

HOUSE BILL NO. HB0246

Acupuncture practice act.

Sponsored by: Representative(s) Krone

A BILL

for

1 AN ACT relating to professions and occupations; providing  
2 for the licensure and regulation of acupuncture and  
3 oriental medicine as specified; establishing the board of  
4 acupuncture and oriental medicine as specified; providing  
5 regulatory authority; 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. 33-49-101 through 33-49-118 is  
10 created to read:

11

12

CHAPTER 49

13

ACUPUNCTURE AND ORIENTAL MEDICINE PRACTICE ACT

14

15

**33-49-101. Short title; applicability.**

16

1           (a) This chapter shall be known and may be cited as  
2 the "Wyoming Acupuncture and Oriental Medicine Practice  
3 Act".

4

5           (b) This chapter shall apply to the practice of  
6 acupuncture and oriental medicine in Wyoming on and after  
7 July 1, 2015.

8

9           **33-49-102. Definitions.**

10

11           (a) As used in this chapter:

12

13                   (i) "ABMA" means the American board of medical  
14 acupuncture;

15

16                   (ii) "ACAOM" means the accreditation commission  
17 for acupuncture and oriental medicine;

18

19                   (iii) "Acupuncture and oriental medicine" means  
20 a form of primary health care based upon traditional  
21 oriental medical concepts that employs oriental methods of  
22 diagnosis, treatment and adjunctive therapies for the  
23 promotion, maintenance and restoration of health and the

1 prevention of disease or the treatment of any ailment,  
2 disease, pain, injury, deformity or physical condition;

3

4 (iv) "Acupuncturist" means any person who  
5 provides for compensation, or holds himself out to the  
6 public as providing, acupuncture and oriental medicine  
7 services;

8

9 (v) "Board" means the state board of acupuncture  
10 and oriental medicine created under this chapter;

11

12 (vi) "Licensee" means an acupuncturist licensed  
13 under W.S. 33-49-108;

14

15 (viii) "NCCAOM" means the national certification  
16 commission for acupuncture and oriental medicine;

17

18 (ix) "Practice of acupuncture and oriental  
19 medicine" includes:

20

21 (A) Stimulation of points on the body  
22 through the use of needles, lancets, moxibustion, Qigong,  
23 thermal methods, herbal preparations, light, sound,

1 vibration, pressure, magnetism, electricity, suction, water  
2 or other means;

3

4 (B) Manual therapy including massage,  
5 acupressure, acupuncture, trigger point dry needling,  
6 reflexology, shiatsu, mobilization, manipulation, cupping,  
7 tuina and acutotement;

8

9 (C) Auricular, hand, nose, face, foot and  
10 scalp microsystem therapy;

11

12 (D) Adjunctive therapies including dietary  
13 and nutritional counseling, recommendation of breathing  
14 techniques and therapeutic exercises and lifestyle,  
15 behavioral and stress counseling;

16

17 (E) Diagnostic techniques including  
18 observation, listening, smelling, inquiring, palpitation,  
19 electrodermal screenings, thermography and the routine use  
20 of functional testing through physical or laboratory tests;

21

1 (F) The practice of Chinese herbal medicine  
2 if the acupuncturist has passed a nationally recognized  
3 examination approved by the board.

4

5 (x) "Practice of acupuncture" does not include:

6

7 (A) Osteopathic medicine;

8

9 (B) "Chiropractic" as defined in W.S.  
10 33-10-101;

11

12 (C) "Physical therapy" as defined in W.S.  
13 33-25-101(a)(i); or

14

15 (D) Surgery, prescribing, dispensing or  
16 administering any prescription drug or utilization of  
17 western medical diagnostic tests and procedures including  
18 magnetic resonance imaging, radiographs, computerized  
19 tomography scans and ultrasound.

