

SENATE FILE NO. SF0042

Professional licensing-applicant criminal records.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to professions and occupations; clarifying
2 requirements for licensing, certification and registration
3 related to a person's background and criminal record;
4 requiring any disqualifying offense to relate to the
5 profession or occupation or the ability to practice the
6 profession or occupation; providing considerations for
7 licensing boards, commissions, commissioners and
8 authorities regarding applicable convictions; requiring
9 professional licensing boards, commissions, commissioners
10 and authorities to review their rules for consistency with
11 this act; and providing for an effective date.

12

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

14

15 **Section 1.** W.S. 33-1-304 is created to read:

1

2 **33-1-304. Considering criminal convictions**

3

4 (a) Except as specifically required by its licensure,
5 certification or registration statutes, every board,
6 commission, commissioner or authority authorized to
7 establish examination, inspection, permit, license,
8 certification or registration fees for any profession or
9 occupation regulated under this title or under W.S.
10 7-4-211, 9-1-702, 11-25-105, 15-5-103, 17-4-406, 21-2-802,
11 23-2-414, 26-4-101 or 40-22-109 and who considers criminal
12 convictions as part of its regulatory duties shall not
13 consider prior convictions that do not affect the practice
14 of the profession or occupation or the ability to practice
15 the profession or occupation regulated by the board,
16 commission, commissioner or authority. Specifically, the
17 board, commission, commissioner or authority may cite as
18 state policy the following:

19

20 (i) It is public policy to reduce recidivism by
21 addressing barriers to employment and encouraging
22 appropriate employment and licensure of persons with arrest
23 and conviction records;

1

2 (ii) It is public policy to consider whether the
3 elements of an offense are directly related to the specific
4 duties and responsibilities of that profession or
5 occupation;

6

7 (iii) It is public policy to consider whether
8 the profession or occupation offers the opportunity for the
9 same or a similar offense to occur;

10

11 (iv) It is public policy to consider the
12 relationship of the offense to the purposes of regulating
13 the profession or occupation; and

14

15 (v) It is public policy to consider whether
16 there is ample opportunity for a person denied a license
17 due to a prior criminal conviction to appeal the denial.

18

19 (b) A board or commission licensing, certifying or
20 registering a person to practice or perform a profession or
21 occupation that heals or treats humans may always determine
22 that a crime of violence or sexual misconduct is relevant
23 to the ability to practice the profession or occupation,

1 but in making a licensing, certification or registration
2 decision may consider the circumstances of the offense.

3

4 (c) No board, commission, commissioner or authority
5 authorized to regulate through licensure, certification or
6 registration a profession or occupation under this title,
7 or under W.S. 7-4-211, 9-1-702, 11-25-105, 15-5-103,
8 17-4-406, 21-2-802, 23-2-414, 26-4-101 or 40-22-109, shall
9 consider evidence of any conviction more than twenty (20)
10 years old, or for a lesser period of time if expressly
11 provided by statute, when analyzing a person's criminal
12 history pursuant to the board's, commission's,
13 commissioner's or authority's regulatory duties, except
14 when:

15

16 (i) The sentence, including all incarceration,
17 parole and probation, for the conviction is incomplete or
18 has been completed within fewer than the last ten (10)
19 years; or

20

21 (ii) The conviction is related to the duties and
22 responsibilities of the profession or occupation or as

1 otherwise permitted by licensure, certification or
2 registration statutes.

3

4 **Section 2.** W.S. 17-4-412(d)(iii), 21-2-802(e)(i),
5 23-2-411(c)(ii), 23-2-412(e)(ii), 23-2-416(a)(iii),
6 26-1-102(a) by creating a new paragraph (xlii),
7 26-9-211(a)(vi) and by creating new subsections (e) and
8 (f), 26-23-321(b), 26-37-117(a)(iv), 26-37-120(a)(v),
9 33-3-121(a)(v), 33-10-110(a)(iii), 33-15-108(a),
10 33-15-120(a), 33-16-523, 33-22-108(a)(i),
11 33-23-110(b)(iii), 33-24-116(a)(iii), 33-24-122(a)(i),
12 33-24-135(e)(iii), 33-24-301(f)(iv),
13 33-26-402(a)(xxvii)(K), 33-28-106(g)(iii),
14 33-28-111(a)(xxii), 33-29-402(a)(i) and (b)(i),
15 33-29-403(a)(i), (b)(i) and (c)(i), 33-29-406(a)(i) and
16 (b)(i), 33-30-206(a), 33-30-212(a)(iv), 33-30-224(a)(ii)
17 and (iii), 33-33-305(a)(iii), 33-35-115(b)(i),
18 33-37-111(a)(i), 33-38-106(a)(ii), (b)(ii), (c)(ii),
19 (d)(ii), (e)(iii), (j)(ii), (k)(ii), (m)(ii) and (n)(iii),
20 33-38-110(c)(i), 33-39-123(a)(ii), 33-44-105(a)(viii),
21 33-44-106(a)(i), 33-45-111(a)(iii), 33-49-111(a)(iii) and
22 40-22-108(a)(ii) are amended to read:

