

HOUSE BILL NO. HB0127

Wyoming Medical Practice Act revisions.

Sponsored by: Representative(s) Tipton, McMurtrey and Meuli and Senator(s) Barrasso

A BILL

for

1 AN ACT relating to professions and occupations; revising  
2 Medical Practice Act provisions including definitions and  
3 general provisions, the state board of medicine, licensing,  
4 investigations and disciplinary proceedings and physicians  
5 assistants; creating disciplinary provision pertaining to  
6 physicians assistants; conforming amendments; repealing  
7 certain provisions; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 33-26-512 is created to read:

12

13 **33-26-512. Voluntary and mandatory revocation;**  
14 **restriction; suspension.**

15

1           (a) A licensee may request the board, in writing, to  
2 accept the voluntary relinquishment, restriction or  
3 suspension of his license. The board may, but shall not be  
4 required to accept the relinquished license, grant the  
5 request for restriction or suspension, attach conditions to  
6 the license or waive the commencement of any proceedings  
7 under this article. The board shall put in writing any  
8 agreement with the licensee. Removal of a voluntary  
9 relinquishment, restriction or suspension is subject to the  
10 procedure for reinstatement of a license pursuant to W.S.  
11 33-26-509.

12

13           (b) Unless the board and the licensee have agreed to  
14 the relinquishment of or imposition of restrictions or  
15 conditions on a license, the board shall conduct a  
16 proceeding to suspend, restrict, refuse to renew or revoke  
17 a license pursuant to W.S. 33-26-508(a) as a contested case  
18 under the Wyoming Administrative Procedure Act.

19

20           (c) The board may temporarily suspend the license of  
21 any licensee without a hearing pursuant to W.S.  
22 16-3-113(c).

23

1           **Section 2.**     W.S. 33-26-102(a)(iv), (vi), (vii)(D),  
2     (viii), (ix), (xi)(A) through (C), (E), by creating a new  
3     subparagraph (F), (xii), (xiii), (xiv), (xvii)(B), (E) and  
4     by creating new paragraphs (xviii) through (xxi),  
5     33-26-103(a)(iii), (vi) and (viii), 33-26-201(a), (c),  
6     (d)(ii) and (e), 33-26-202(b)(viii), (x), (xii) and by  
7     creating a new paragraph (xiv), 33-26-203,  
8     33-26-301(b)(ii), (iii) and by creating a new paragraph  
9     (iv), 33-26-302(a), 33-26-303(a)(intro), (iv) through (x)  
10    and by creating a new subsection (b), 33-26-304,  
11    33-26-305(a), (c) and (d), 33-26-307(a)(intro) and (b),  
12    33-26-401, 33-26-402(a)(intro), (vi) through (viii), (xi),  
13    (xv), (xviii), (xix), (xxi) through (xxiii), (xxv), (xxvi),  
14    (xxvii) by creating new subparagraphs (B) through (T), by  
15    creating new paragraphs (xxxii) and (xxxiv) and (b),  
16    33-26-403(a) through (c) and by creating a new subsection  
17    (e), 33-26-404(a) through (c), 33-26-405(a)(intro), (iv),  
18    (ix), by creating a new paragraph (x) and (b)(iii),  
19    33-26-406(a) through (c), 33-26-407, 33-26-408(c) through  
20    (e) and by creating new subsections (f) through (j),  
21    33-26-409(a), (c) and (d), 33-26-410(c),  
22    33-26-501(a)(iii)(A), (B), (iv), (v)(A) and by creating new  
23    paragraphs (viii) through (x), 33-26-503(a) and (b) by  
24    creating a new paragraph (vi), 33-26-504(b)(ii) and (iii),

1 33-26-506(a) and (c), 33-26-507(a) (intro),  
2 33-26-508(a) (intro) and (b), 33-26-509(a) and by creating  
3 new subsections (c) through (g) and 33-26-510(c) are  
4 amended to read:

5

6 **33-26-102. Definitions.**

7

8 (a) As used in this chapter:

9

10 (iv) "Errant conduct" means conduct by a  
11 licensee which may constitute grounds for ~~revocation,~~  
12 ~~suspension or restriction of a license as set forth in W.S.~~  
13 ~~33-26-402~~ discipline as set forth in this act;

14

15 (vi) "Health care entity" means any hospital,  
16 clinic, training program, professional society or committee  
17 of physicians or other licensed health care practitioners  
18 that follows a ~~formal~~ peer review process for the purpose  
19 of furthering quality health care;

20

21 (vii) "Impaired" means a person who cannot  
22 practice medicine with reasonable skill and safety to  
23 patients by reason of one (1) or more of the following:

24

1 (D) ~~Excessive use or abuse of drugs,~~  
2 ~~including alcohol~~ Chemical impairment.

