

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 regarding applicable convictions;
8 requiring professional licensing boards to review their
9 rules for consistency with this act; and providing for an
10 effective date.

11

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

13

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

15

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

2

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

15

16 (i) It is public policy to reduce recidivism by
17 addressing barriers to employment and encouraging
18 appropriate employment and licensure of persons with arrest
19 and conviction records;

20

21 (ii) It is public policy to consider whether the
22 elements of an offense are directly related to the specific

1 duties and responsibilities of that profession or
2 occupation;

3

4 (iii) It is public policy to consider whether
5 the profession or occupation offers the opportunity for the
6 same or a similar offense to occur;

7

8 (iv) It is public policy to consider the
9 relationship of the offense to the purposes of regulating
10 the profession or occupation; and

11

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

15

16 (b) A board or commission licensing or certifying a
17 person to practice or perform a profession or occupation
18 that heals or treats humans may always determine that a
19 crime of violence or sexual misconduct is relevant to the
20 ability to practice the profession or occupation, but in
21 making a licensing or certification decision may consider
22 the circumstances of the offense.

23

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

10
11 (i) The sentence, including all incarceration,
12 parole and probation, for the conviction is incomplete or
13 has been completed within fewer than the last ten (10)
14 years; or

15
16 (ii) The conviction is related to the duties and
17 responsibilities of the profession or occupation or as
18 otherwise permitted by licensing statutes.

19
20 **Section 2.** W.S. 17-4-412(d)(iii), 21-2-802(e)(i),
21 23-2-411(c)(ii), 23-2-412(e)(ii), 23-2-416(a)(iii),
22 26-1-102(a) by creating a new paragraph (xlii),
23 26-9-211(a)(vi) and by creating new subsections (e) and

1 (f), 26-23-321(b), 26-37-117(a)(iv), 26-37-120(a)(v),
 2 33-3-121(a)(v), 33-10-110(a)(iii), 33-15-108(a),
 3 33-15-120(a), 33-16-523, 33-22-108(a)(i),
 4 33-23-110(b)(iii), 33-24-116(a)(iii), 33-24-122(a)(i),
 5 33-24-135(e)(iii), 33-24-301(f)(iv),
 6 33-26-402(a)(xxvii)(K), 33-28-106(g)(iii),
 7 33-28-111(a)(xxii), 33-29-402(a)(i) and (b)(i),
 8 33-29-403(a)(i), (b)(i) and (c)(i), 33-29-406(a)(i) and
 9 (b)(i), 33-30-206(a), 33-30-212(a)(iv), 33-30-224(a)(ii)
 10 and (iii), 33-33-305(a)(iii), 33-35-115(b)(i),
 11 33-37-111(a)(i), 33-38-106(a)(ii), (b)(ii), (c)(ii),
 12 (d)(ii), (e)(iii), (j)(ii), (k)(ii), (m)(ii) and (n)(iii),
 13 33-38-110(c)(i), 33-39-123(a)(ii), 33-44-105(a)(viii),
 14 33-44-106(a)(i), 33-45-111(a)(iii), 33-49-111(a)(iii),
 15 40-14-643(a)(ii)(intro), 40-22-108(a)(ii) and
 16 40-23-126(a)(ii)(intro) are amended to read:

17

18 **17-4-412. Denial, revocation, suspension, withdrawal,**
 19 **restriction, condition, or limitation of registration.**

20

21 (d) A person may be disciplined under subsections (a)
 22 through (c) of this section if the person:

23

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

11

12 **21-2-802. Powers and duties; teacher certification;**
13 **suspension and revocation; certification fees; disposition**
14 **of collected fees; required data submissions to department**
15 **of education.**

16

17 (e) No certification shall be issued under this
18 section until a criminal history background check has been
19 filed with and received by the board, the applicant
20 provides a release of information and the applicant
21 consents to the release of any criminal history information
22 to the board and if applicable, to the employing school
23 district. Upon receipt of a background report pursuant to

1 this subsection indicating that the applicant has a
2 conviction equal to a felony under Wyoming law or any
3 conviction for an act which would constitute a violation
4 under chapter 2 or chapter 4 of title 6 of the Wyoming
5 statutes, the board shall immediately provide a copy of the
6 report to the employing local school board if the
7 information involves a certified individual employed by
8 that local board and if the local board has requested a
9 copy of the report. For all persons seeking initial
10 certification under this section on or after July 1, 1996:

11

12 (i) The applicant shall be required to verify
13 under oath whether he has been convicted of a felony. The
14 board may deny certification of any applicant who has been
15 convicted of a felony that relates to the practice of
16 teaching or to the ability to practice as a teacher and may
17 annul a certificate for misrepresentation by an applicant
18 of his criminal history. Any felony related to a sexual
19 offense shall be considered to relate to the practice of
20 teaching. Action by the board to annul a certificate shall
21 be taken following a hearing conducted in accordance with
22 the Wyoming Administrative Procedure Act, unless the person
23 holding the certification waives the right to a hearing;

1

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

5

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

8

9 (ii) Any felony conviction that relates to the
10 practice of game and fish outfitting or to the ability to
11 practice as a game and fish outfitter; and

12

13 **23-2-412. Qualifications for professional guide's**
14 **license; valid during employment by outfitter only.**

15

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

18

19 (ii) Any felony conviction that relates to the
20 practice of professional guiding or outfitting or to the
21 ability to practice as a professional guide or outfitter;

22 and

23

1 **23-2-416. License suspension and revocation; grounds;**
2 **payment of damages; proceedings.**

3
4 (a) The board may require a licensee to pay damages
5 as provided by subsection (b) of this section, may refuse
6 to issue or renew or may suspend or revoke a license issued
7 under this act or may otherwise discipline a licensee for
8 any of the following causes:

9
10 (iii) Conviction of a felony that relates to the
11 practice of professional guiding or outfitting or to the
12 ability to practice as a professional guide or outfitter;

13
14 **26-1-102. Definitions.**

15
16 (a) As used in this act:

17
18 (xlii) A natural person who engages in or
19 conducts the "business of insurance" means a person has
20 duties that require licensure under this code or that are a
21 major part of a person's duties and require specialized
22 knowledge of insurance, which knowledge has been acquired
23 through training and experience and is sufficient that

1 close supervision from a person licensed under this code is
2 not needed. A person is not engaged in the business of
3 insurance who performs tasks often found in business
4 offices not engaged in insurance and who requires close
5 supervision from a person licensed under this code to
6 engage in tasks requiring specialized insurance knowledge.
7 A person in training who performs duties requiring
8 specialized knowledge of insurance is not engaged in the
9 business of insurance if that person is under close
10 supervision from a person licensed under this code.

11

12 **26-9-211. License denial, nonrenewal or revocation.**

13

14 (a) The commissioner may, after appropriate notice
15 and opportunity for hearing pursuant to the Wyoming
16 Administrative Procedure Act and in accordance with W.S.
17 26-2-125 through 26-2-129, place on probation, suspend,
18 revoke or refuse to issue or renew an insurance producer's
19 license or other license issued under this code, or may
20 levy a civil penalty in accordance with W.S. 26-1-107 or
21 any combination of actions, for any one (1) or more of the
22 following causes:

23

1 (vi) Having been convicted of a felony that
2 relates to the insurance profession or to the ability to
3 practice as an insurance producer. For agents whose home
4 state of licensure is not Wyoming, the commissioner may
5 rely on licensure and disciplinary actions by the agent's
6 home state of licensure;

7
8 (e) For persons for whom Wyoming is the home state of
9 licensure, if the commissioner is aware at the time the
10 commissioner takes an action under subsection (a) of this
11 section that a person will require the written consent of
12 an insurance regulatory official to engage in the business
13 of insurance pursuant to 18 U.S.C. § 1033 and the result of
14 the action under subsection (a) of this section is that the
15 person will receive or retain a license under this code,
16 the commissioner shall, upon request, issue the written
17 consent.

18
19 (f) If an employer becomes aware that an employee who
20 is engaged in the business of insurance needs the
21 commissioner's consent to continue to engage in the
22 business of insurance, the employer may direct the employee
23 to obtain the necessary consent and, if the consent is

1 denied, shall take action so that the employee is not
2 engaged in the business of insurance. In cases arising
3 under this subsection the commissioner shall give special
4 weight to evidence, including statements from the employer,
5 as to whether the employee has or has not engaged in any
6 activity that relates to the offense requiring the written
7 consent and that relates adversely to the insurance
8 profession.

