

SENATE FILE NO. _____

Healthcare conflict of interest.

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

A BILL

for

1 AN ACT relating to professions and occupations; requiring
2 dentists, advanced practice registered nurses and
3 physicians to disclose financial interest in health care
4 facilities as specified; prohibiting admission or referral
5 to health care facilities under defined circumstances;
6 identifying nondisclosure as a ground for discipline by
7 licensing boards as specified; providing exceptions;
8 providing definitions; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 33-15-132, 33-21-158 and 33-26-104
13 are created to read:

14

15 **33-15-132. Disclosure of significant financial**
16 **interests.**

1

2 (a) Any dentist who admits a patient to or refers a
3 patient to any health care facility as defined in W.S.
4 35-2-901 shall, if the dentist has a significant financial
5 interest in the facility, disclose that interest to the
6 patient at or before the time of admission or referral.

7

8 (b) If a dentist is unable to make the disclosure
9 required by subsection (a) of this section because the
10 patient is not capable of understanding the disclosure, the
11 dentist shall make the disclosure to the patient's family
12 member or other person authorized to make health care
13 decisions for the patient.

14

15 (c) If a dentist is unable to make the disclosure
16 required by subsection (a) of this section because of the
17 patient's medical emergency, the dentist shall make the
18 disclosure at the earliest practical time.

19

20 (d) Except in the circumstances described in
21 subsection (c) of this section, no dentist shall refer or
22 admit a patient to a facility in which the dentist has a
23 significant financial interest unless the dentist has made
24 the disclosure required by this section.

1

2 (e) The board in its discretion may by rule and
3 regulation further regulate the time and manner of giving
4 the disclosure required by subsection (a) of this section
5 and may require the use of a particular form for making the
6 disclosure.

7

8 **33-21-158. Advanced practice registered nurses;**
9 **disclosure of significant financial interests.**

10

11 (a) Any APRN who admits a patient to or refers a
12 patient to any health care facility as defined in W.S.
13 35-2-901 shall, if the APRN has a significant financial
14 interest in the facility, disclose that interest to the
15 patient at or before the time of admission or referral.

16

17 (b) If an APRN is unable to make the disclosure
18 required by subsection (a) of this section because the
19 patient is not capable of understanding the disclosure, the
20 APRN shall make the disclosure to the patient's family
21 member or other person authorized to make health care
22 decisions for the patient.

23

1 (c) If an APRN is unable to make the disclosure
2 required by subsection (a) of this section because of the
3 patient's medical emergency, the APRN shall make the
4 disclosure at the earliest practical time.

5

6 (d) Except in the circumstances described in
7 subsection (c) of this section, no APRN shall refer or
8 admit a patient to a facility in which the APRN has a
9 significant financial interest unless the APRN has made the
10 disclosure required by this section.

11

12 (e) The board in its discretion may by rule and
13 regulation further regulate the time and manner of giving
14 the disclosure required by subsection (a) of this section
15 and may require the use of a particular form for making the
16 disclosure.

17

18 **33-26-104. Disclosure of significant financial**
19 **interests.**

20

21 (a) Any physician who admits a patient to or refers a
22 patient to any health care facility as defined in W.S.
23 35-2-901 shall, if the physician has a significant
24 financial interest in the facility, disclose that interest

1 to the patient at or before the time of admission or
2 referral.

3

4 (b) If a physician is unable to make the disclosure
5 required by subsection (a) of this section because the
6 patient is not capable of understanding the disclosure, the
7 physician shall make the disclosure to the patient's family
8 member or other person authorized to make health care
9 decisions for the patient.

10

11 (c) If a physician is unable to make the disclosure
12 required by subsection (a) of this section because of the
13 patient's medical emergency, the physician shall make the
14 disclosure at the earliest practical time.

15

16 (d) Except in the circumstances described in
17 subsection (c) of this section, no physician shall refer or
18 admit a patient to a facility in which the physician has a
19 significant financial interest unless the physician has
20 made the disclosure required by this section.

21

22 (e) The board in its discretion may by rule and
23 regulation further regulate the time and manner of giving
24 the disclosure required by subsection (a) of this section

1 and may require the use of a particular form for making the
2 disclosure.

3

4 **Section 2.** W.S. 33-15-121(a)(intro), (iii) and (iv),
5 and by creating a new paragraph (v), 33-15-128(a) by
6 creating a new paragraph (xvii) and by amending and
7 renumbering (xvii) as (xviii), 33-21-120(a) by creating a
8 new paragraph (xiii) and by amending and renumbering (xiii)
9 as (xiv), 33-21-146(a)(i), (ii), (iii)(intro), (iv)(intro),
10 (v) through (xi) and by creating a new paragraph (xii),
11 33-26-102(a)(xx), by creating a new paragraph (xxi) and by
12 renumbering (xxi) as (xxii) and 33-26-402(a) by creating a
13 new paragraph (xxxv) are amended to read:

14

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

17

18 (a) The board may refuse to issue or renew, or may
19 suspend or revoke, the license of any dental hygienist for
20 any one (1) or more of the following causes:

21

22 (iii) For renting or loaning to any person his
23 or her license or diploma to be used as a license or
24 diploma for that person; ~~or~~

1

2

(iv) For willful violation of any provision of
this act;

4

5

(v) For referring or admitting a patient to a
health care facility in violation of W.S. 33-15-132.

7

8

33-15-128. Definitions.