3  
4 (viii) "Lapsed" means the status of a license  
5 when the ~~holder of a license to practice medicine~~ licensee  
6 fails to ~~secure a renewal certificate~~ renew the license by  
7 July 1 of any year or when the holder of a temporary  
8 license ~~to practice medicine~~ fails to appear for an  
9 interview at the next board meeting following the date of  
10 issuance or fails to submit a written request for extension  
11 of a temporary license or when a written request for  
12 extension is not approved by the board;

13  
14 (ix) "License" means a license to practice  
15 medicine in this state issued by the board pursuant to this  
16 chapter;

17  
18 (xi) "Practicing medicine" means any person who  
19 in any manner:

20  
21 (A) Advertises, holds out, or represents to  
22 the public that he is authorized to practice medicine in  
23 this state; or

24

1                   (B) ~~Prescribes or provides medical~~  
2 ~~diagnosis or medical treatment for human disease, injury,~~  
3 ~~deformity, ailment, pregnancy or delivery of infants~~ Offers  
4 or undertakes to prevent, diagnose, correct or treat, in  
5 any manner, by any means, method or device, any human  
6 disease, illness, pain, wound, fracture, infirmity, defect  
7 or abnormal physical or mental condition, injury, deformity  
8 or ailment, including the management of pregnancy and  
9 parturition; or

10

11                   (C) Attaches the title of M.D., D.O.,  
12 physician, surgeon, osteopathic physician or osteopathic  
13 surgeon, doctor, or any other words, letters or  
14 abbreviations ~~which represent the person as being engaged~~  
15 ~~in the practice of medicine~~ or any combination thereof when  
16 used in the conduct of any occupation or profession  
17 pertaining to the prevention, diagnosis or treatment of  
18 human disease or condition unless the designation  
19 additionally contains the description of another branch of  
20 the healing arts for which one holds a valid license in  
21 this state; or

22

1 (E) ~~Prescribes~~ Offers or undertakes to  
2 prescribe, order, give or administer drugs which can only  
3 be obtained by prescription according to law; ~~or~~ or  
4

5 (F) Renders a determination of medical  
6 necessity or appropriateness of proposed treatment.  
7

8 (xii) "Reactivation" after a license has lapsed  
9 means the completion of ~~an application, payment of a fee~~  
10 ~~and fulfillment of all other~~ requirements ~~for the granting~~  
11 ~~of an initial license, including an interview before the~~  
12 ~~board~~ set forth in W.S. 33-26-305(c);  
13

14 (xiii) "Sexual ~~exploitation of a patient~~  
15 misconduct" means:  
16

17 (A) Any verbal or nonverbal behavior by a  
18 ~~physician or a physician assistant as defined in W.S.~~  
19 ~~33-26-501(a)(iii)~~ licensee which involves offers of  
20 exchange of medical services for some form of sexual  
21 gratification; ~~or~~  
22

1 (B) ~~Unlawful or unprofessional sexual~~  
2 ~~contact with a patient.~~ Sexual contact that occurs  
3 concurrent with the physician-patient relationship; or  
4

5 (C) Any verbal or nonverbal behavior by a  
6 licensee toward a patient, another licensee, an employee of  
7 a health care facility, an employee of the licensee or a  
8 relative or guardian of a patient that exploits the  
9 position of trust, knowledge, emotions or influence of the  
10 licensee.  
11

12 (xiv) "USMLE ~~examination~~" means the United  
13 States medical licensing examination;  
14

15 (xvii) "Fifth pathway" means an academic year of  
16 supervised clinical education provided by an L.C.M.E.  
17 accredited medical school to students who have:  
18

19 (B) Studied at a medical school outside of  
20 the United States, ~~and~~ Puerto Rico or Canada;  
21

22 (E) Passed the foreign medical graduate  
23 examination in the medical sciences, parts I and II of the



1 examination of the national board of medical examiners, or  
2 steps 1 and 2 of the USMLE. ~~examination.~~

3

4 (xviii) "FLEX examination" means the federation  
5 of state medical boards post-licensure competency  
6 examination;

7

8 (xix) "RCPSC" means the royal college of  
9 physicians and surgeons of Canada;

10

11 (xx) "Physician-patient relationship" means a  
12 relationship between a licensee and any person formed for  
13 the purpose of the licensee providing medical diagnosis or  
14 treatment to the person, whether or not for compensation;  
15 and

16

17 (xxi) "This act" means the Medical Practice Act.

