

SENATE FILE NO. SF0119

Wyoming Dental Practice Act.

Sponsored by: Senator(s) Barrasso and Sessions and
Representative(s) Craft, Iekel, Lubnau and
Thompson

A BILL

for

1 AN ACT relating to the Wyoming Dental Practice Act;
2 providing immunity to board members and activities as
3 specified; providing for a temporary educator's license;
4 authorizing the dental hygienist member of the licensing
5 board to be a full voting member; revising board member
6 compensation as specified; revising qualifications for
7 dentist and dental hygienist licensure and license renewal
8 as specified; prescribing for licensure examinations;
9 removing a requirement that the secretary of state maintain
10 a list of licensed dentists; authorizing disciplinary
11 reprimands, license restrictions and civil penalties
12 against dentists and dental hygienists; amending grounds
13 for disciplinary action against dentists and dental
14 hygienists; conforming provisions; repealing obsolete
15 provisions; amending definitions; granting rulemaking
16 authority; and providing for an effective date.

1

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

3

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

6

7 **33-15-132. Immunity from personal liability.**

8

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

14

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

18

19 **33-15-133. Temporary educator's license.**

20

21 (a) A temporary license may be issued to any dentist
22 or dental hygienist who has applied for licensure and who
23 exhibits good standing in another jurisdiction of the
24 United States or Canada and has qualified for the

1 requirements to be employed as an instructor at a dental
2 hygiene school.

3

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

7

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

12

13 **Section 2.** W.S. 33-15-104, 33-15-106, 33-15-108(a),
14 (b), (f) and (h), 33-15-109, 33-15-111, 33-15-112(a) and
15 (b), 33-15-114(a)(vii) and (x), 33-15-119, 33-15-120 and
16 33-15-121(a) and (b), 33-15-128(a)(viii), (xiv) and (xvii)
17 are amended to read:

18

19 **33-15-104. Board of dental examiners; indebtedness;**
20 **compensation.**

21

22 The board shall not create any indebtedness on behalf of
23 the state of Wyoming, except as provided in this section.

24 Out of the funds assessed by the board, each of the members

1 of the board shall receive ~~as~~ compensation ~~the sum of~~
2 ~~seventy five dollars (\$75.00) for each day actually engaged~~
3 ~~in the duties of his office,~~ for each day or part of a day
4 in which they are engaged in performance of their official
5 duties at the same rate as state legislators and shall be
6 reimbursed for actual and necessary expenses, and mileage
7 incurred in the performance of their official duties. in
8 ~~the same manner and amount as employees of the state of~~
9 ~~Wyoming.~~ The secretary of the board shall receive
10 compensation for his services.

11

12 **33-15-106. Determination of fees.**

13

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

19

20 **33-15-108. Licensing; qualifications; examinations;**
21 **fees.**

22

23 (a) Any person of good moral character, who has ~~been~~
24 graduated and ~~admitted to~~ attained the degree of doctor of

1 dental surgery, or doctor of dental medicine from a college
2 or university in the United States or Canada accredited by
3 the commission on dental accreditation of the American
4 Dental Association, ~~or other equivalent degree by any~~
5 ~~accredited university or college authorized to grant the~~
6 ~~degree by the laws of the United States or by the laws of~~
7 ~~any state of the United States or Dominion of Canada, upon~~
8 ~~deposit of the examination fee set by the board, may make~~
9 ~~application in writing~~ may apply to the board to ~~be~~
10 ~~examined by it with reference to his~~ have the applicant's
11 qualifications considered for licensure to practice
12 dentistry. The applicant shall pass a written and practical
13 examination in a manner satisfactory to the board. The
14 written examination shall ~~be, so far as the board deems~~
15 ~~practicable, on subjects prescribed in the curriculum in~~
16 ~~the accredited colleges and universities which offer~~
17 ~~courses of study leading to the degree of doctor of dental~~
18 ~~surgery or doctor of dental medicine. At the discretion of~~
19 ~~the board,~~ consist of part I and part II of the national
20 board of dental ~~examiners' examination may be accepted in~~
21 ~~lieu of the written examination administered by the board~~
22 examinations administered by the joint commission on
23 national dental examinations of the American Dental
24 Association. The clinical practical examination shall be

1 ~~held at a place and manner designated by the board. Upon~~
2 ~~passing the written and practical examination, the board~~
3 ~~shall register the name and residence of the person and~~
4 ~~issue to the person a license to practice dentistry. The~~
5 ~~license shall contain, along with the other necessary~~
6 ~~information, the name of the person to whom issued and the~~
7 ~~date of issuance~~ based on satisfactory completion of a
8 clinical board acceptable to the board.
9