9
10 **26-23-321. Title agents; refusal, suspension or**
11 **revocation of license; fine instead of suspension.**

12
13 (b) The commissioner may revoke the title agent's
14 license of any person convicted by final judgment of a
15 felony that relates to the title insurance profession or to
16 the ability to practice as a title insurance agent, as
17 identified in rule by the commissioner pursuant to W.S.
18 33-1-304.

19
20 **26-37-117. Mechanical breakdown insurance**
21 **organizations; qualifications for dealer's license.**

22

1 (a) In addition to conditions specified under W.S.
2 26-37-116, the commissioner shall issue a mechanical
3 breakdown insurance dealer's license only to an individual
4 otherwise complying with this chapter furnishing evidence
5 satisfactory to the commissioner that he:

6
7 (iv) Has never been convicted of a felony that
8 relates to the mechanical breakdown insurance profession or
9 to the ability to practice as a mechanical breakdown
10 insurance dealer, as identified in rule by the commissioner
11 pursuant to W.S. 33-1-304. The commissioner shall have
12 discretion as to whether to issue a license if there has
13 been a relevant conviction.

14
15 **26-37-120. Mechanical breakdown insurance**
16 **organizations; grounds for suspension, revocation or**
17 **refusal to renew dealer's license generally.**

18
19 (a) The commissioner may suspend, revoke or refuse to
20 renew any mechanical breakdown insurance dealer's license
21 issued under this chapter for any cause specified by this
22 chapter including the following:

23

1 (v) A conviction by final judgment of a felony
2 that relates to the mechanical breakdown insurance
3 profession or to the ability to practice as a mechanical
4 breakdown insurance dealer, as identified in rule by the
5 commissioner pursuant to W.S. 33-1-304;
6

7 **33-3-121. Certificates and permits; disciplinary**
8 **action; grounds.**
9

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

20 (v) Conviction of a felony that relates to the
21 practice of accounting or to the ability to practice
22 accounting under the laws of Wyoming or any other state or
23 of the United States;

1

2 **33-10-110. Prohibited acts; refusal, revocation or**
3 **suspension of license; appeals.**

4

5 (a) The board may deny, refuse to renew, suspend,
6 revoke or otherwise restrict a license under this act for
7 any of the following acts:

8

9 (iii) To commit or be convicted of a felony that
10 relates to the practice of chiropractic or to the ability
11 to practice chiropractic;

12

13 **33-15-108. Licensing; qualifications; examinations;**
14 **fees.**

15

16 (a) Any person ~~of good moral character~~ who has a
17 background that does not evidence conduct adverse to the
18 practice of dentistry or to the ability to practice
19 dentistry, who has graduated and attained the degree of
20 doctor of dental surgery or doctor of dental medicine from
21 a college or university in the United States or Canada
22 accredited by the commission on dental accreditation of the
23 American Dental Association, may apply to the board to have

1 the applicant's qualifications considered for licensure to
2 practice dentistry. The applicant shall pass a written and
3 practical examination in a manner satisfactory to the
4 board. The written examination shall consist of part I and
5 part II of the national board of dental examinations
6 administered by the joint commission on national dental
7 examinations of the American Dental Association and an
8 examination on the Wyoming Dental Practice Act and the
9 rules and regulations of the board of dental examiners. The
10 clinical practical examination shall be based on
11 satisfactory completion of a clinical examination
12 acceptable to the board.

13

14 **33-15-120. Dental hygienists; qualifications;**
15 **examination; fees and license.**

16

17 (a) Any person ~~of good moral character~~ who has a
18 background that does not evidence conduct adverse to the
19 practice of dental hygiene or to the ability to practice
20 dental hygiene who is a graduate of a dental hygiene
21 program accredited by the commission on dental
22 accreditation of the American Dental Association, who has
23 passed in a manner satisfactory to the board the dental

1 hygiene national board examination administered by the
2 joint commission on national dental examinations of the
3 American Dental Association and who passes any clinical
4 board accepted by the board may apply to the board to have
5 the person's qualifications considered for licensure to
6 practice dental hygiene. Applicants shall be required to
7 pass a written examination satisfactory to the board.