23

1 **17-4-412. Denial, revocation, suspension, withdrawal,**
2 **restriction, condition, or limitation of registration.**

3
4 (d) A person may be disciplined under subsections (a)
5 through (c) of this section if the person:

6
7 (iii) Has been convicted of a felony that
8 relates to practice in securities and investing or to the
9 ability to practice as a broker-dealer, agent, investment
10 adviser, or investment adviser representative, as
11 identified in rule by the secretary of state consistent
12 with W.S. 33-1-304, or within the previous ten (10) years
13 has been convicted of a misdemeanor involving a security, a
14 commodity future or option contract, or an aspect of a
15 business involving securities, commodities, investments,
16 franchises, insurance, banking, or finance;

17
18 **21-2-802. Powers and duties; teacher certification;**
19 **suspension and revocation; certification fees; disposition**
20 **of collected fees; required data submissions to department**
21 **of education.**

22

1 (e) No certification shall be issued under this
2 section until a criminal history background check has been
3 filed with and received by the board, the applicant
4 provides a release of information and the applicant
5 consents to the release of any criminal history information
6 to the board and if applicable, to the employing school
7 district. Upon receipt of a background report pursuant to
8 this subsection indicating that the applicant has a
9 conviction equal to a felony under Wyoming law or any
10 conviction for an act which would constitute a violation
11 under chapter 2 or chapter 4 of title 6 of the Wyoming
12 statutes, the board shall immediately provide a copy of the
13 report to the employing local school board if the
14 information involves a certified individual employed by
15 that local board and if the local board has requested a
16 copy of the report. For all persons seeking initial
17 certification under this section on or after July 1, 1996:

18

19 (i) The applicant shall be required to verify
20 under oath whether he has been convicted of a felony. The
21 board may deny certification of any applicant who has been
22 convicted of a felony that relates to the practice of
23 teaching or to the ability to practice as a teacher and may

1 annul a certificate for misrepresentation by an applicant
2 of his criminal history. Any felony related to a sexual
3 offense shall be considered to relate to the practice of
4 teaching. Action by the board to annul a certificate shall
5 be taken following a hearing conducted in accordance with
6 the Wyoming Administrative Procedure Act, unless the person
7 holding the certification waives the right to a hearing;

8

9 **23-2-411. Outfitter qualifications for licensure;**
10 **licensed outfitter may act as professional guide; required**
11 **reporting of criminal history.**

12

13 (c) In addition to subsection (a) of this section, an
14 applicant for an outfitter's license shall report:

15

16 (ii) Any felony conviction that relates to the
17 practice of game and fish outfitting or to the ability to
18 practice as a game and fish outfitter; and

19

20 **23-2-412. Qualifications for professional guide's**
21 **license; valid during employment by outfitter only.**

22

1 (e) In addition to subsection (a) of this section, an
2 applicant for a professional guide's license shall report:

3
4 (ii) Any felony conviction that relates to the
5 practice of professional guiding or outfitting or to the
6 ability to practice as a professional guide or outfitter;
7 and

8
9 **23-2-416. License suspension and revocation; grounds;**
10 **payment of damages; proceedings.**

11
12 (a) The board may require a licensee to pay damages
13 as provided by subsection (b) of this section, may refuse
14 to issue or renew or may suspend or revoke a license issued
15 under this act or may otherwise discipline a licensee for
16 any of the following causes:

17
18 (iii) Conviction of a felony that relates to the
19 practice of professional guiding or outfitting or to the
20 ability to practice as a professional guide or outfitter;

21
22 **26-1-102. Definitions.**

23

1 (a) As used in this act:

2

3 (xlii) A natural person who engages in or
4 conducts the "business of insurance" means a person has
5 duties that require licensure under this code or that are a
6 major part of a person's duties and require specialized
7 knowledge of insurance, which knowledge has been acquired
8 through training and experience and is sufficient that
9 close supervision from a person licensed under this code is
10 not needed. A person is not engaged in the business of
11 insurance who performs tasks often found in business
12 offices not engaged in insurance and who requires close
13 supervision from a person licensed under this code to
14 engage in tasks requiring specialized insurance knowledge.
15 A person in training who performs duties requiring
16 specialized knowledge of insurance is not engaged in the
17 business of insurance if that person is under close
18 supervision from a person licensed under this code.