9

10

(a) As used in this act:

11

12

(xvii) "Significant financial interest" means
ownership of more than one percent (1%) of a facility as
defined in W.S. 35-2-901, the receiving of rent for
premises occupied by the facility where the rent depends on
the volume of medical business at the facility or the
receiving of a commission, referral fee or other financial
inducement to refer or admit a patient to the facility,
provided however that a dentist's receipt of a salary or
wages from the facility or the right to provide care at the
facility for which the dentist bills the patient or a third
party payor does not create a significant financial
interest;

24

1 ~~(xvii)~~(xviii) "This act" means W.S. 33-15-101
2 through ~~33-15-131~~33-15-132 and may be cited as the
3 "Wyoming Dental Practice Act".
4

5 **33-21-120. Definitions.**
6

7 (a) As used in this act:

8
9 (xiii) "Significant financial interest" means
10 ownership of more than one percent (1%) of a facility as
11 defined in W.S. 35-2-901, the receiving of rent for
12 premises occupied by the facility where the rent depends on
13 the volume of medical business at the facility or the
14 receiving of a commission, referral fee or other financial
15 inducement to refer or admit a patient to the facility,
16 provided however that an APRN's receipt of a salary or
17 wages from the facility or the right to provide care at the
18 facility for which the APRN bills the patient or a third
19 party payor does not create a significant financial
20 interest;
21

22 ~~(xiii)~~(xiv) "This act" means W.S. 33-21-119
23 through ~~33-21-157~~33-21-158.
24

1 **33-21-146. Disciplining licensees; grounds.**

2

3 (a) The board of nursing may refuse to issue or
4 renew, or may suspend or revoke the license, certificate or
5 temporary permit of any person, or to otherwise discipline
6 a licensee, ~~upon proof that the person~~ on any one (1) or
7 more of the following grounds:

8

9 (i) ~~Has engaged~~ Engaging in any act inconsistent
10 with uniform and reasonable standards of nursing practice
11 as defined by board rules and regulations;

12

13 (ii) ~~Has been found guilty by a court~~
14 Conviction, ~~has entered entry of~~ an Alford plea or ~~has~~
15 ~~entered entry of~~ a plea of nolo contendere to a misdemeanor
16 or felony that relates adversely to the practice of nursing
17 or to the ability to practice nursing;

18

19 (iii) ~~Has practiced~~ Fraud or deceit:

20

21 (iv) ~~Is~~ Being unfit or incompetent to practice
22 nursing by reason of negligence, habits or other causes
23 including but not limited to:

24

1 (v) ~~Has engaged~~ Engaging in any unauthorized
2 possession or unauthorized use of a controlled substance as
3 defined in the Wyoming Controlled Substances Act;

4
5 (vi) ~~Has had~~ Having a license to practice
6 nursing or to practice in another health care discipline in
7 another jurisdiction, territory or possession of the United
8 States denied, revoked, suspended or otherwise restricted;

9
10 (vii) ~~Has practiced~~ Practicing nursing within
11 this state without a valid current license or temporary
12 permit or as otherwise permitted under this act;

13
14 (viii) ~~Has~~ Knowingly and willfully ~~failed~~
15 failing to report to the board any violation of this act or
16 of board rules and regulations;

17
18 (ix) ~~Has been found by the board to have~~
19 ~~violated any~~ Violation of the provisions of this act or of
20 board rules and regulations;

21
22 (x) ~~Has~~ Knowingly ~~engaged~~ engaging in an act
23 which the licensee knew was beyond the scope of the
24 individual's nursing practice prior to committing the act,

1 or performed acts without sufficient education, knowledge,
2 or ability to apply nursing principles and skills;~~or~~

3

4 (xi) ~~Has failed~~ Failure to submit to a mental,
5 physical or medical competency examination following a
6 proper request by the board made pursuant to board rules
7 and regulations and the Wyoming Administrative Procedure
8 Act;~~;~~

9

10 (xii) Referring or admitting a patient to a
11 health care facility in violation of W.S. 33-21-158.

12

13 **33-26-102. Definitions.**

14

15 (a) As used in this chapter:

16

17 (xx) "Physician-patient relationship" means a
18 relationship between a licensee and any person formed for
19 the purpose of the licensee providing medical diagnosis or
20 treatment to the person, whether or not for compensation;
21 ~~and~~

22

23 (xxi) "Significant financial interest" means
24 ownership of more than one percent (1%) of a facility as

1 defined in W.S. 35-2-901, the receiving of rent for
2 premises occupied by the facility where the rent depends on
3 the volume of medical business at the facility or the
4 receiving of a commission, referral fee or other financial
5 inducement to refer or admit a patient to the facility,
6 provided however that a physician's receipt of a salary or
7 wages from the facility or the right to provide care at the
8 facility for which the physician bills the patient or a
9 third party payor does not create a significant financial
10 interest;

11

12 ~~(xxi)~~ (xxii) "This act" means the Medical
13 Practice Act.

14

15 **33-26-402. Grounds for suspension; revocation;**
16 **restriction; imposition of conditions; refusal to renew or**
17 **other disciplinary action.**

18

19 (a) The board may refuse to renew, and may revoke,
20 suspend or restrict a license or take other disciplinary
21 action, including the imposition of conditions or
22 restrictions upon a license on one (1) or more of the
23 following grounds:

24

1 (xxxv) Referring or admitting a patient to a
2 health care facility in violation of W.S. 33-26-104.

3

4 **Section 2.** This act is effective July 1, 2007.

5

6

(END)