20

21 (xi) "Practice of Chinese herbal medicine" means  
22 the sale, recommendation, prescription, administration,  
23 preparation or compounding of herbs, vitamins, minerals,

1 animals, homeopathic preparations, enzymes, glandular  
2 products, natural substances, dietary supplements or  
3 nutritional supplements in the form of raw herbs,  
4 decoctions, teas, tinctures, infusions, granules, pills or  
5 powders according to oriental medicine concepts;

6

7 (xii) "School of acupuncture" means a school in  
8 which acupuncture is taught and which is accredited by  
9 ACAOM or its equivalent as determined by the board;

10

11 (xiii) "This chapter" means W.S. 33-49-101  
12 through 33-49-118.

13

14 **33-49-103. Board created; members; appointment;**  
15 **terms; qualification; removal; vacancies.**

16

17 (a) The state board of acupuncture and oriental  
18 medicine is created to implement and administer this  
19 chapter. The board shall consist of five (5) members. The  
20 initial board shall consist of one (1) member of the public  
21 and four (4) members who shall have been engaged in the  
22 practice of acupuncture and oriental medicine for a period  
23 of not less than five (5) years immediately preceding

1 appointment to the board. Thereafter, the four (4) members  
2 engaged in the practice of acupuncture and oriental  
3 medicine shall be licensed under this chapter prior to  
4 appointment to the board.

5  
6 (b) The governor shall appoint the members of the  
7 board. Of the initial members appointed to the board, one  
8 (1) member shall be appointed for a term of three (3)  
9 years, two (2) members shall be appointed for a term of two  
10 (2) years and two (2) members shall be appointed for a term  
11 of one (1) year. Thereafter, the terms of office of the  
12 members appointed shall be for three (3) years.

13  
14 (c) Vacancies in the board shall be filled by  
15 appointment by the governor as provided in subsection (b)  
16 of this section for the balance of an unexpired term and  
17 each member shall serve until his successor is appointed  
18 and qualified.

19  
20 (d) The governor may remove any member from the board  
21 as provided in W.S. 9-1-202.

22

23 **33-49-104. Board meetings; elections; quorum.**

1

2 (a) The board shall meet at least once each year and  
3 shall elect a chairman at the first meeting each year. The  
4 board may convene at the request of the chairman or as the  
5 board may determine for any other meeting as may be deemed  
6 necessary to transact its business.

7

8 (b) Three (3) board members shall constitute a  
9 quorum.

10

11 **33-49-105. Board; reimbursement of expenses.**

12

13 Each member of the board shall receive the same per diem  
14 and travel expenses provided by law for state employees  
15 under W.S. 9-3-102 and 9-3-103 while engaged in official  
16 business or actual duties of the board. The fees and  
17 expenses shall be paid from the funds of the board.

18

19 **33-49-106. Board responsibilities; duties.**

20

21 (a) The board shall:

22



1           (i) Examine, license and renew the licenses of  
2 duly qualified applicants;

3

4           (ii) Maintain an up-to-date list of every person  
5 licensed to practice acupuncture and oriental medicine  
6 under this chapter. The list shall show the licensee's last  
7 known place of employment, last known place of residence  
8 and the date and number of his license;

9

10           (iii) Keep a record of all proceedings of the  
11 board and make the record available to the public for  
12 inspection during reasonable business hours;

13

14           (iv) Maintain an up-to-date list of persons  
15 whose licenses have been suspended, revoked or denied. This  
16 list shall include the names, type and cause of action,  
17 date and penalty incurred and the length of penalty. This  
18 list shall be available for public inspection during  
19 reasonable business hours. This list shall be supplied to  
20 similar boards in other states upon request;

21

22           (v) Establish fees for licenses, renewals and  
23 reinstatements in accordance with W.S. 33-1-201;

1

2 (vi) Promulgate rules and regulations relating  
3 to the proper cleaning and sterilization of needles to be  
4 used in the practice of acupuncture and the sanitation of  
5 acupuncture offices.