8

9 **33-16-523. Investigation of applicants for license;**
10 **granting or refusing license.**

11

12 Upon receipt of an application for an establishment license
13 under this act, the board may cause an investigation to be
14 made as to the character of the applicant, including its
15 officers or members if the application is by or in behalf
16 of business entity, and may require a showing that will
17 reasonably prove ~~the good character of the applicant~~ that
18 the applicant does not have a background evidencing conduct
19 adverse to the practice of funeral service or to the
20 ability to practice funeral service. The board may
21 subpoena witnesses and administer oaths upon proper notice.
22 After proper hearing, the board shall grant a license if it
23 finds the applicant ~~is of good character~~ does not have a

1 background evidencing conduct adverse to the practice of
2 funeral service or to the ability to practice funeral
3 service and the proposed funeral establishment is, or will
4 be, constructed and equipped as required by this act.
5 Every application shall be granted or refused within ninety
6 (90) days from the date of the filing of the application.

7

8 **33-22-108. Powers and duties of board.**

9

10 (a) The board shall:

11

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

23

1 **33-23-110. Refusal, suspension or revocation of**
2 **license.**

3
4 (b) "Unprofessional and dishonest conduct" as used in
5 this act means:

6
7 (iii) Being guilty of offenses ~~involving moral~~
8 ~~turpitude,~~ that relate to the practice of optometry or to
9 the ability to practice optometry or involving habitual
10 intemperance, or being habitually addicted to the use of
11 morphine, opium, cocaine, or other drugs having a similar
12 effect;

13
14 **33-24-116. Qualifications of applicants for licensure**
15 **as a pharmacist by examination.**

16
17 (a) Any person seeking licensure by examination to
18 practice pharmacy in this state may make application in
19 writing to the board. The applicant shall:

20
21 (iii) Be possessed of ~~good moral character~~ a
22 background that does not evidence conduct adverse to the

1 practice of pharmacy or to the ability to practice
2 pharmacy;

3
4 **33-24-122. Revocation or suspension of license and**
5 **registration; letter of admonition; summary suspension;**
6 **administrative penalties; probation; grounds.**

7
8 (a) The license and registration of any pharmacist
9 may be revoked or suspended by the board of pharmacy or the
10 board may issue a letter of admonition, refuse to issue or
11 renew any license or require successful completion of a
12 rehabilitation program or issue a summary suspension for
13 any of the following causes:

14
15 (i) Conviction of a felony or high misdemeanor
16 ~~involving moral turpitude~~ that relates to the practice of
17 pharmacy or to the ability to practice pharmacy, in which
18 case the record of conviction or a copy thereof certified
19 by the clerk or judge of the court in which the conviction
20 is had shall be conclusive evidence;

21
22 **33-24-135. Internship.**

23

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

3
4 (iii) Conviction of a felony or misdemeanor
5 ~~involving moral turpitude~~ that relates to the practice of
6 pharmacy or to the ability to practice as a pharmacy
7 intern;

8
9 **33-24-301. Pharmacy technicians; licensing;**
10 **definitions; revocation or suspension of license; letter of**
11 **admonition; information required for background checks.**

12
13 (f) The board may issue a letter of admonition or
14 suspend or revoke a pharmacy technician's license or the
15 board may assess an administrative penalty against that
16 person not to exceed one thousand dollars (\$1,000.00) for
17 each violation for any:

18
19 (iv) Conviction of a felony or misdemeanor
20 ~~involving moral turpitude~~ that relates to the practice of
21 pharmacy or to the ability to practice as a pharmacy
22 technician; or

23

1 **33-26-402. Grounds for suspension; revocation;**
2 **restriction; imposition of conditions; refusal to renew or**
3 **other disciplinary action.**

4
5 (a) The board may refuse to renew, and may revoke,
6 suspend or restrict a license or take other disciplinary
7 action, including the imposition of conditions or
8 restrictions upon a license on one (1) or more of the
9 following grounds:

10
11 (xxvii) Unprofessional or dishonorable conduct
12 not otherwise specified in this subsection, including but
13 not limited to:

14
15 (K) Engaging in conduct that ~~constitutes~~
16 ~~moral turpitude~~ relates adversely to the practice of
17 medicine or to the ability to practice medicine, including
18 but not limited to conviction of or pleading guilty or nolo
19 contendere to domestic abuse, stalking, sexual assault,
20 sexual abuse or unlawful exploitation of a minor, indecent
21 exposure, incest or distribution of pornography;

22

1 **33-28-106. Application for license; qualifications;**
2 **sworn statement; commission approval of course of study;**
3 **statement of responsible broker; denial of license; issuing**
4 **licenses.**

5
6 (g) The commission may consider prior revocation,
7 conduct or conviction in its determination of whether to
8 grant an applicant a license if the applicant:

9
10 (iii) Has been convicted of any felony that
11 relates to the practice of real estate activity or to the
12 ability to practice the duties of a responsible broker or
13 any felony sexual offense.

