

HOUSE BILL NO. HB0115

Multi-disciplinary clinical advisory panel.

Sponsored by: Representative(s) Wilson, Dayton, Lindholm and Yin and Senator(s) Ellis, Gierau, Hutchings and Pappas

A BILL

for

1 AN ACT relating to professions and occupations; creating
2 the multi-disciplinary clinical advisory panel; specifying
3 membership, duties and authority; requiring a report;
4 providing for rulemaking authority; and providing for
5 effective dates.

6

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

8

9 **Section 1.** W.S. 33-50-101 through 33-50-105 are
10 created to read:

11

12

CHAPTER 50

13

MULTI-DISCIPLINARY CLINICAL ADVISORY PANEL

14

15

33-50-101. Definitions.

1

2 (a) As used in this chapter:

3

4 (i) "Applicant" means any health profession
5 group or organization, any individual or any other
6 interested party that proposes that any unregulated health
7 profession be regulated by the state or that proposes to
8 change the scope of practice of a health profession
9 regulated under state law;

10

11 (ii) "Department" means the Wyoming department
12 of health;

13

14 (iii) "Health profession" means any profession
15 or occupation that provides physical or mental diagnoses or
16 treatment to human patients;

17

18 (iv) "License" means any license, certificate,
19 permit or other authorization issued by a health profession
20 licensing entity under title 33 of the Wyoming statutes;

21

22 (v) "Licensing entity" means any board,
23 commission or other entity that issues a license under

1 title 33 of the Wyoming statutes to practice a health
2 profession;

3

4 (vi) "Panel" means the multi-disciplinary
5 clinical advisory panel created by this chapter;

6

7 (vii) "Scope of practice" means the activities
8 that a person licensed to practice a health profession is
9 allowed to perform, as prescribed by the attendant statutes
10 and rules adopted by the appropriate licensing entity;

11

12 (viii) "Unregulated health profession" means a
13 health profession that is not currently regulated by state
14 statute and that has no licensing system in place under
15 title 33 of the Wyoming statutes.

16

17 **33-50-102. Multi-disciplinary clinical advisory panel**
18 **created; appointment; terms; vacancies; compensation;**
19 **rulemaking.**

20

21 (a) There is created within the department of health
22 the multi-disciplinary clinical advisory panel consisting
23 of eleven (11) voting members as follows:

1

2 (i) Three (3) members who shall hold valid,
3 unencumbered licenses as physicians under the Medical
4 Practice Act, one (1) of whom shall be specialized in a
5 primary care field, one (1) of whom shall be specialized in
6 a surgical field and one (1) of whom shall be specialized
7 in another medical field licensed by the Wyoming state
8 board of medicine;

9

10 (ii) Two (2) members who shall hold valid,
11 unencumbered licenses as nurses under the Wyoming Nurse
12 Practice Act;

13

14 (iii) One (1) member who shall hold a valid,
15 unencumbered license as a pharmacist under the Wyoming
16 Pharmacy Act;

17

18 (iv) One (1) member who shall hold a valid,
19 unencumbered license as a psychologist under W.S. 33-27-113
20 through 33-27-123 or as mental health professional under
21 the Mental Health Professions Practice Act;

22

1 (v) Four (4) members who shall each hold a
2 different valid, unencumbered license in any one (1) of the
3 following fields:

4

5 (A) Optometry under W.S. 33-23-101 through
6 33-23-117;

7

8 (B) Occupational therapy under the
9 Occupational Therapy Practice Act;

10

11 (C) Speech language pathology under the
12 Practice Act for Speech-Language Pathologists and
13 Audiologists;

14

15 (D) Physical therapy under W.S. 33-25-101
16 through 33-25-116;

17

18 (E) Respiratory care under the Respiratory
19 Care Practice Act of 2003;

20

21 (F) Podiatry under W.S. 33-9-101 through
22 33-9-114;

23

1 (G) Chiropractic medicine under W.S.
2 33-10-101 through 33-10-117;

3

4 (H) Midwifery under the Midwives Licensure
5 Act;

6

7 (J) Acupuncture under the Wyoming
8 Acupuncture Practice Act;

9

10 (K) As a dentist or dental hygienist under
11 the Wyoming Dental Practice Act;

12

13 (M) As a physician assistant under the
14 Medical Practice Act;

15

16 (N) As an emergency medical technician
17 under the Wyoming Emergency Medical Services Act of 1977;

18

19 (O) As a radiologic technologist under W.S.
20 33-37-101 through 33-37-113;

21

22 (P) As an athletic trainer under the
23 Wyoming Athletic Trainers Licensing Act;

1

2 (Q) As a dietician under the Dietetics
3 Licensure Act.

4

5 (b) Panel members specified under paragraphs (a)(i)
6 through (iii) of this section shall be appointed by the
7 members of their respective licensing entity.

