

H.B. No. 0157

**Health care providers-sexual assault
protections-2.**

Sponsored By: Representative(s) Bovee, Barlow, Blake, Connolly,
Dayton, Gierau, Harshman, Loucks and Wilson and
Senator(s) Anselmi-Dalton, Boner, Ellis, Landen
and Nethercott

AN ACT relating to health care providers; specifying that health care licensing boards may discipline licensees for sexual misconduct; clarifying offenses relating to sexual assault; revising provisions relating to the expungement of misdemeanor sexual offenses committed by health care providers; clarifying grounds for physician and physician assistant discipline; requiring specified licensing boards to conduct a review of existing rules relating to health care providers; requiring specified licensing boards to amend existing rules as necessary; repealing provisions; and providing for an effective date.

2/13/2018 Bill Number Assigned
2/14/2018 H Received for Introduction
2/15/2018 H Introduced and Referred to H10 - Labor 52-7-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhart, Byrd, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Haley, Hallinan, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Walters, Wilson, Winters, Zwonitzer

Nays: Representative(s) Clausen, Clem, Edwards, Halverson, Jennings, Lone, Salazar

Excused: Representative Greear

Ayes 52 **Nays** 7 **Excused** 1 **Absent** 0 **Conflicts** 0

2/22/2018 H10 - Labor:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Barlow, Clem, Dayton, Gierau, Hallinan, Halverson, Lone, MacGuire, Sweeney

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/22/2018 H Placed on General File

HB0157HS001/ADOPTED

Page 1-line 1 After "providers;" insert "specifying that health care licensing boards may discipline licensees for sexual misconduct;".

Page 1-line 4 Delete "authorizing the board".

Page 1-line 5 Delete entirely.

Page 1-line 6 Delete "nurse for sexual misconduct;".

Page 1-line 9 After "repealing" delete "a".

Page 1-line 10 Delete "provision" and insert "provisions".

Page 1-after line 12 Insert:

"Section 1. W.S. 33-1-118 is created to read:

33-1-118. Health care licensing boards; authority to discipline licensees for sexual misconduct.

(a) A board which licenses health care providers may refuse to issue or renew, or may suspend or revoke the license, certificate or temporary permit of any licensee or certificate holder, or otherwise discipline a licensee or certificate holder, upon clear and convincing evidence that the licensee or certificate holder has committed sexual misconduct.

(b) As used in this section:

(i) "Health care provider" means an individual who is licensed, certified or otherwise authorized or permitted by the laws of this state to provide care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition;

(ii) "Sexual misconduct" means:

(A) Any behavior by a licensee that involves offers of exchange of medical services for some form of sexual gratification; or

(B) Sexual contact or sexual intrusion, as defined in W.S. 6-2-301(a), that occurs while the patient is under the care of the licensee."

Page 2-line 1 After "**Section**" delete "**1.**" and insert "**2.**".
Page 2-line 3 After "(ii)" delete "," and insert "and".
Page 2-line 5 Delete "and 33-21-146(a) (xi),".
Page 2-line 6 Delete entirely.
Page 2-line 7 Delete "subsection (c)".
Page 4-lines 22 and 23 Delete entirely.
Page 5-lines 1 through 22 Delete entirely.
Page 6-lines 1 through 3 Delete entirely.
Page 6-line 5 After "**Section**" delete "**2.**" and insert "**3.**";
after "6-2-303(a) (viii)" delete "is" and
insert ", 33-25-111(a) (xx), 33-26-102(a) (xiii)
and 33-26-402(a) (vii) are".

Page 6-line 7 After "**Section**" delete "**3.**" and insert "**4.**".
Page 7-line 8 After "**Section**" delete "**4.**" and insert "**5.**";
delete balance of line and insert:

"(a) Section 4 of this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution."