14
15 **33-28-111. Censure of licensee and suspension or**
16 **revocation of license; grounds.**

17
18 (a) The commission shall upon a written sworn
19 complaint or may upon its own motion investigate the
20 actions of any licensee conducting real estate advertising,
21 self promotion as a licensee or real estate activity
22 regarding real estate located in Wyoming, impose an
23 administrative fine not to exceed two thousand five hundred

1 dollars (\$2,500.00) for each separate offense and may
2 censure a licensee, place a licensee on probation and set
3 the terms of probation, suspend or revoke any license
4 issued under this act for any of the following:

5

6 (xxii) Conviction of a felony that relates to
7 the practice of real estate activity or to the ability to
8 perform the duties of a licensee;

9

10 **33-29-402. Requirements for intern certificate.**

11

12 (a) An applicant for a certificate as an engineer
13 intern shall submit evidence satisfactory to the board
14 showing that the applicant:

15

16 (i) Is possessed of ~~good moral character and~~
17 ~~repute~~ a background that does not evidence conduct adverse
18 to the practice of engineering or to the ability to
19 practice as an engineer intern;

20

21 (b) An applicant for a certificate as a land surveyor
22 intern shall submit evidence satisfactory to the board
23 showing that the applicant:

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33-29-403. Requirements for professional license.

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23

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

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

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

1 (i) Is possessed of ~~good moral character and~~
2 ~~repute~~ a background that does not evidence conduct adverse
3 to the practice of engineering or to the ability to
4 practice engineering;

5
6 (c) An applicant for a license as a professional land
7 surveyor shall submit evidence satisfactory to the board
8 showing that the applicant:

9
10 (i) Is possessed of ~~good moral character and~~
11 ~~repute~~ a background that does not evidence conduct adverse
12 to the practice of land surveying or to the ability to
13 practice land surveying;

14
15 **33-29-406. License on the basis of comity.**

16
17 (a) An applicant who holds a license issued by
18 another jurisdiction to practice professional engineering
19 or professional land surveying may be issued a professional
20 license provided:

21
22 (i) The applicant has submitted evidence
23 satisfactory to the board that the applicant ~~is of good~~

1 ~~moral character and repute~~ has a background that does not
2 evidence conduct adverse to the practice of engineering or
3 land surveying or to the ability to practice engineering or
4 land surveying;

5
6 (b) An applicant who holds a license issued by
7 another jurisdiction to practice professional engineering
8 or professional land surveying, and who has held the
9 license for fifteen (15) years immediately prior to
10 submitting the application, may be issued a professional
11 license provided the applicant:

12
13 (i) Is possessed of ~~good moral character and~~
14 ~~repute~~ a background that does not evidence conduct adverse
15 to the practice of engineering or land surveying or to the
16 ability to practice engineering or land surveying; and

17
18 **33-30-206. Application for license; fee;**
19 **determination of qualifications.**

20
21 (a) Any person desiring a license to practice
22 veterinary medicine in this state shall make written
23 application to the board. The application shall show that

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

12

13 **33-30-212. Denial, suspension and revocation of**
14 **licenses.**

15

16 (a) Upon written complaint sworn to by any person,
17 the board may after a fair hearing and by a concurrence of
18 all members, deny, revoke or suspend for a certain time the
19 license of, or reprimand, any applicant or licensed
20 veterinarian who upon proof to the satisfaction of the
21 board:

22

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

6
7 **33-30-224. Requirements for certification.**

8
9 (a) The board may issue a certificate as an animal
10 euthanasia technician to any applicant who files an
11 application upon a form and in the manner prescribed by the
12 board, accompanied by the appropriate fee and who furnishes
13 satisfactory evidence to the board of the following:

14
15 (ii) The applicant has no felony convictions
16 that relate to the practice of animal euthanasia or to the
17 ability to practice as an animal euthanasia technician;

18
19 (iii) The applicant has no misdemeanor
20 convictions ~~involving moral turpitude~~ that relate to the
21 practice of animal euthanasia or to the ability to practice
22 as an animal euthanasia technician and no criminal

1 violations relating to cruelty to animals or animal
2 neglect;

3

4 **33-33-305. Suspension and revocation of license.**

5

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

10

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

19

20 **33-35-115. Complaints; grounds for revocation or**
21 **suspension of license.**

22

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

4

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

9

10 **33-37-111. Discipline of licensee.**

11

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

16

17 (i) Conviction of a felony or high misdemeanor
18 ~~involving moral turpitude~~ that relates to the practice of
19 applying ionizing radiation or radiopharmaceutical agents
20 to humans or to the ability to apply ionizing radiation or
21 radiopharmaceutical agents to humans;

22

1 **33-38-106. Requirements for licensure and**
2 **certification.**

3
4 (a) The board shall issue a license as a professional
5 counselor, marriage and family therapist, clinical social
6 worker or addictions therapist to any applicant who files
7 an application upon a form and in the manner prescribed by
8 the board, accompanied by the appropriate fee and who
9 furnishes satisfactory evidence to the board of the
10 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 counseling,
15 marriage and family therapy, clinical social work or
16 addictions therapy or to the ability to practice
17 counseling, marriage and family therapy, clinical social
18 work or addictions therapy, although exceptions to this
19 requirement may be granted by the board if consistent with
20 the public interest;

21
22 (b) Certification under this subsection shall allow
23 practice as a certified social worker only under the

1 supervision of a qualified clinical supervisor and subject
2 to any other restrictions which may be specified by the
3 board. The board shall grant certification as a certified
4 social worker to any applicant who files an application
5 upon a form and in the manner prescribed by the board,
6 accompanied by the appropriate fee and who furnishes
7 satisfactory evidence to the board of the following:

8

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

15

16 (c) Certification under this subsection shall allow
17 practice as a certified addictions practitioner only under
18 the supervision of a qualified clinical supervisor and
19 subject to any other restrictions which may be specified by
20 the board. The board shall grant certification as a
21 certified addictions practitioner to any applicant who
22 files an application upon a form and in the manner
23 prescribed by the board, accompanied by the appropriate fee

1 and who furnishes satisfactory evidence to the board of the
2 following:

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

10

11 (d) Provisional licensure is a means to continue
12 progress towards satisfactory completion of all licensure
13 requirements under this act. Upon review and approval by
14 the designated board member or board, the board shall issue
15 a provisional license 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 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 public interest;

6
7 (e) The board shall issue a license without
8 examination as a licensed professional counselor, licensed
9 clinical social worker, licensed marriage and family
10 therapist or a licensed addictions therapist to any
11 applicant who files an application upon a form and in the
12 manner prescribed by the board, accompanied by the
13 appropriate fee and who furnishes satisfactory evidence to
14 the board of the following:

15
16 (iii) The applicant has no felony convictions,
17 and no misdemeanor convictions ~~involving moral turpitude~~
18 that relate adversely to the practice of counseling,
19 marriage and family therapy, clinical social work or
20 addictions therapy or to the ability to practice
21 counseling, marriage and family therapy, clinical social
22 work or addictions therapy, although exemptions to this

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

3

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

10

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

17

18 (k) The board shall grant certification without
19 examination as a certified addictions practitioner to any
20 applicant who files an application upon a form and in the
21 manner prescribed by the board, accompanied by the
22 appropriate fee and who furnishes satisfactory evidence to
23 the board of the following:

1

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

8

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

15

16 (ii) The applicant has no felony convictions,
17 and no misdemeanor convictions ~~involving moral turpitude~~
18 that relate adversely to the practice of counseling or
19 mental health work or to the ability to practice counseling
20 or mental health work, although exemptions to this
21 requirement may be granted by the board if consistent with
22 public interest;

23

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

14

15 (iii) The applicant has no felony convictions,
16 and no misdemeanor convictions ~~involving moral turpitude~~
17 that relate adversely to the practice of addictions therapy
18 or to the ability to practice as an addictions practitioner
19 assistant, although exceptions to this requirement may be
20 granted by the board if consistent with the public
21 interest;

