or physician and the
9 dentist or physician gives written clearance that the
10 denture will pose no threat to the patient's health.

11

12 (c) If the examination reveals the need for tissue or
13 teeth modification in order to assure proper fit of a full
14 or partial denture, the denturist shall refer the patient
15 to a dentist and assure that the modification has been
16 completed before taking an impression for the completion of
17 the denture.

18

19 (d) Any denturist who makes or places a denture in a
20 manner not consistent with this section is subject to the
21 sanctions provided under this article.

22

23 (e) A denturist shall successfully complete special
24 training in oral pathology prescribed by the board, whether

1 as part of an approved associates degree program or
2 equivalent training, and pass an examination prescribed by
3 the board, which may be a part of the examination for
4 licensure to become a licensed denturist.

5

6 **33-15-204. Qualifications.**

7

8 No person may represent himself as a licensed denturist or
9 use any title or description of denturism services without
10 applying for licensure, meeting the required qualifications
11 and being licensed as a denturist by the board, unless
12 otherwise exempted by this article.

13

14 **33-15-205. Exemptions.**

15

16 (a) Nothing in this article prohibits or restricts:

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18 (i) The practice of a profession by an
19 individual who is licensed, certified or registered under
20 other laws of this state and who is performing services
21 within the authorized scope of practice;

22

23 (ii) The practice of denturism by an individual
24 employed by the government of the United States while the

1 individual is engaged in the performance of duties
2 prescribed by the laws and regulations of the United
3 States;

4

5 (iii) The practice of denturism by students
6 enrolled in a school approved by the board. The
7 performance of services shall be pursuant to a course of
8 instruction or an assignment from an instructor and under
9 the supervision of an instructor; or

10

11 (iv) Work performed by dental labs and dental
12 technicians under the written prescription of a dentist.

13

14 **33-15-206. Determination of fees.**

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16 The board shall determine, in accordance with W.S.
17 33-1-201, each year the fees to be collected for
18 examinations, reexaminations and renewals.

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20 **33-15-207. Reciprocity; licensing.**

21

22 (a) The board shall issue a license to practice
23 denturism to an applicant who submits a completed

1 application, pays the appropriate fees, and meets the
2 following requirements:

3

4 (i) A person currently licensed to practice
5 denturism under statutory provisions of another state,
6 territory of the United States, District of Columbia or
7 Puerto Rico, with substantially equivalent licensing
8 standards to this article applicable to denturism shall be
9 licensed without examination upon providing the board with
10 the following:

11

12 (A) Proof of successfully passing a written
13 and clinical examination for denturism in a state,
14 territory of the United States, District of Columbia or
15 Puerto Rico, that the board has determined has
16 substantially equivalent licensing standards as those in
17 this article, including but not limited to both the written
18 and clinical examination; and

19

20 (B) An affidavit from the licensing agency
21 where the person is licensed or certified attesting to the
22 fact of the person's licensure or certification.

23

1 (b) A person graduating from a formal denturism
2 program shall be licensed if he:

3

4 (i) Documents successful completion of formal
5 training with a major course of study in denturism of not
6 less than two (2) years in duration at an educational
7 institution approved by the board;

8

9 (ii) Passes a written and clinical examination
10 approved by the board; and

11

12 (iii) Pays the appropriate fees.

13

14 **33-15-208. Examinations.**

15

16 (a) The board of dental examiners shall administer
17 the examinations for licensing denturists under this
18 article, subject to the following requirements:

19

20 (i) Examinations shall determine the
21 qualifications, fitness and ability of the applicant to
22 practice denturism. The test shall include a written
23 examination and a practical demonstration of skills;

24

1 (ii) Examinations shall be held at least
2 annually;

3

4 (iii) The first examination shall be conducted
5 no later than January 1, 2009;

6

7 (iv) The written examination shall cover the
8 following subjects:

9

10 (A) Head and oral anatomy and physiology;

11

12 (B) Oral pathology;

13

14 (C) Partial denture construction and
15 design;

16

17 (D) Microbiology;

18

19 (E) Clinical dental technology;

20

21 (F) Dental laboratory technology;

22

23 (G) Clinical jurisprudence;

24

1 (H) Asepsis;

2

3 (J) Medical emergencies; and

4

5 (K) Cardiopulmonary resuscitation.

6

7 (v) The applicant shall be informed in writing
8 by certified mail of the results of his examination within
9 thirty (30) days after the examination. An applicant who
10 fails an examination may apply to the board for a
11 reexamination at the next scheduled examination meeting.
12 Application shall be made in writing and shall be
13 accompanied by a fee as provided in subsection (c) of this
14 section;

15

16 (vi) If the applicant fails the board
17 examination three (3) times, he shall show evidence of
18 additional education to the satisfaction of the board
19 before he may be reexamined.

20

21 (b) The board may hire trained persons licensed under
22 this article to prepare, administer and grade the
23 examinations or may contract with regional examiners who
24 meet qualifications adopted by the board.

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2 (c) The examination fee shall be set by the board
3 each year, and all reexamination fees shall be the same as
4 the current fee for the initial examination. Fees shall be
5 paid to the secretary of the board before examination. The
6 fee shall be paid by money order, cashiers' check or
7 certified check, and in no case shall the fee be refunded.

8

9 **33-15-209. License content.**

10

11 (a) The administrative procedures, administrative
12 requirements and fees for denturism shall be determined by
13 the board as provided for under this article.

14

15 (b) The license shall contain, on its face, the
16 address and addresses where the license holder will perform
17 the denturist services.