19

20 **26-9-211. License denial, nonrenewal or revocation.**

21

22 (a) The commissioner may, after appropriate notice
23 and opportunity for hearing pursuant to the Wyoming

1 Administrative Procedure Act and in accordance with W.S.
2 26-2-125 through 26-2-129, place on probation, suspend,
3 revoke or refuse to issue or renew an insurance producer's
4 license or other license issued under this code, or may
5 levy a civil penalty in accordance with W.S. 26-1-107 or
6 any combination of actions, for any one (1) or more of the
7 following causes:

8
9 (vi) Having been convicted of a felony that
10 relates to the insurance profession or to the ability to
11 practice as an insurance producer. For agents whose home
12 state of licensure is not Wyoming, the commissioner may
13 rely on licensure and disciplinary actions by the agent's
14 home state of licensure;

15
16 (e) For persons for whom Wyoming is the home state of
17 licensure, if the commissioner is aware at the time the
18 commissioner takes an action under subsection (a) of this
19 section that a person will require the written consent of
20 an insurance regulatory official to engage in the business
21 of insurance pursuant to 18 U.S.C. § 1033 and the result of
22 the action under subsection (a) of this section is that the
23 person will receive or retain a license under this code,

1 the commissioner shall, upon request, issue the written
2 consent.

3
4 (f) If an employer becomes aware that an employee who
5 is engaged in the business of insurance needs the
6 commissioner's consent to continue to engage in the
7 business of insurance, the employer may direct the employee
8 to obtain the necessary consent and, if the consent is
9 denied, shall take action so that the employee is not
10 engaged in the business of insurance. In cases arising
11 under this subsection the commissioner shall give special
12 weight to evidence, including statements from the employer,
13 as to whether the employee has or has not engaged in any
14 activity that relates to the offense requiring the written
15 consent and that relates adversely to the insurance
16 profession.

17
18 **26-23-321. Title agents; refusal, suspension or**
19 **revocation of license; fine instead of suspension.**

20
21 (b) The commissioner may revoke the title agent's
22 license of any person convicted by final judgment of a

1 felony that relates to the title insurance profession or to
2 the ability to practice as a title insurance agent.

3

4 **26-37-117. Mechanical breakdown insurance**
5 **organizations; qualifications for dealer's license.**

6

7 (a) In addition to conditions specified under W.S.
8 26-37-116, the commissioner shall issue a mechanical
9 breakdown insurance dealer's license only to an individual
10 otherwise complying with this chapter furnishing evidence
11 satisfactory to the commissioner that he:

12

13 (iv) Has never been convicted of a felony that
14 relates to the mechanical breakdown insurance profession or
15 to the ability to practice as a mechanical breakdown
16 insurance dealer. The commissioner shall have discretion as
17 to whether to issue a license if there has been a relevant
18 conviction.

19

20 **26-37-120. Mechanical breakdown insurance**
21 **organizations; grounds for suspension, revocation or**
22 **refusal to renew dealer's license generally.**

23

1 (a) The commissioner may suspend, revoke or refuse to
2 renew any mechanical breakdown insurance dealer's license
3 issued under this chapter for any cause specified by this
4 chapter including the following:

5

6 (v) A conviction by final judgment of a felony
7 that relates to the mechanical breakdown insurance
8 profession or to the ability to practice as a mechanical
9 breakdown insurance dealer;

10

11 **33-3-121. Certificates and permits; disciplinary**
12 **action; grounds.**

13

14 (a) After notice and hearing, the board may revoke,
15 refuse to renew, reprimand, censure, limit the scope of
16 practice, place on probation with or without terms,
17 conditions or limitations, or may suspend for a period not
18 to exceed two (2) years, any certificate issued under this
19 act or practice privilege or may revoke, suspend, limit the
20 scope of practice, or refuse to renew any permit issued
21 under this act or may censure the holder of a permit for
22 any of the following causes:

23

1 (v) Conviction of a felony that relates to the
2 practice of accounting or to the ability to practice
3 accounting under the laws of Wyoming or any other state or
4 of the United States;

5
6 **33-10-110. Prohibited acts; refusal, revocation or**
7 **suspension of license; appeals.**

8
9 (a) The board may deny, refuse to renew, suspend,
10 revoke or otherwise restrict a license under this act for
11 any of the following acts:

12
13 (iii) To commit or be convicted of a felony that
14 relates to the practice of chiropractic or to the ability
15 to practice chiropractic;

16
17 **33-15-108. Licensing; qualifications; examinations;**
18 **fees.**

19
20 (a) Any person ~~of good moral character~~ who has a
21 background that does not evidence conduct adverse to the
22 practice of dentistry or to the ability to practice
23 dentistry, who has graduated and attained the degree of

1 doctor of dental surgery or doctor of dental medicine from
2 a college or university in the United States or Canada
3 accredited by the commission on dental accreditation of the
4 American Dental Association, may apply to the board to have
5 the applicant's qualifications considered for licensure to
6 practice dentistry. The applicant shall pass a written and
7 practical examination in a manner satisfactory to the
8 board. The written examination shall consist of part I and
9 part II of the national board of dental examinations
10 administered by the joint commission on national dental
11 examinations of the American Dental Association and an
12 examination on the Wyoming Dental Practice Act and the
13 rules and regulations of the board of dental examiners. The
14 clinical practical examination shall be based on
15 satisfactory completion of a clinical examination
16 acceptable to the board.