(b) Except as otherwise provided in subsection (a) of this section, this act is effective July 1, 2018.". BARLOW, CHAIRMAN

2/22/2018 H COW:Passed
2/23/2018 H 2nd Reading:Passed

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Page 1-line 6 Before "requiring" insert "clarifying grounds
for physician and physician assistant
discipline;".
Page 2-line 7 Before "are" insert "and 33-26-402(a) (xxxiv)
and by creating a new paragraph (xxxv)".
Page 6-after line 3 Insert:

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

(a) The board may refuse to renew, and may revoke, suspend or restrict a license or take other disciplinary action, including the imposition of conditions or restrictions upon a license on one (1) or

more of the following grounds:

(xxxiv) Violating any final order, consent decree or stipulation between the board and the licensee-;

(xxxv) Any behavior by a licensee toward a patient, former patient, another licensee, an employee of a health care facility, an employee of the licensee or a relative or guardian of a patient that exploits the position of trust, knowledge, emotions or influence of the licensee." BARLOW

2/27/2018 H 3rd Reading:Passed 52-5-3-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhart, Clem, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Loucks, MacGuire, Madden, Miller, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Clausen, Edwards, Jennings, Nicholas, Walters

Excused: Representative(s) Byrd, Lone, Northrup

Ayes 52 **Nays** 5 **Excused** 3 **Absent** 0 **Conflicts** 0

3/1/2018 S Received for Introduction

3/1/2018 S Introduced and Referred to S10 - Labor

3/2/2018 S10 - Labor:Recommend Do Pass 3-0-2-0-0

ROLL CALL

Ayes: Senator(s) Baldwin, Boner, Peterson

Excused: Senator(s) Bouchard, Scott

Ayes 3 **Nays** 0 **Excused** 2 **Absent** 0 **Conflicts** 0

3/2/2018 S Placed on General File

HB0157SW001/ADOPTED (TO ENGROSSED COPY)

Page 4-lines 16 through 19 Delete entirely and insert:

"(i) Sexual contact or sexual intrusion in the person's capacity as a health care provider in the course of providing care, treatment, services or procedures to maintain, diagnose or otherwise treat a patient's physical or mental condition;". PETERSON

3/5/2018 S COW:Passed

3/6/2018 S 2nd Reading:Passed

3/7/2018 S 3rd Reading:Passed 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Agar, Anselmi-Dalton, Baldwin, Barnard, Bebout, Boner, Bouchard, Burns, Case, Christensen, Coe, Dockstader, Driskill, Ellis, Emerich, Hastert, Hicks, Kinskey, Landen, Meier, Moniz, Nethercott, Pappas, Perkins, Peterson, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Anderson

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

3/7/2018 H Received for Concurrence

3/8/2018 H Concur:Passed 58-2-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Barlow, Biteman, Blackburn, Blake, Bovee, Brown, Burkhart, Byrd, Clausen, Clem, Connolly, Court, Crank, Dayton, Eklund, Eyre, Flitner, Freeman, Furphy, Gierau, Gray, Greear, Haley, Hallinan, Halverson, Harshman, Henderson, Hunt, Jennings, Kinner, Kirkbride, Larsen, Laursen, Lindholm, Lone, Loucks, MacGuire, Madden, Miller, Nicholas, Northrup, Obermueller, Olsen, Paxton, Pelkey, Piiparinen, Pownall, Salazar, Schwartz, Simpson, Sommers, Steinmetz, Stith, Sweeney, Wilson, Winters, Zwonitzer

Nays: Representative(s) Edwards, Walters

Ayes 58 **Nays** 2 **Excused** 0 **Absent** 0 **Conflicts** 0

3/8/2018 Assigned Number HEA No. 0050
3/9/2018 H Speaker Signed HEA No. 0050
3/9/2018 S President Signed HEA No. 0050
3/12/2018 Governor Signed HEA No. 0050
3/12/2018 Assigned Chapter Number 80

Chapter No. 80 Session Laws of Wyoming 2018