8

9 (c) Panel members appointed under subsection (b) of
10 this section shall on a rotating basis select the licensing
11 entity from which the member in paragraph (a)(iv) is
12 selected, and separately shall on a rotating basis select
13 the licensing entities from which the members in paragraph
14 (a)(v) are selected. The licensing entities selected under
15 this subsection shall each then appoint one (1) member of
16 their entity to sit on the panel. Notwithstanding
17 subsections (e) and (f) of this section, no licensing
18 entity that appointed a panel member under paragraphs
19 (a)(iv) or (v) of this section shall be eligible to appoint
20 another member to the panel until all other licensing
21 entities specified under paragraphs (a)(iv) or (v) of this
22 section have also done so.

23

1 (d) In addition to the voting members of the panel,
2 there shall be one (1) ex officio non-voting member who
3 shall be the state health officer and shall serve as
4 chairman of the panel.

5

6 (e) Voting panel members shall serve three (3) year
7 terms of office. No voting member shall serve more than two
8 (2) consecutive terms.

9

10 (f) If a vacancy occurs, the procedures specified in
11 subsections (b) and (c) of this section shall govern the
12 process for filling the associated vacancy. Any person
13 appointed to fill a vacancy shall serve for the unexpired
14 portion of the vacated term, which term shall not be
15 considered for the purpose of subsection (e) of this
16 section. A vacancy in the panel shall be filled by a
17 practitioner from the same health profession as that of the
18 vacating panel member. A vacancy shall occur if a sitting
19 panel member no longer holds a valid and unencumbered
20 license to practice in this state, no longer engages in
21 active practice in this state or resigns from the panel.

22

1 (g) Voting panel members shall receive per diem and
2 mileage as provided in W.S. 33-1-302(a)(vii). To the
3 greatest extent practicable, the panel shall use existing
4 internet protocol based communication and videoconferencing
5 infrastructure and telecommunication services in carrying
6 out its duties as authorized by this chapter.

7

8 (h) The department of health shall promulgate
9 reasonable rules necessary to implement and administer this
10 chapter.

11

12 **33-50-103. Powers and duties of the panel.**

13

14 (a) The panel shall review applications submitted by
15 applicants for proposed changes to any practice act of a
16 health profession and to review any proposed establishment
17 of any new practice act for an unregulated health
18 profession in the state. The panel shall not have
19 jurisdiction over the licensing or discipline of any
20 individual health profession or its members, or over the
21 rulemaking authority of any licensing entity.

22

1 (b) The panel shall meet not more than four (4) days
2 per year as the panel deems necessary. The provisions of
3 W.S. 16-4-401 through 16-4-408 shall not apply to the
4 panel.

5
6 (c) The panel shall evaluate any application
7 submitted to it on the basis of the appropriate criteria as
8 specified under W.S. 33-50-104(a) and (b). The panel shall
9 make written findings on all criteria and make a
10 recommendation for approval or denial, detailing its
11 findings in a report that shall be submitted to the joint
12 labor, health and social services interim committee on or
13 before August 1 of any year in which the panel met. If the
14 panel recommends approval of an application under W.S.
15 33-50-104(a) for regulation of an unregulated health
16 profession, it shall also identify the least restrictive
17 method of regulation to be implemented consistent with but
18 not limited to W.S. 33-50-104(a)(ii). The panel may make
19 additional recommendations regarding the proposal or other
20 issues identified during the review and may comment on the
21 anticipated benefits to the health, safety and welfare of
22 the public. The panel shall also deliver a copy of the
23 report to the applicant prior to submitting the report to

1 the joint labor, health and social services interim
2 committee. The committee may sponsor legislation based upon
3 the panel's recommendations as the committee finds
4 appropriate.

5

6 **33-50-104. Applications for regulation of a health**
7 **profession or a change in scope of practice; contents.**

8

9 (a) An applicant seeking panel review for state
10 regulation of an unregulated health profession shall submit
11 an application to the panel on forms prescribed by the
12 panel. The application shall identify the applicant and the
13 proposed regulation sought. The application shall include
14 an explanation of:

15

16 (i) The issue necessitating state regulation of
17 the unregulated health profession;

18

19 (ii) All feasible methods of regulation,
20 including the impact of those methods on the public. Under
21 this paragraph, the application shall also address whether
22 regulation by means other than direct licensing of the
23 unregulated health profession is appropriate including:

1

2 (A) Instituting inspection requirements to
3 be administered by an existing state agency;

4

5 (B) Enabling an appropriate state agency,
6 board or commission to bring an end to a harmful practice
7 by seeking injunctive relief in court or other action;

8

9 (C) Regulating or modifying the regulation
10 of the regulated health profession that may be supervising
11 or responsible for the services being performed.