17

18 **33-15-120. Dental hygienists; qualifications;**
19 **examination; fees and license.**

20

21 (a) Any person ~~of good moral character~~ who has a
22 background that does not evidence conduct adverse to the
23 practice of dental hygiene or to the ability to practice

1 dental hygiene who is a graduate of a dental hygiene
2 program accredited by the commission on dental
3 accreditation of the American Dental Association, who has
4 passed in a manner satisfactory to the board the dental
5 hygiene national board examination administered by the
6 joint commission on national dental examinations of the
7 American Dental Association and who passes any clinical
8 board accepted by the board may apply to the board to have
9 the person's qualifications considered for licensure to
10 practice dental hygiene. Applicants shall be required to
11 pass a written examination satisfactory to the board.

12

13 **33-16-523. Investigation of applicants for license;**
14 **granting or refusing license.**

15

16 Upon receipt of an application for an establishment license
17 under this act, the board may cause an investigation to be
18 made as to the character of the applicant, including its
19 officers or members if the application is by or in behalf
20 of business entity, and may require a showing that will
21 reasonably prove ~~the good character of the applicant~~ that
22 the applicant does not have a background evidencing conduct
23 adverse to the practice of funeral service or to the

1 ability to practice funeral service. The board may
2 subpoena witnesses and administer oaths upon proper notice.
3 After proper hearing, the board shall grant a license if it
4 finds the applicant ~~is of good character~~ does not have a
5 background evidencing conduct adverse to the practice of
6 funeral service or to the ability to practice funeral
7 service and the proposed funeral establishment is, or will
8 be, constructed and equipped as required by this act.
9 Every application shall be granted or refused within ninety
10 (90) days from the date of the filing of the application.

11

12 **33-22-108. Powers and duties of board.**

13

14 (a) The board shall:

15

16 (i) Develop, impose and enforce standards which
17 must be met by individuals in order to receive a license as
18 a nursing home administrator, which standards shall be
19 designed to insure that nursing home administrators will be
20 individuals who ~~are of good character~~ have backgrounds that
21 do not evidence conduct adverse to the practice of nursing
22 home administration or to the ability to practice nursing
23 home administration and are otherwise suitable, and who, by

1 training or experience, in the field of institutional
2 administration, are qualified to serve as nursing home
3 administrators;

4

5 **33-23-110. Refusal, suspension or revocation of**
6 **license.**

7

8 (b) "Unprofessional and dishonest conduct" as used in
9 this act means:

10

11 (iii) Being guilty of offenses ~~involving moral~~
12 ~~turpitude,~~ that relate to the practice of optometry or to
13 the ability to practice optometry or involving habitual
14 intemperance, or being habitually addicted to the use of
15 morphine, opium, cocaine, or other drugs having a similar
16 effect;

17

18 **33-24-116. Qualifications of applicants for licensure**
19 **as a pharmacist by examination.**

20

21 (a) Any person seeking licensure by examination to
22 practice pharmacy in this state may make application in
23 writing to the board. The applicant shall:

1

2 (iii) Be possessed of ~~good moral character~~ a
3 background that does not evidence conduct adverse to the
4 practice of pharmacy or to the ability to practice
5 pharmacy;

6

7 **33-24-122. Revocation or suspension of license and**
8 **registration; letter of admonition; summary suspension;**
9 **administrative penalties; probation; grounds.**

10

11 (a) The license and registration of any pharmacist
12 may be revoked or suspended by the board of pharmacy or the
13 board may issue a letter of admonition, refuse to issue or
14 renew any license or require successful completion of a
15 rehabilitation program or issue a summary suspension for
16 any of the following causes:

17

18 (i) Conviction of a felony or high misdemeanor
19 ~~involving moral turpitude~~ that relates to the practice of
20 pharmacy or to the ability to practice pharmacy, in which
21 case the record of conviction or a copy thereof certified
22 by the clerk or judge of the court in which the conviction
23 is had shall be conclusive evidence;

1

2 **33-24-135. Internship.**

3

4 (e) The board may issue a letter of admonition or
5 suspend or revoke a pharmacy intern's license for any:

6

7 (iii) Conviction of a felony or misdemeanor
8 ~~involving moral turpitude~~ that relates to the practice of
9 pharmacy or to the ability to practice as a pharmacy
10 intern;

11

12 **33-24-301. Pharmacy technicians; licensing;**
13 **definitions; revocation or suspension of license; letter of**
14 **admonition; information required for background checks.**

15

16 (f) The board may issue a letter of admonition or
17 suspend or revoke a pharmacy technician's license or the
18 board may assess an administrative penalty against that
19 person not to exceed one thousand dollars (\$1,000.00) for
20 each violation for any:

21

22 (iv) Conviction of a felony or misdemeanor
23 ~~involving moral turpitude~~ that relates to the practice of

1 pharmacy or to the ability to practice as a pharmacy
2 technician; or

3

4 **33-26-402. Grounds for suspension; revocation;**
5 **restriction; imposition of conditions; refusal to renew or**
6 **other disciplinary action.**

7

8 (a) The board may refuse to renew, and may revoke,
9 suspend or restrict a license or take other disciplinary
10 action, including the imposition of conditions or
11 restrictions upon a license on one (1) or more of the
12 following grounds:

13

14 (xxvii) Unprofessional or dishonorable conduct
15 not otherwise specified in this subsection, including but
16 not limited to:

17

18 (K) Engaging in conduct that ~~constitutes~~
19 ~~moral turpitude~~ relates adversely to the practice of
20 medicine or to the ability to practice medicine, including
21 but not limited to conviction of or pleading guilty or nolo
22 contendere to domestic abuse, stalking, sexual assault,

1 sexual abuse or unlawful exploitation of a minor, indecent
2 exposure, incest or distribution of pornography;

3

4 **33-28-106. Application for license; qualifications;**
5 **sworn statement; commission approval of course of study;**
6 **statement of responsible broker; denial of license; issuing**
7 **licenses.**

8

9 (g) The commission may consider prior revocation,
10 conduct or conviction in its determination of whether to
11 grant an applicant a license if the applicant:

12

13 (iii) Has been convicted of any felony that
14 relates to the practice of real estate activity or to the
15 ability to practice the duties of a responsible real estate
16 licensee or any felony sexual offense or violent crime.

17

18 **33-28-111. Censure of licensee and suspension or**
19 **revocation of license; grounds.**

20

21 (a) The commission shall upon a written sworn
22 complaint or may upon its own motion investigate the
23 actions of any licensee conducting real estate advertising,

1 self promotion as a licensee or real estate activity
2 regarding real estate located in Wyoming, impose an
3 administrative fine not to exceed two thousand five hundred
4 dollars (\$2,500.00) for each separate offense and may
5 censure a licensee, place a licensee on probation and set
6 the terms of probation, suspend or revoke any license
7 issued under this act for any of the following:

8

9 (xxii) Conviction of a felony that relates to
10 the practice of real estate activity or to the ability to
11 perform the duties of a licensee or any felony sexual
12 offense or violent crime;

13

14 **33-29-402. Requirements for intern certificate.**

15

16 (a) An applicant for a certificate as an engineer
17 intern shall submit evidence satisfactory to the board
18 showing that the applicant:

19

20 (i) Is possessed of ~~good moral character and~~
21 ~~repute~~ a background that does not evidence conduct adverse
22 to the practice of engineering or to the ability to
23 practice as an engineer intern;

1

2 (b) An applicant for a certificate as a land surveyor
3 intern shall submit evidence satisfactory to the board
4 showing that the applicant:

5

6 (i) Is possessed of ~~good moral character and~~
7 ~~repute~~ a background that does not evidence conduct adverse
8 to the practice of land surveying or to the ability to
9 practice as a land surveyor intern;

10

11 **33-29-403. Requirements for professional license.**

12

13 (a) An applicant for a license as a professional
14 engineer who has not graduated from a doctoral curriculum
15 in engineering approved by the board shall submit evidence
16 satisfactory to the board showing that the applicant:

17

18 (i) Is possessed of ~~good moral character and~~
19 ~~repute~~ a background that does not evidence conduct adverse
20 to the practice of engineering or to the ability to
21 practice engineering;

22

1 (b) An applicant for a license as a professional
2 engineer who has graduated from a doctoral curriculum in
3 engineering approved by the board shall submit evidence
4 satisfactory to the board showing that the applicant:

5
6 (i) Is possessed of ~~good moral character and~~
7 ~~repute~~ a background that does not evidence conduct adverse
8 to the practice of engineering or to the ability to
9 practice engineering;

10
11 (c) An applicant for a license as a professional land
12 surveyor shall submit evidence satisfactory to the board
13 showing that the applicant:

14
15 (i) Is possessed of ~~good moral character and~~
16 ~~repute~~ a background that does not evidence conduct adverse
17 to the practice of land surveying or to the ability to
18 practice land surveying;

19
20 **33-29-406. License on the basis of comity.**

21
22 (a) An applicant who holds a license issued by
23 another jurisdiction to practice professional engineering

1 or professional land surveying may be issued a professional
2 license provided:

3

4 (i) The applicant has submitted evidence
5 satisfactory to the board that the applicant ~~is of good~~
6 ~~moral character and repute~~ has a background that does not
7 evidence conduct adverse to the practice of engineering or
8 land surveying or to the ability to practice engineering or
9 land surveying;