6

7 **33-49-107. Board; general powers.**

8

9 (a) The board may:

10

11 (i) In accordance with the Wyoming  
12 Administrative Procedure Act, adopt rules and regulations  
13 not inconsistent with the law as may be necessary to enable  
14 it to carry into effect the provisions of this chapter;

15

16 (ii) Employ personnel as necessary to perform  
17 the functions of the board;

18

19 (iii) Establish licensure and relicensure  
20 requirements and procedures as are appropriate and  
21 consistent with this chapter, including adopting and  
22 publishing a code of ethics and prescribing acupuncturist  
23 education program standards;

1

2 (iv) Initiate hearings related to the denial,  
3 suspension or revocation of a license or as provided in  
4 W.S. 33-49-116. All hearings of the board shall be  
5 consistent with the procedures specified by the Wyoming  
6 Administrative Procedure Act.

7

8 **33-49-108. Application for license; qualifications;**  
9 **fees.**

10

11 (a) Each applicant for licensure under this chapter  
12 shall apply for licensure with the board by providing an  
13 application to the board in the form and manner in which  
14 the board shall require. The application shall include the  
15 name and address of the applicant, show that the applicant  
16 has completed an educational program approved by the board,  
17 include the disclosure of any act that would be grounds for  
18 disciplinary action against a licensed acupuncturist under  
19 this chapter and include any additional information the  
20 board may require.

21

1           (b) Any change in the information required by  
2 subsection (a) of this section shall be reported to the  
3 board within thirty (30) days of the change.

4

5           (c) In order to qualify for licensure under this  
6 chapter, an acupuncturist shall have:

7

8           (i) Successfully completed a graduate level  
9 education program which is accredited by ACAOM, is in ACAOM  
10 candidacy status or is accredited by another accrediting  
11 institution that conforms to standards approved by the  
12 board;

13

14           (ii) Qualifications based on education,  
15 experience or training whether inside or outside of the  
16 United States which are substantially similar to those  
17 provided by paragraph (i) of this subsection which are  
18 documented in the form required by the board and accepted  
19 by the board in lieu of the education program;

20

21           (iii) Current active status as a diplomate of  
22 acupuncture or diplomate of oriental medicine of the  
23 NCCAOM; or

1

2 (iv) If the applicant is a physician or  
3 osteopath, the applicant shall have:

4

5 (A) Successfully completed an education  
6 program of not less than three hundred (300) hours that is  
7 approved by the ABMA or equivalent or have a certification  
8 from the ABMA; or

9

10 (B) Qualifications based on education,  
11 experience or training whether inside or outside of the  
12 United States which are substantially similar to those  
13 provided by subparagraph (A) of this paragraph which are  
14 documented in the form required by the board and accepted  
15 by the board in lieu of the education program.

16

17 (d) An acupuncturist may also apply to the board for  
18 certification to practice Chinese herbal medicine. In  
19 order to qualify for certification under this subsection,  
20 the acupuncturist shall have:

21

22 (i) Passed a nationally recognized examination  
23 approved by the board or have current active status as a

1 diplomate of Chinese herbology or diplomate of oriental  
2 medicine of the NCCAOM; or

3

4 (ii) If the applicant is a physician or  
5 osteopath and the scope of practice of the physician or  
6 osteopath does not permit the practice of herbal medicine,  
7 the applicant shall be subject to the requirements of  
8 paragraph (i) of this subsection.

9

10 (e) Each applicant for licensure or certification  
11 shall pay any required license, certification, renewal or  
12 reinstatement fees established by the board under this  
13 chapter. Licenses and certifications shall be renewed  
14 every two (2) years or reinstated pursuant to a schedule  
15 established by the board pursuant to this chapter. The  
16 board may establish renewal fees and delinquency fees for  
17 reinstatement. If a person fails to renew his license or  
18 certification pursuant to the schedule established by the  
19 board, the license or certification shall expire as  
20 provided in W.S. 33-49-113. Any person whose license or  
21 certification has expired shall be subject to the penalties  
22 provided in this chapter.