12

13 (iii) The benefit and possible harm to the
14 public of regulating an unregulated health profession;

15

16 (iv) The type of standards that exist to ensure
17 that a practitioner of an unregulated health profession
18 would achieve and maintain competency;

19

20 (v) A description of the unregulated health
21 profession proposed for regulation, including a list of
22 associations, organizations and other groups representing
23 the practitioners in the state, an estimate of the number

1 of practitioners in each group and whether the groups
2 represent different levels of practice;

3

4 (vi) The role and availability of third-party
5 reimbursement for the services provided by an unregulated
6 health profession;

7

8 (vii) The number of jurisdictions regulating the
9 unregulated health profession affected by the application
10 and the experience of these other jurisdictions once
11 regulation of the unregulated health profession was in
12 place;

13

14 (viii) The expected costs of regulation,
15 including the impact licensure will have on the costs of
16 the services to the public and the cost to the state and to
17 the general public of regulating the unregulated health
18 profession; and

19

20 (ix) Any other information relevant to the
21 requested review as determined by the panel.

22

1 (b) An applicant seeking panel review for a change in
2 scope of practice shall submit an application to the panel
3 on forms prescribed by the panel. The application shall
4 identify the applicant and the proposed change in scope of
5 practice sought. The application shall also include the
6 following information:

7

8 (i) A summary of state and federal law that
9 governs the health profession that is the subject of the
10 application;

11

12 (ii) A summary of the state's current regulatory
13 oversight of the health profession that is the subject of
14 the application;

15

16 (iii) An explanation why a change in scope of
17 practice is necessary, including the extent to which
18 consumers need and will benefit from the proposed change in
19 the scope of practice;

20

21 (iv) The extent to which the public can be
22 confident that qualified practitioners are competent in
23 their health profession including:

1

2 (A) Evidence that the health profession's
3 practice board has functioned adequately in protecting the
4 public;

5

6 (B) Whether effective quality assurance
7 standards exist in the health profession, including legal
8 requirements associated with the specific programs that
9 define or endorse standards or a code of ethics; and

10

11 (C) Evidence of whether state approved
12 educational programs provide or are willing to provide a
13 core curriculum adequate to prepare practitioners at the
14 proposed scope of practice.

15

16 (v) The extent to which the proposed scope of
17 practice may harm the public including the extent to which
18 the proposal may restrict entry into the practice of the
19 health profession which is the subject of the application
20 and whether the proposal requires registered, certified or
21 licensed practitioners in other jurisdictions who move to
22 this state to qualify for licensure in the same manner as
23 practitioners in the state;

1

2 (vi) The cost to the state and to the general
3 public of implementing the proposed change to a health
4 profession's scope of practice;

5

6 (vii) A detailed statement of the proposed
7 funding mechanism to pay the administrative costs of the
8 revision or expansion of the scope of practice;

9

10 (viii) Any proposal containing a continuing
11 education requirement for a health profession shall be
12 accompanied by evidence that the requirement has been
13 proven effective for the health profession in other
14 jurisdictions;

15

16 (ix) Evidence that the applicant has notified
17 the appropriate licensing entity of the submittal of the
18 application for panel review;

19

20 (x) Any other information relevant to the
21 requested review as determined by the panel.

22

1 (c) To be considered by the panel, an applicant
2 seeking to establish a new practice act under state law to
3 govern an unregulated health profession or to make changes
4 to an existing practice act shall submit its proposal to
5 the panel not later than June 1 of each year. Late
6 applications shall not be considered by the panel for the
7 upcoming legislative session except as specified by rule of
8 the department.

9

10 (d) The failure of a professional or occupational
11 group to present proposed changes to the panel as specified
12 under this chapter shall not prevent the legislature from
13 considering whether to regulate an unregulated health
14 profession or to change the scope of practice of a health
15 profession regulated by a licensing entity.

16

17 **33-50-105. Application fee; disposition; waiver.**

18

19 (a) Each application shall be accompanied by an
20 application fee of five hundred dollars (\$500.00) to be
21 submitted to the panel at the time the application is
22 filed. The panel shall remit all application fees to the
23 state treasurer for credit to a separate account, the funds

1 of which are continuously appropriated to the department of
2 health to defray the costs in administering this chapter.
3 The application fee shall not be refundable, but the panel
4 may waive all or part of the fee if it finds it to be in
5 the public interest to do so. Such a finding may include,
6 but shall not be limited to:

7

8 (i) The applicant is an agency of state
9 government;

10

11 (ii) The applicant will not be materially
12 affected by the implementation of the proposed regulation
13 or change in scope of practice; or

14

15 (iii) Payment of the application fee would
16 impose unreasonable hardship on the applicant.

17

18 **Section 2.** The department of health shall promulgate
19 rules and regulations necessary to implement this act on or
20 before July 1, 2020.

21

22 **Section 3.**

23

1 (a) Except as provided in subsection (b) of this
2 section, this act is effective July 1, 2020.

3

4 (b) Sections 2 and 3 of this act are effective
5 immediately upon completion of all acts necessary for a
6 bill to become law as provided by Article 4, Section 8 of
7 16 the Wyoming Constitution.

8

9

(END)