10

11 (b) An applicant who holds a license issued by
12 another jurisdiction to practice professional engineering
13 or professional land surveying, and who has held the
14 license for fifteen (15) years immediately prior to
15 submitting the application, may be issued a professional
16 license provided the applicant:

17

18 (i) Is possessed of ~~good moral character and~~
19 ~~repute~~ a background that does not evidence conduct adverse
20 to the practice of engineering or land surveying or to the
21 ability to practice engineering or land surveying; and

22

1 **33-30-206. Application for license; fee;**
2 **determination of qualifications.**

3
4 (a) Any person desiring a license to practice
5 veterinary medicine in this state shall make written
6 application to the board. The application shall show that
7 the applicant is an adult, subscribes to and will uphold
8 the principles incorporated in the constitution of the
9 United States, a graduate of a college of veterinary
10 medicine, a person ~~of good moral character~~ who has a
11 background that does not evidence conduct adverse to the
12 practice of veterinary medicine or to the ability to
13 practice veterinary medicine, physical and mental health,
14 and shall provide such other information and proof as the
15 board may require by rule. The application shall be
16 accompanied by a fee in the amount established and
17 published by the board.

18

19 **33-30-212. Denial, suspension and revocation of**
20 **licenses.**

21

22 (a) Upon written complaint sworn to by any person,
23 the board may after a fair hearing and by a concurrence of

1 all members, deny, revoke or suspend for a certain time the
2 license of, or reprimand, any applicant or licensed
3 veterinarian who upon proof to the satisfaction of the
4 board:

5
6 (iv) Has been convicted of a felony, ~~involving~~
7 ~~moral turpitude,~~ that relates to the practice of veterinary
8 medicine or to the ability to practice veterinary medicine
9 or has entered a plea of nolo contendere upon being charged
10 with commission of such a felony;

11

12 **33-30-224. Requirements for certification.**

13

14 (a) The board may issue a certificate as an animal
15 euthanasia technician to any applicant who files an
16 application upon a form and in the manner prescribed by the
17 board, accompanied by the appropriate fee and who furnishes
18 satisfactory evidence to the board of the following:

19

20 (ii) The applicant has no felony convictions
21 that relate to the practice of animal euthanasia or to the
22 ability to practice as an animal euthanasia technician;

23

1 (iii) The applicant has no misdemeanor
2 convictions ~~involving moral turpitude~~ that relate to the
3 practice of animal euthanasia or to the ability to practice
4 as an animal euthanasia technician and no criminal
5 violations relating to cruelty to animals or animal
6 neglect;

7
8 **33-33-305. Suspension and revocation of license.**

9
10 (a) The board may after an opportunity for hearing,
11 deny, refuse to renew, suspend or revoke a license or
12 impose probationary conditions upon a licensee for any one
13 (1) of the following:

14
15 (iii) A plea or verdict of guilty, or a
16 conviction following a plea of nolo contendere, made to a
17 criminal charge that relates to the practice of
18 speech-language pathology or audiology or to the ability to
19 practice speech-language pathology or audiology, if the
20 acts committed are found by the board to have a direct
21 bearing on whether he should be entrusted to serve the
22 public in that particular capacity;

23

1 **33-35-115. Complaints; grounds for revocation or**
2 **suspension of license.**

3
4 (b) Any person registered under this act may have his
5 license revoked or suspended for a period fixed by the
6 board for any of the following causes:

7
8 (i) Conviction of a felony or a misdemeanor
9 ~~involving moral turpitude~~ that relates to the practice of
10 fitting, dealing or dispensing hearing aids or to the
11 ability to fit, deal or dispense hearing aids;

12
13 **33-37-111. Discipline of licensee.**

14
15 (a) A person licensed pursuant to this act may be
16 censured or placed on probation or may have his license
17 revoked, suspended or restricted, or both, by the board for
18 any of the following causes:

19
20 (i) Conviction of a felony or high misdemeanor
21 ~~involving moral turpitude~~ that relates to the practice of
22 applying ionizing radiation or radiopharmaceutical agents

1 to humans or to the ability to apply ionizing radiation or
2 radiopharmaceutical agents to humans;

3
4 **33-38-106. Requirements for licensure and**
5 **certification.**

6
7 (a) The board shall issue a license as a professional
8 counselor, marriage and family therapist, clinical social
9 worker or addictions therapist to any applicant who files
10 an application upon a form and in the manner prescribed by
11 the board, accompanied by the appropriate fee and who
12 furnishes satisfactory evidence to the board of the
13 following:

14
15 (ii) The applicant has no felony convictions,
16 and no misdemeanor convictions ~~involving moral turpitude~~
17 that relate adversely to the practice of counseling,
18 marriage and family therapy, clinical social work or
19 addictions therapy or to the ability to practice
20 counseling, marriage and family therapy, clinical social
21 work or addictions therapy, although exceptions to this
22 requirement may be granted by the board if consistent with
23 the public interest;