23

1           (f) Each acupuncturist shall report to the board any  
2 judgment or administrative action, as well as the terms of  
3 any settlement or other disposition of any judgment or  
4 action, against the acupuncturist involving malpractice or  
5 improper practice of acupuncture, whether occurring in  
6 Wyoming or in any other jurisdiction. The acupuncturist  
7 shall make the report either within thirty (30) days after  
8 the judgment or action or upon application for licensure or  
9 reinstatement, whichever occurs earlier.

10  
11           (g) As a condition of licensure, every acupuncturist  
12 shall purchase and maintain commercial professional  
13 liability insurance with an insurance company authorized to  
14 do business in this state in a minimum indemnity amount of:

15  
16           (i) Fifty thousand dollars (\$50,000.00) per  
17 incident and fifty thousand dollars (\$50,000.00) per year,  
18 if practicing as a sole proprietor or general partnership;

19  
20           (ii) Three hundred thousand dollars  
21 (\$300,000.00) per incident and three hundred thousand  
22 dollars (\$300,000.00) per year, if practicing as a limited  
23 liability company or a corporation.

1

2           **33-49-109. Licensure by endorsement.**

3

4           (a) The board shall issue a license by endorsement to  
5 engage in the practice of acupuncture and oriental medicine  
6 in this state to any applicant who has a license in good  
7 standing as an acupuncturist under the laws of another  
8 jurisdiction if the applicant presents satisfactory proof  
9 to the board that, at the time of application for a license  
10 by endorsement, the applicant possesses substantially  
11 equivalent credentials and qualifications to those required  
12 for licensure pursuant to this chapter.

13

14           (b) The board shall specify by rule what shall  
15 constitute "substantially equivalent credentials and  
16 qualifications" for the purposes of this section.

17

18           (c) The board shall establish a fee to be paid by any  
19 applicant for licensure by endorsement.

20

21           (d) For the purposes of this section, "in good  
22 standing" means a license that has not been revoked or



1 suspended or against which there are no disciplinary or  
2 adverse actions.

3

4 **33-49-110. Licensure required; exceptions.**

5

6 (a) Nothing in this chapter shall interfere with, or  
7 be interpreted to interfere with or prevent, any other  
8 licensed health care professional from practicing within  
9 the scope of his practice as specified in this title,  
10 provided that no licensed health care professional shall  
11 hold himself out as an acupuncturist or use any title under  
12 subsection (c) of this section unless the person is  
13 licensed under this chapter.

14

15 (b) No person shall practice acupuncture and oriental  
16 medicine without a valid and current license on file with  
17 the board, unless the acupuncturist has met the  
18 requirements of subsection (d) of this section. No person  
19 shall practice Chinese herbal medicine in this state unless  
20 the person has obtained a certification from the board  
21 under this chapter.

22

1           (c) It is unlawful for any person to hold himself out  
2 in any manner as being authorized to practice acupuncture,  
3 oriental medicine or Chinese herbology or use the title  
4 "licensed acupuncturist," "registered acupuncturist,"  
5 "doctor of oriental medicine," or "doctor of acupuncture  
6 and oriental medicine" or use the designation "L.Ac.,"  
7 "R.Ac.," "D.O.M." or "O.M.D." or any variant thereof,  
8 unless the person is licensed under this chapter. It is  
9 unlawful for any person to use the title of "diplomate of  
10 acupuncture," "diplomate of Chinese herbology," or  
11 "diplomate of oriental medicine" or the designation of  
12 "Dipl. Ac.," "Dipl. C.H." or "Dipl. O.M." unless the person  
13 is nationally certified with NCCAOM and licensed under this  
14 chapter.

15  
16           (d) Notwithstanding the provisions of this section to  
17 the contrary, a person in training may practice acupuncture  
18 and oriental medicine without a valid and current license  
19 on file with the division if such practice takes place in  
20 the course of a bona fide training program and:

21  
22           (i) All acupuncture acts and services performed  
23 by the person are performed under the direct, on-site

1 supervision of a licensed acupuncturist, who shall be  
2 responsible for all such acts and services as though the  
3 licensed acupuncturist had personally performed them; and

4

5 (ii) The name and current residence address of  
6 the person has been reported to the board by the licensed  
7 acupuncturist supervising the person.