10 (b) The ~~examination fee shall be set by the board~~
11 ~~each year,~~ board shall set the examination fee and all
12 reexamination fees shall be the same as the current fee for
13 the initial examination. Fees shall be paid to the
14 ~~secretary of the~~ board office before the examination. The
15 fee shall be paid by money order, ~~cashiers'~~ cashier's check
16 or certified check, and in no case shall the fee be
17 refunded.
18

19 (f) The board shall keep a record book in which is
20 recorded the names and addresses of all applicants and such
21 other matters as affords a full record of the actions of
22 the board. The records or transcripts ~~therefrom~~ of the
23 records, duly certified by the president and secretary of
24 the board with the seal of the board attached, is prima

1 facie evidence before all courts of this state of the
2 entries therein.

3
4 (h) The board may make and prescribe rules and
5 regulations for the practice of dentistry in the state of
6 Wyoming, not inconsistent with this act. For purposes of
7 this subsection, "practice of dentistry" includes the work
8 of dental hygienists, dental auxiliaries, dental
9 technicians and dental laboratories.

10
11 **33-15-109. Renewal license certificate.**

12
13 (a) On or before December 31 each year, each dentist
14 licensed to practice dentistry in this state, ~~upon receipt~~
15 ~~of written notice, shall transmit to the secretary of the~~
16 ~~board his signature and address, together with a fee~~
17 ~~determined by the board and the number of his or her~~
18 ~~license, and receive therefor a renewal license~~
19 ~~certificate. Any license granted by the board shall be~~
20 ~~cancelled after ten (10) days written notice sent to the~~
21 ~~holder by registered mail if the holder fails to secure the~~
22 ~~renewal certificate within three (3) months after December~~
23 ~~31 each year, but any license thus cancelled may be~~
24 ~~restored by the board upon the payment of a fee as set by~~

1 ~~the board, if paid by December 31 of that year~~ and wishing
2 to continue in the practice of dentistry shall submit a
3 license renewal application with the applicable renewal
4 fee.

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

19
20 (c) The board may set continuing education
21 requirements for renewal certificates and relicensure
22 certificates.

23
24 **33-15-111. List of licensees filed with board office.**

1
2 The board shall annually publish a list of all dentists and
3 dental hygienists licensed under this act. ~~shall be~~
4 ~~published by the board each year. This~~ The list shall
5 contain the name and address of each dentist ~~or~~ and dental
6 hygienist and such other information as the board deems
7 advisable. The board ~~shall place a copy of the list on file~~
8 ~~in the office of the secretary of state who shall~~ office
9 shall furnish copies to the public, upon request or by
10 access to the board's website.

11

12 **33-15-112. Grounds and procedure for revocation or**
13 **suspension of license.**

14

15 (a) ~~Any dentist may have his license revoked or~~
16 ~~suspended by~~ The board may refuse to issue or renew a
17 license, may suspend or revoke a license, may impose a
18 civil penalty not to exceed five thousand dollars
19 (\$5,000.00) per offense, may reprimand, restrict or impose
20 conditions on the practice of a dentist for any one (1) or
21 more of the following causes:

22

23 (i) Conviction of, entry of a plea of nolo
24 contendere to or entry of an Alford plea to a felony or

1 ~~high~~ misdemeanor ~~involving moral turpitude, in which case~~
2 ~~the record of conviction certified by the clerk or judge of~~
3 ~~the court in which the conviction is had is conclusive~~
4 ~~evidence~~ that relates adversely to the practice of
5 dentistry or the ability to practice dentistry;

6

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

10

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

13

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

17

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

20

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

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

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

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

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

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

(b) The proceedings under this section may be taken by the board from matters within its knowledge or upon information from another. If the informant is a member of the board, the other members of the board shall judge the accused. All complaints shall be in writing, verified by some party familiar with the facts ~~therein charged, and shall be filed with the secretary of the board~~ alleged or by additional information or data which supports the complaint and shall be filed with the board. Upon receiving