1

2 (b) Certification under this subsection shall allow
3 practice as a certified social worker only under the
4 supervision of a qualified clinical supervisor and subject
5 to any other restrictions which may be specified by the
6 board. The board shall grant certification as a certified
7 social worker to any applicant who files an application
8 upon a form and in the manner prescribed by the board,
9 accompanied by the appropriate fee and who furnishes
10 satisfactory evidence to the board of the following:

11

12 (ii) The applicant has no felony convictions,
13 and no misdemeanor convictions ~~involving moral turpitude~~
14 that relate adversely to the practice of clinical social
15 work or to the ability to practice clinical social work,
16 although exceptions to this requirement may be granted by
17 the board if consistent with the public interest;

18

19 (c) Certification under this subsection shall allow
20 practice as a certified addictions practitioner only under
21 the supervision of a qualified clinical supervisor and
22 subject to any other restrictions which may be specified by
23 the board. The board shall grant certification as a

1 certified addictions practitioner to any applicant who
2 files an application upon a form and in the manner
3 prescribed by the board, accompanied by the appropriate fee
4 and who furnishes satisfactory evidence to the board of the
5 following:

6
7 (ii) The applicant has no felony convictions,
8 and no misdemeanor convictions ~~involving moral turpitude~~
9 that relate adversely to the practice of addictions therapy
10 or to the ability to practice addictions therapy, although
11 exceptions to this requirement may be granted by the board
12 if consistent with the public interest;

13
14 (d) Provisional licensure is a means to continue
15 progress towards satisfactory completion of all licensure
16 requirements under this act. Upon review and approval by
17 the designated board member or board, the board shall issue
18 a provisional license to any applicant who files an
19 application upon a form and in the manner prescribed by the
20 board, accompanied by the appropriate fee and who furnishes
21 satisfactory evidence to the board of the following:

22

1 (ii) The applicant has no felony convictions,
2 and no misdemeanor convictions ~~involving moral turpitude~~
3 that relate adversely to the practice of counseling,
4 marriage and family therapy, clinical social work or
5 addictions therapy or to the ability to practice
6 counseling, marriage and family therapy, clinical social
7 work or addictions therapy, although exemptions to this
8 requirement may be granted by the board if consistent with
9 public interest;

10
11 (e) The board shall issue a license without
12 examination as a licensed professional counselor, licensed
13 clinical social worker, licensed marriage and family
14 therapist or a licensed addictions therapist to any
15 applicant who files an application upon a form and in the
16 manner prescribed by the board, accompanied by the
17 appropriate fee and who furnishes satisfactory evidence to
18 the board of the following:

19
20 (iii) The applicant has no felony convictions,
21 and no misdemeanor convictions ~~involving moral turpitude~~
22 that relate adversely to the practice of counseling,
23 marriage and family therapy, clinical social work or

1 addictions therapy or to the ability to practice
2 counseling, marriage and family therapy, clinical social
3 work or addictions therapy, although exemptions to this
4 requirement may be granted by the board if consistent with
5 the public interest;

6
7 (j) The board shall grant certification without
8 examination as a certified social worker to any applicant
9 who files an application upon a form and in the manner
10 prescribed by the board, accompanied by the appropriate fee
11 and who furnishes satisfactory evidence to the board of the
12 following:

13
14 (ii) The applicant has no felony convictions,
15 and no misdemeanor convictions ~~involving moral turpitude~~
16 that relate adversely to the practice of clinical social
17 work or to the ability to practice clinical social work,
18 although exceptions to this requirement may be granted by
19 the board if consistent with the public interest;

20
21 (k) The board shall grant certification without
22 examination as a certified addictions practitioner to any
23 applicant who files an application upon a form and in the

1 manner prescribed by the board, accompanied by the
2 appropriate fee and who furnishes satisfactory evidence to
3 the board of the following:

4

5 (ii) The applicant has no felony convictions,
6 and no misdemeanor convictions ~~involving moral turpitude~~
7 that relate adversely to the practice of addictions therapy
8 or to the ability to practice addictions therapy, although
9 exceptions to this requirement may be granted by the board
10 if consistent with the public interest;

11

12 (m) The board shall issue certification without
13 examination as a certified mental health worker to any
14 applicant who files an application upon a form and in the
15 manner prescribed by the board, accompanied by the
16 appropriate fee and who furnishes satisfactory evidence to
17 the board of the following:

18

19 (ii) The applicant has no felony convictions,
20 and no misdemeanor convictions ~~involving moral turpitude~~
21 that relate adversely to the practice of counseling or
22 mental health work or to the ability to practice counseling
23 or mental health work, although exemptions to this

1 requirement may be granted by the board if consistent with
2 public interest;