8

9 **33-49-111. Temporary licensure.**

10

11 (a) Notwithstanding the provisions of this chapter to  
12 the contrary, a person may practice acupuncture and  
13 oriental medicine without a valid and current license if  
14 the person has been issued a temporary license by the board  
15 under this section.

16

17 (b) The board may issue a temporary license to a  
18 person who has a license in good standing as an  
19 acupuncturist under the laws of another jurisdiction or who  
20 has a license in another health care profession if the  
21 person possesses the knowledge and skills that are included  
22 in the scope of the practice of acupuncture and oriental  
23 medicine in Wyoming.

1

2 (c) The board shall only issue a temporary license to  
3 a person who is under the sponsorship of an acupuncturist  
4 licensed in this state and who submits an application and  
5 fee as provided by rule and regulation of the board,  
6 provided that no fee shall be charged if the license is for  
7 not more than seven (7) days in any three (3) month period.  
8 A temporary license shall only be valid for the limited  
9 purpose specified in the license and shall not exceed one  
10 (1) year. The board shall only issue a temporary license  
11 for one (1) of the following purposes:

12

13 (i) Teaching acupuncture and oriental medicine;

14

15 (ii) Consulting, in association with the  
16 sponsoring acupuncturist, regarding any patient of the  
17 sponsoring acupuncturist;

18

19 (iii) Performing specialized diagnostic or  
20 treatment techniques in association with the sponsoring  
21 acupuncturist for any patient of the sponsoring  
22 acupuncturist;

23

1           (iv) Assisting in the conducting of research in  
2 acupuncture and oriental medicine;

3

4           (v) Assisting in the implementation of new  
5 techniques and technology related to acupuncture and  
6 oriental medicine;

7

8           (vi) In an emergency situation or for disaster  
9 relief as determined by the board.

10

11           (d) A temporary license may be renewed upon  
12 submission of an application and fee as provided by rule  
13 and regulation of the board.

14

15           (e) The chairman of the board or his designee may  
16 issue an interim temporary license to a person who meets  
17 the requirements of this section. An interim temporary  
18 license under this subsection shall be valid as a temporary  
19 license until the next meeting of the board.

20

21           **33-49-112. Continuing education.**

22

1           (a) Each licensed acupuncturist shall complete thirty  
2 (30) hours of continuing education every two (2) years.  
3 Each continuing education course shall be sponsored by  
4 NCCAOM or another accrediting institution upon approval  
5 from the board.

6  
7           (b) An instructor in a course of continuing education  
8 which is approved by the board may receive continuing  
9 education credit as approved by the board at the rate of  
10 one (1) hour of credit for every twelve (12) hours of  
11 instruction. No person shall receive more than eighteen  
12 (18) hours of instruction credit under this subsection in  
13 any two (2) year period.

14

15           **33-49-113. License renewal.**

16

17           (a) Each licensee shall renew his license every two  
18 (2) years by submitting, prior to the date established by  
19 the board, the fee and application required by rule and  
20 regulation of the board. The application shall include  
21 proof of continuing education as required under W.S.  
22 33-49-112 and other information as the board may require.

23

1           (b) The board shall allow a sixty (60) day grace  
2 period following the expiration of a license. A person may  
3 renew a license during the grace period under this  
4 subsection if the person complies with the requirements of  
5 subsection (a) of this section and pays a late fee as  
6 determined by the board.

7  
8           (c) A license which is not renewed following the  
9 expiration of the sixty (60) day grace period under  
10 subsection (b) of this section is expired and the licensee  
11 shall not practice acupuncture in this state. The board  
12 may through rule and regulation allow for reinstatement of  
13 an expired license within one (1) year of expiration. If a  
14 license has been expired for more than one (1) year, the  
15 board shall require the person to apply as a new applicant.