18

19 **33-15-210. Renewal license certificate.**

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21 The board shall establish by rule the requirement for
22 renewal of licenses to practice denturism, but shall not
23 increase the licensure requirements provided for denturism
24 in this article.

1

2 **33-15-211. Grounds and procedure for revocation or**
3 **suspension of license.**

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5 (a) Any denturist may have his license revoked or
6 suspended by the board for any of the following causes:

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8 (i) Conviction of a felony or high misdemeanor
9 involving moral turpitude, in which case the record of
10 conviction certified by the clerk or judge of the court in
11 which the conviction is had is conclusive evidence;

12

13 (ii) For renting or loaning to any person his
14 license or diploma to be used as a license or diploma for
15 such person;

16

17 (iii) For unprofessional conduct, advertising or
18 soliciting patients in any form of communication in a
19 manner that is false or misleading in any material respect;
20 or

21

22 (iv) Willful violation of any provisions of this
23 article.

24

1 (b) The proceedings under this section may be taken
2 by the board from matters within its knowledge or upon
3 information from another. If the informant is a member of
4 the board, the other members of the board shall take action
5 on behalf of the board. All complaints shall be in
6 writing, verified by a party familiar with the facts
7 charged, and shall be filed with the secretary of the
8 board. Upon receiving the complaint, the board, if it
9 deems the complaint sufficient, shall proceed as in a
10 contested case under the Wyoming Administrative Procedure
11 Act. Upon revocation of any license, the fact shall be
12 noted upon the records of the board and the license shall
13 be marked revoked upon the date of its revocation. The
14 secretary of the board, upon judgment of suspension or
15 revocation being entered, shall transmit to the secretary
16 of state a copy of the judgment order, certified by the
17 secretary of the board, and the same shall be kept in the
18 same manner as the list of licensed dentists.

19

20 (c) Upon receipt from the department of family
21 services of a certified copy of an order from a court to
22 withhold, suspend or otherwise restrict a denturist license
23 issued by the board, the board shall notify the party named
24 in the court order of the withholding, suspension or

1 restriction of the license in accordance with the terms of
2 the court order. No appeal under the Wyoming
3 Administrative Procedure Act shall be allowed for a license
4 withheld, suspended or restricted under this subsection.

5

6 **33-15-212. Renewal license certificate.**

7

8 (a) On or before December 31 of each year, each
9 dentist licensed to practice denturism in this state,
10 upon receipt of written notice, shall transmit to the
11 secretary of the board his signature and address, together
12 with a fee determined by the board and the number of his
13 license, and receive therefor a renewal license
14 certificate. Any license granted by the board shall be
15 cancelled after ten (10) days written notice sent to the
16 holder by registered mail if the holder fails to secure the
17 renewal certificate within three (3) months after December
18 31 each year, but any license so cancelled may be restored
19 by the board upon the payment of a fee as set by the board,
20 if paid by December 31 of the year in which the license is
21 cancelled.

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23 (b) Commencing January 1, 2013, any dentist whose
24 application for renewal indicates that he has not actively

1 practiced dentistry or engaged in teaching dentistry for
2 any of the preceding five (5) years shall be issued a
3 renewal certificate by the board only after a hearing and
4 upon notice to the applicant, wherein the applicant
5 demonstrates to the board that he has maintained the
6 qualifications set forth in this article. No reexamination
7 is required unless the board finds good cause to believe
8 that the person has not maintained the professional ability
9 and knowledge required of an original licensee under this
10 article.

11

12 (c) The board may set continuing education
13 requirements for relicensure of denturists.

14

15 **33-15-213. Secretary of state's certificate that no**
16 **license listed by board is prima facie proof of**
17 **unauthorized practice.**

18

19 In any prosecution for violation of any provision of this
20 article the certificate of the secretary of state that the
21 person accused of the violation of any of those provisions
22 is not named in the list of denturist presented to him by
23 the secretary of the board is prima facie proof that the
24 person is not entitled to practice denturism in Wyoming.

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2 **33-15-214. Partnerships with dentists.**

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4 Notwithstanding any other provision of state law, a
5 licensed denturist may enter into a partnership or other
6 business association with a dentist, provided that the
7 association does not impede the independent professional
8 judgment of either party.

9

10 **33-15-215. Violations.**

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12 Any person who practices denturism without being properly
13 qualified and licensed, or who violates any provisions of
14 this article is subject to a fine not to exceed one
15 thousand dollars (\$1,000.00), or imprisonment for not more
16 than two (2) years, or both. Each separate violation of
17 this article constitutes a separate offense.

18

19 **33-15-216. List of licensees filed with secretary of**
20 **state.**

21

22 A list of all denturists licensed under this article shall
23 be published by the board each year. This list shall
24 contain the name and address of each denturist and such

1 other information as the board deems advisable. The board
2 shall place a copy of the list on file in the office of the
3 secretary of state who shall furnish copies to the public,
4 upon request.

5

6 **33-15-217. Certificate entitles denturists to**
7 **practice in any county; lost certificates.**

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9 The certificate provided for in this article entitles the
10 holder to practice denturism, as applicable in any county
11 in Wyoming. The board, upon satisfactory proof of loss of
12 the certificate issued under this article, shall issue a
13 new certificate. The cost of replacement shall be
14 determined by the board and paid by the person requesting
15 replacement.

16

17 **Section 2.** W.S. 33-15-116 is repealed.

18

19 **Section 3.** This act is effective July 1, 2008.

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(END)