3
4 (n) Certification under this subsection shall allow
5 practice as a certified addictions practitioner assistant
6 only under the supervision of a qualified clinical
7 supervisor and subject to any other restrictions which may
8 be specified by the board. Unless extended, an applicant
9 has six (6) months from the date of employment to become
10 certified. The board may for good cause grant an extension
11 of this period. The board shall grant certification as a
12 certified addictions practitioner assistant to any
13 applicant who files an application upon a form and in the
14 manner prescribed by the board, accompanied by the
15 appropriate fee and who furnishes satisfactory evidence to
16 the board of the following:

17
18 (iii) The applicant has no felony convictions,
19 and no misdemeanor convictions ~~involving moral turpitude~~
20 that relate adversely to the practice of addictions therapy
21 or to the ability to practice as an addictions practitioner
22 assistant, although exceptions to this requirement may be

1 granted by the board if consistent with the public
2 interest;

3

4 **33-38-110. Prohibited acts; penalties.**

5

6 (c) The board may refuse to renew, or may deny,
7 suspend, revoke or otherwise restrict licensure or
8 certification under this act for any of the following
9 causes:

10

11 (i) Conviction of a felony or misdemeanor
12 ~~involving moral turpitude~~ that relates adversely to the
13 practice of counseling, marriage and family therapy,
14 clinical social work or addictions therapy or to the
15 ability to practice counseling, marriage and family
16 therapy, clinical social work or addictions therapy,
17 including pleas of nolo contendere. A certified copy of
18 the conviction shall be conclusive evidence of the
19 conviction;

20

21 **33-39-123. Disciplinary proceedings.**

22

1 (a) The board shall upon a written sworn complaint or
2 may upon its own motion investigate the actions of any
3 certified real estate appraiser and may impose an
4 administrative fine not to exceed two thousand five hundred
5 dollars (\$2,500.00) for each separate offense, censure the
6 permittee, place the permittee on probation and set the
7 terms of the probation, suspend or revoke any permit issued
8 under this act for any of the following:

9
10 (ii) Being convicted of a felony that relates to
11 the practice of real estate appraisal or to the ability to
12 practice real estate appraisal or any felony sexual offense
13 or violent crime;

14
15 **33-44-105. Athlete agent disclosure form;**
16 **requirements.**

17
18 (a) The athlete agent disclosure form shall be in a
19 record executed in the name of an individual and signed by
20 the athlete agent under penalty of perjury and, except as
21 otherwise provided in subsection (b) of this section, must
22 state or contain:

23

1 (viii) Whether the athlete agent or any other
2 person named pursuant to paragraph (vii) of this subsection
3 has been convicted of a crime that, if committed in this
4 state, would be a felony or other crime ~~involving moral~~
5 ~~turpitude~~ that relates to the practice of serving as an
6 athlete agent or to the ability to serve as an athlete
7 agent, and identify the crime;

8
9 **33-44-106. Disqualifications.**

10
11 (a) No person may engage in the business of an
12 athlete agent who has:

13
14 (i) Been convicted of a crime that, if committed
15 in this state, would be a felony or other crime ~~involving~~
16 ~~moral turpitude~~ that relates to the practice of serving as
17 an athlete agent or to the ability to serve as an athlete
18 agent;

19
20 **33-45-111. Disciplinary action; suspension and**
21 **revocation of license.**

22

1 (a) After the hearing authorized by subsection (b) of
2 this section, the board may deny a license or refuse to
3 renew a license, may suspend or revoke a license or may
4 impose probationary conditions if the licensee or the
5 applicant has engaged in unprofessional conduct which has
6 endangered or is likely to endanger the health, welfare or
7 safety of the public. For purposes of this section,
8 unprofessional conduct includes:

9
10 (iii) Being convicted of a felony that relates
11 to the practice of athletic training or to the ability to
12 practice athletic training;

13
14 **33-49-111. Disciplinary action; suspension and**
15 **revocation of license; application for reinstatement.**

16
17 (a) After any hearing conducted pursuant to W.S.
18 33-49-110, the board may approve, deny, suspend, revoke or
19 refuse to renew a license or impose probationary conditions
20 on the license if the licensee or applicant has engaged in
21 unprofessional conduct. For purposes of this section,
22 unprofessional conduct includes any of the following:

23

1 (iii) Being convicted of a felony that relates
2 to the practice of acupuncture or to the ability to
3 practice acupuncture;
4

5 **40-22-108. Application for license.**
6

7 (a) Each application for a license shall be made in
8 writing and in a form prescribed by the commissioner. Each
9 application shall include the following:
10

11 (ii) The applicant's history of material
12 litigation and criminal convictions that relate to the
13 practice of money transmission or to the ability to
14 practice money transmission for the five (5) year period
15 prior to the date of the application;
16

17 **Section 3.** Any board, commission, commissioner or
18 authority authorized to regulate licensing, certification
19 or registration for any profession or occupation under
20 title 7, 9, 11, 15, 17, 21, 23, 26, 33, 35 or 40 shall
21 review its rules for consistency with this act.
22

1 **Section 4.** This act is effective July 1, 2018.

2

3

(END)