16

17           **33-49-114. Mandatory disclosure to patients; record**  
18 **retention.**

19

20           (a) Each acupuncturist shall provide the following  
21 information in writing to each patient during the initial  
22 patient contact:

23

1           (i) The name, business address and business  
2 phone number of the acupuncturist;

3

4           (ii) A fee schedule;

5

6           (iii) A statement indicating that:

7

8                   (A) The patient is entitled to receive  
9 information about the methods of therapy, the techniques  
10 used and the duration of therapy, if known;

11

12                   (B) The patient may seek a second opinion  
13 from another health care professional or may terminate  
14 therapy at any time;

15

16                   (C) In a professional relationship, sexual  
17 intimacy is never appropriate and should be reported to the  
18 board.

19

20           (iv) A listing of the acupuncturist's education,  
21 experience, degrees, membership in a professional  
22 organization whose membership includes not less than one-  
23 third (1/3) of the persons licensed pursuant to this



1 chapter, certificates or credentials related to acupuncture  
2 awarded by such organizations, the length of time required  
3 to obtain said degrees or credentials and experience;

4  
5 (v) A statement indicating any license,  
6 certificate or registration in acupuncture or any other  
7 health care profession which was issued to the  
8 acupuncturist by any local, state or national health care  
9 agency, and indicating whether any such license,  
10 certificate or registration was suspended or revoked.

11  
12 (b) Any changes in the information required by  
13 subsection (a) of this section shall be made in the  
14 mandatory disclosure within five (5) days of the change.

15  
16 (c) The acupuncturist shall retain a copy of the  
17 written information specified in subsection (a) of this  
18 section, dated and signed by the patient, from the time of  
19 the initial evaluation until at least five (5) years after  
20 the termination of treatment.

21  
22 **33-49-115. License revocation; discipline.**

23

1           (a) The board may revoke, suspend or refuse to renew  
2 any license or permit or place on probation, or otherwise  
3 reprimand a licensee or permit holder or deny a license to  
4 an applicant if, after hearing, it finds that the person:

5

6           (i) Violated the provisions of W.S. 33-49-110;

7

8           (ii) Failed to provide the mandatory disclosure  
9 required by W.S. 33-49-114 or provided false, deceptive or  
10 misleading information to patients in the disclosure;

11

12           (iii) Failed to provide the information required  
13 by W.S. 33-49-108(a) or provided false, deceptive or  
14 misleading information to the board during application for  
15 initial licensure or certification, temporary licensure or  
16 renewal of a license under this chapter;

17

18           (iv) Committed, or advertised in any manner that  
19 he will commit, any act constituting a fraudulent insurance  
20 act as determined by the board;

21

1           (v) Failed to refer a patient to an appropriate  
2 practitioner when the problem of the patient is beyond the  
3 training, experience or competence of the acupuncturist;

4  
5           (vi) Accepted commissions or rebates or other  
6 forms of remuneration for referring clients to other  
7 professionals;

8  
9           (vii) Offered or gave commissions, rebates or  
10 other forms of remuneration for the referral of clients;  
11 except that, notwithstanding the provisions of this  
12 paragraph, an acupuncturist may pay an independent  
13 advertising or marketing agent compensation for advertising  
14 or marketing services rendered on his behalf by such agent,  
15 including compensation which is paid for the results of  
16 performance of such services, on a per patient basis;

17  
18           (viii) Failed to comply with, or aided or  
19 abetted a failure to comply with, the requirements of this  
20 chapter or any lawful rules or regulations adopted by the  
21 board, including those regulations governing the proper  
22 cleaning and sterilization of acupuncture needles or the  
23 sanitary conditions of acupuncture offices;

1

2           (ix) Engaged in sexual contact as defined in  
3 W.S. 6-2-301(a)(vi) or sexual intrusion as defined in W.S.  
4 6-2-301(a)(vii) with a patient during the period of time  
5 beginning with the initial patient evaluation and ending  
6 with the termination of treatment;