1 the complaint, the board, ~~if it deem the complaint~~
2 ~~sufficient,~~ shall proceed as in a contested case under the
3 Wyoming Administrative Procedure Act and rules and
4 regulations of the board. Upon revocation of any license,
5 the fact shall be noted upon the records of the board and
6 the license shall be marked cancelled upon the date of its
7 revocation. ~~The secretary of the board, upon judgment of~~
8 ~~suspension or revocation being entered, shall transmit to~~
9 ~~the secretary of state a copy of the judgment order,~~
10 ~~certified by the secretary of the board, and the same shall~~
11 ~~be kept in the same manner as the list of licensed~~
12 ~~dentists.~~

13

14 **33-15-114. Persons deemed to be practicing dentistry;**
15 **work authorizations from licensed dentist.**

16

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

20

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

24

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

7
8 **33-15-119. Dental hygienists; generally.**

9
10 Any dentist authorized to practice dentistry within the
11 state may employ dental hygienists who shall be examined
12 and possess the qualifications provided in this act. A
13 dental hygienist may ~~remove calcareous deposits, accretions~~
14 ~~and stains from the teeth and may~~ perform any services for
15 a patient which are consistent with what dental hygienists
16 are trained to do in accredited dental hygiene schools
17 accredited by the commission on dental accreditation of the
18 American Dental Association. Hygienists shall not perform
19 any other operation on the teeth or mouth and shall be
20 regulated by the rules and regulations promulgated by the
21 board. The above services shall be performed under the
22 supervision of a licensed dentist. ~~If the dental hygienist~~
23 ~~has been educated in expanded duties as a student in a~~
24 ~~dental hygiene program accredited by the commission on~~

1 ~~dental accreditation of the American Dental Association, or~~
2 ~~as a student in a continuing education course which had the~~
3 ~~prior approval of the board, he may be permitted to engage~~
4 ~~in those duties after the hygienist has received an~~
5 ~~expanded duties certificate from the board issued after~~
6 ~~appropriate examination to test the applicant's~~
7 ~~qualifications.~~ Dental hygienists shall practice in the
8 office of any licensed dentist, or in any public or private
9 institution under the supervision of a licensed dentist.
10 The board may revoke or suspend the license of any ~~dental~~
11 ~~hygienist for violating any provision hereof, and may~~
12 ~~revoke or suspend the license of any~~ dentist who permits
13 any dental hygienist operating under his supervision to
14 perform any operations or functions other than those
15 permitted under this act.

16

17 **33-15-120. Dental hygienists; qualifications;**
18 **examination; fees and license.**

19

20 (a) Any person of good moral character who is a
21 graduate of ~~an~~ a dental hygiene program accredited by the
22 commission on dental accreditation of the American Dental
23 Association, ~~accredited school for dental hygienists, upon~~
24 ~~payment of a fee set annually by the board, may be examined~~

1 ~~by the board on the subjects prescribed and taught in~~
2 ~~accredited colleges or universities offering courses~~
3 ~~leading to the certificate or degree of dental hygienist.~~
4 ~~At the discretion of the board, the examination of the~~
5 ~~national board of dental examiners may be accepted in lieu~~
6 ~~of the written examination, together with a clinical~~
7 ~~examination approved by the board. If the applicant has~~
8 ~~received training in expanded duties and intends to perform~~
9 ~~those expanded duties he shall qualify by examination~~
10 ~~covering those expanded areas and receive an expanded~~
11 ~~duties certificate from the board listing these services.~~
12 ~~Expanded duties certificates shall be issued after the~~
13 ~~applicant has successfully completed a written examination~~
14 ~~approved by the board covering those expanded duties~~
15 ~~together with a clinical examination approved by the board.~~
16 ~~If the applicant fails to pass either examination, the~~
17 ~~applicant may take another examination at the next regular~~
18 ~~examination meeting upon the payment of a fee set annually~~
19 ~~by the board~~ who has completed in a manner satisfactory to
20 the board the dental hygiene national board examination
21 administered by the joint commission on national dental
22 examinations of the American Dental Association and who has
23 completed any clinical board accepted by the board may
24 apply to the board to have the person's qualifications

1 considered for licensure to practice dental hygiene.
2 Applicants shall be required to pass a written examination
3 satisfactory to the board.

4
5 (b) If the applicant fails the board examination
6 three (3) times, he shall show evidence of additional
7 education to the satisfaction of the board before ~~he may be~~
8 ~~reexamined~~ reexamination.