22

23 **33-38-110. Prohibited acts; penalties.**

1

2 (c) The board may refuse to renew, or may deny,
3 suspend, revoke or otherwise restrict licensure or
4 certification under this act for any of the following
5 causes:

6

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

16

17 **33-39-123. Disciplinary proceedings.**

18

19 (a) The board shall upon a written sworn complaint or
20 may upon its own motion investigate the actions of any
21 certified real estate appraiser and may impose an
22 administrative fine not to exceed two thousand five hundred
23 dollars (\$2,500.00) for each separate offense, censure the

1 permittee, place the permittee on probation and set the
2 terms of the probation, suspend or revoke any permit issued
3 under this act for any of the following:

4

5 (ii) Being convicted of a felony that relates to
6 the practice of real estate appraisal or to the ability to
7 practice real estate appraisal;

8

9 **33-44-105. Athlete agent disclosure form;**
10 **requirements.**

11

12 (a) The athlete agent disclosure form shall be in a
13 record executed in the name of an individual and signed by
14 the athlete agent under penalty of perjury and, except as
15 otherwise provided in subsection (b) of this section, must
16 state or contain:

17

18 (viii) Whether the athlete agent or any other
19 person named pursuant to paragraph (vii) of this subsection
20 has been convicted of a crime that, if committed in this
21 state, would be a felony or other crime ~~involving moral~~
22 ~~turpitude~~ that relates to the practice of serving as an

1 athlete agent or to the ability to serve as an athlete
2 agent, and identify the crime;

3

4 **33-44-106. Disqualifications.**

5

6 (a) No person may engage in the business of an
7 athlete agent who has:

8

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

14

15 **33-45-111. Disciplinary action; suspension and**
16 **revocation of license.**

17

18 (a) After the hearing authorized by subsection (b) of
19 this section, the board may deny a license or refuse to
20 renew a license, may suspend or revoke a license or may
21 impose probationary conditions if the licensee or the
22 applicant has engaged in unprofessional conduct which has
23 endangered or is likely to endanger the health, welfare or

1 safety of the public. For purposes of this section,
2 unprofessional conduct includes:

3
4 (iii) Being convicted of a felony that relates
5 to the practice of athletic training or to the ability to
6 practice athletic training;

7

8 **33-49-111. Disciplinary action; suspension and**
9 **revocation of license; application for reinstatement.**

10

11 (a) After any hearing conducted pursuant to W.S.
12 33-49-110, the board may approve, deny, suspend, revoke or
13 refuse to renew a license or impose probationary conditions
14 on the license if the licensee or applicant has engaged in
15 unprofessional conduct. For purposes of this section,
16 unprofessional conduct includes any of the following:

17

18 (iii) Being convicted of a felony that relates
19 to the practice of acupuncture or to the ability to
20 practice acupuncture;

21

22 **40-14-643. Issuance of loan originator licenses.**

23

1 (a) The administrator shall not issue a mortgage loan
2 originator license unless the administrator makes at a
3 minimum the following findings:

4
5 (ii) The applicant has not been convicted of, or
6 pled guilty or nolo contendere to, a felony that relates to
7 the practice of mortgage loan origination or to the ability
8 to practice as a mortgage loan originator in a domestic,
9 foreign or military court, as identified in rule by the
10 commissioner pursuant to W.S. 33-1-304:

11
12 **40-22-108. Application for license.**

13
14 (a) Each application for a license shall be made in
15 writing and in a form prescribed by the commissioner. Each
16 application shall include the following:

17
18 (ii) The applicant's history of material
19 litigation and criminal convictions that relate to the
20 practice of money transmission or to the ability to
21 practice money transmission for the five (5) year period
22 prior to the date of the application;

23

1 **40-23-126. Issuance of loan originator license.**

2

3 (a) The commissioner shall not issue a mortgage loan
4 originator license unless the commissioner makes at a
5 minimum the following findings:

6

7 (ii) The applicant has not been convicted of, or
8 pled guilty or nolo contendere to, a felony that relates to
9 the practice of mortgage loan origination or to the ability
10 to practice as a mortgage loan originator, in a domestic,
11 foreign or military court:

12

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

18

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

20

21

(END)