7

8           (x) Departed from, or failed to conform to,  
9 minimal standards of care of similar practitioners under  
10 the same or similar circumstances, whether or not actual  
11 injury to a patient is established;

12

13           (xi) Continued in the practice of acupuncture  
14 and oriental medicine while subject to any physical or  
15 mental disability which renders the acupuncturist unable to  
16 treat patients with reasonable skill and safety or which  
17 may endanger a patient's health or safety, or continued in  
18 the practice of acupuncture and oriental medicine while  
19 afflicted with a communicable, infectious or contagious  
20 disease of a serious nature which renders the acupuncturist  
21 unable to treat patients with reasonable skill and safety  
22 or which may endanger a patient's health or safety;

23

1           (xii) Continued in the practice of acupuncture  
2 and oriental medicine while addicted to or dependent upon  
3 alcohol or upon any habit forming drug or while abusing or  
4 habitually or excessively using any habit forming drug or  
5 any controlled substance as defined in W.S.  
6 35-7-1002(a)(iv);

7

8           (xiii) Committed and been convicted of a felony  
9 or entered a plea of guilty or nolo contendere to a felony;

10

11           (xiv) Published or circulated, directly or  
12 indirectly, any fraudulent, false, deceitful or misleading  
13 claims or statements relating to acupuncture and oriental  
14 medicine or to the acupuncturist's practice, capabilities,  
15 services, methods or qualifications.

16

17           (b) The board may accept, as prima facie evidence of  
18 the commission of any act enumerated in subsection (a) of  
19 this section, evidence of disciplinary action taken by  
20 another jurisdiction against an acupuncturist's license or  
21 other authorization to practice if disciplinary action was  
22 based upon acts or practices substantially similar to those  
23 enumerated in subsection (a) of this section.

1

2           **33-49-116. Board hearings; investigations.**

3

4           (a) Upon receipt of written complaint by the board  
5 charging a person with having been guilty of any of the  
6 acts described in W.S. 33-49-115, the board shall make an  
7 investigation. If the board finds reasonable grounds for  
8 the complaint, a time and place for a hearing shall be set,  
9 notice of which shall be served on the licensee or  
10 applicant at least fifteen (15) calendar days prior  
11 thereto. The notice shall be by personal service or by  
12 certified or registered mail sent to the last known address  
13 of the person.

14

15           (b) The board may issue subpoenas for the attendance  
16 of witnesses and the production of necessary evidence in  
17 any hearing before it. Upon request of the respondent or  
18 his counsel, the board shall issue subpoenas on behalf of  
19 the respondent.

20

21           (c) Hearing procedures shall be promulgated in  
22 accordance with, and a person aggrieved by a decision of

1 the board may take an appeal pursuant to, the Wyoming  
2 Administrative Procedure Act.

3

4 **33-49-117. Disposition of fees.**

5

6 Fees received by the board and any monies collected under  
7 this chapter shall be deposited with the state treasurer,  
8 who shall credit the money to a separate account which  
9 shall only be used by the board to defray costs incurred in  
10 the administration of this chapter.

11

12 **33-49-118. Violations; penalties; proceedings.**

13

14 (a) Any person who violates any of the provisions of  
15 this chapter is guilty of a misdemeanor and upon conviction  
16 shall be fined not more than seven hundred fifty dollars  
17 (\$750.00) or imprisoned in the county jail not more than  
18 six (6) months, or both. If the board has reason to believe  
19 that any individual is liable under this section, it may  
20 certify the facts to the attorney general of Wyoming who  
21 may take appropriate action.

22

1           (b) Nothing in this section shall limit any  
2 additional civil or criminal liability under the laws of  
3 this state.

4

5           **Section 2.** This act is effective immediately upon  
6 completion of all acts necessary for a bill to become law  
7 as provided by Article 4, Section 8 of the Wyoming  
8 Constitution.

9

10

(END)