9
10 (c) If the applicant successfully ~~passes the~~
11 ~~examinations~~ completes the requirements for licensure, the
12 applicant shall be licensed as a dental hygienist. If the
13 expanded duties applicant has successfully ~~passed the~~
14 ~~expanded duties examination~~ met the requirements for
15 expanded duties, the applicant shall be certified in those
16 expanded duties. The certificate issued by the board shall
17 list the expanded duties which the hygienist is qualified
18 and permitted to perform. On or before December 31 each
19 year, each dental hygienist licensed to practice dental
20 hygiene, ~~upon receipt of written notice, shall transmit to~~
21 ~~the secretary of the board his name and address, together~~
22 ~~with a fee set by the board and the number of his~~
23 ~~registration certificate, and receive a renewal license~~
24 ~~certificate~~ and wishing to continue in the practice of

1 dental hygiene shall submit a license renewal application
2 with the applicable renewal fee. The renewal certificate
3 shall ~~at all times be properly displayed in the office of~~
4 ~~the one who is named as holder of the license and no person~~
5 ~~is deemed in legal practice who does not possess a renewal~~
6 ~~certificate~~ be made available to the supervising dentist.
7 Any license granted by the board shall be cancelled after
8 ten (10) days notice by registered mail if the holder fails
9 to secure the renewal certificate within three (3) months
10 after December 31 each year. Any license cancelled may be
11 restored by the board upon payment of a fee set ~~annually~~ by
12 the board, if paid by December 31 of ~~that~~ the year the
13 license was cancelled.

14
15 (d) ~~Five (5) years after July 1, 1981,~~ Any dental
16 hygienist whose application for renewal indicates that ~~he~~
17 the hygienist has not actively practiced dental hygiene or
18 engaged in teaching dental hygiene for the preceding five
19 (5) years shall be issued a renewal certificate ~~by the~~
20 ~~board~~ only after ~~a hearing and upon notice to the~~
21 ~~applicant, wherein the applicant demonstrates~~ demonstrating
22 to the board that ~~he~~ the hygienist has maintained the
23 qualifications set forth in this act. ~~No reexamination is~~
24 ~~required unless~~ The board may require reexamination if it

1 finds good cause to believe that the person has not
2 maintained the professional ability and knowledge required
3 of an original licensee ~~of~~under this act.

4

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

10

11 **33-15-121. Grounds and proceedings for suspension of,**
12 **revocation of, or refusal to renew license.**

13

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

17

18 (i) Conviction of, entry of a plea of nolo
19 contendere to or entry of an Alford plea to a felony or
20 ~~high~~misdemeanor that relates adversely to the practice of
21 dental hygiene or the ability to practice dental hygiene;

22

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

1

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

5

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

9

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

13

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

19

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

24

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

3
4 (vii) Fraud, deceit or misrepresentation in
5 providing any information or record to the board; or

6
7 ~~(iv)~~ (viii) For willful violation of any
8 provision of this act or rules and regulations of the
9 board.

10
11 (b) All proceedings ~~taken~~ by the board ~~in the~~
12 ~~revocation or suspension of any dental hygienist's license~~
13 pursuant to subsection (a) of this section shall be ~~taken~~
14 ~~under the proceedings as~~ set forth in W.S. ~~33-15-112 in the~~
15 ~~same manner as provided~~ 33-15-112(b) for the revocation or
16 suspension of a dentist's license.

17
18 **33-15-128. Definitions.**

19
20 (a) As used in this act:

21
22 (viii) "Dental laboratory technician" means a
23 person who, at the direction of ~~the~~ a licensed dentist,
24 makes, provides, repairs or alters oral prosthetic

1 appliances and other artificial devices which are inserted
2 into the human mouth or which come into contact with the
3 human mouth and its adjacent tissues and structures. A
4 dental technician is a dental prosthetic auxiliary ~~when~~
5 working under the supervision of a licensed dentist;
6

7 (xiv) "Specialty" means a special area of dental
8 practice for ethical specialty announcement and limitation
9 of practice which are dental public health, endodontics,
10 oral pathology, oral and maxillofacial surgery,
11 orthodontics, ~~pedodontics~~ pediatric dentistry,
12 periodontics, ~~prostodontics~~ prosthodontics, oral and
13 maxillofacial radiology and any other specialty area
14 recognized by the board of dental examiners of Wyoming;
15

16 (xvii) "This act" means W.S. 33-15-101 through
17 ~~33-15-131~~ 33-15-133 and may be cited as the "Wyoming Dental
18 Practice Act".
19

20 **Section 3.** W.S. 33-15-101(g), 33-15-113, 33-15-122
21 and 33-15-128(a)(xi) are repealed.
22