18

19 **33-26-103. Applicability of chapter.**

20

21 (a) This chapter does not apply to:

22

23 (iii) ~~The performance of official duties by a~~  
24 ~~physician or physician assistant of the United States armed~~

1 ~~services or a physician or physician assistant employed by~~  
2 ~~the federal government~~ Commissioned medical officers of the  
3 United States armed services and medical officers of the  
4 United States public health service of the veterans  
5 administration of the United States in the discharge of  
6 their official duties or within federally controlled  
7 facilities, provided that the persons who are licensees of  
8 the board shall be subject to the provisions of this act  
9 and further provided that all such persons shall be the  
10 holder of a full and unrestricted license to practice  
11 medicine in one (1) or more jurisdictions of the United  
12 States;

13

14 (vi) The treatment of disease, injury, deformity  
15 or ailments by prayer or spiritual means provided that  
16 federal and state health and sanitation laws, rules and  
17 regulations are not violated;

18

19 (viii) ~~Persons~~ Health care providers licensed ~~or~~  
20 ~~registered~~ under any other chapter of this title engaged in  
21 the ~~scope of~~ practice ~~for of~~ the profession ~~or occupation~~  
22 for which he is ~~registered or~~ licensed;

23

1           **33-26-201. State board of medicine; composition;**  
2 **appointment; terms; qualifications; removal; vacancies;**  
3 **quorum.**

4  
5           (a) The Wyoming state board of medicine shall consist  
6 of five (5) physicians licensed to practice medicine in  
7 Wyoming, one (1) of whom shall possess the degree of doctor  
8 of osteopathy, one (1) physician assistant and two (2)  
9 ~~nonphysician~~ lay members not directly related to  
10 physicians, appointed by the governor by and with the  
11 consent of the senate as required by W.S. 28-12-101 through  
12 28-12-103. Board members appointed by the governor shall  
13 serve at the pleasure of the governor. The board members  
14 shall annually elect a president, ~~and~~ a vice-president, ~~and~~  
15 a secretary.

16  
17           (c) Physician and physician assistant members shall  
18 reside in, ~~and practice medicine in this state, and~~  
19 ~~nonphysician~~ hold a full and unrestricted license and  
20 actively practice in this state. Lay members shall reside  
21 in this state.

22  
23           (d) The governor shall appoint a new board member if  
24 a vacancy occurs. A person appointed to fill a vacancy

1 shall serve for the unexpired portion of the vacated term.

2 A vacancy occurs if a member:

3

4 (ii) ~~Fails to physically reside in and remain~~  
5 ~~licensed to practice medicine~~ No longer holds a full and  
6 unrestricted license to practice in this state or no longer  
7 engages in active practice in this state;

8

9 (e) A quorum of the board consists of ~~six (6)~~ five  
10 (5) board members, ~~and shall have a nonphysician member~~  
11 ~~present~~ including a lay member.

12

13 **33-26-202. Board; duties; general powers.**

14

15 (b) The board is empowered and directed to:

16

17 (viii) Publicize ~~the availability of a grievance~~  
18 ~~board and~~ information regarding the filing of complaints;

19

20 (x) ~~Determine on a monthly basis by contact~~  
21 Verify the status of licenses and privileges held by  
22 licensees with the federation of state licensing boards  
23 ~~whether or not any licensee has been denied a license or~~  
24 ~~had his license suspended or revoked by another state~~

1 ~~medical licensing or examining board~~ and federal data  
2 banks, and make a similar inquiry with regard to all  
3 applicants for licensure;

4  
5 (xii) Participate in and contribute to a program  
6 or programs to assist in the return to practice of  
7 licensees who ~~are physically or mentally impaired~~ have  
8 exhibited disruptive behaviors, substance dependence or are  
9 suffering from physical or mental impairment;

10  
11 (xiv) Adopt, amend, repeal, enforce and  
12 promulgate reasonable rules and regulations necessary to  
13 implement and administer continuing medical education  
14 requirements of its licensees.

15  
16 **33-26-203. Board; employment and salary of executive**  
17 **secretary; and other employees; per diem and expenses of**  
18 **members.**

19  
20 (a) The board may employ or contract with an  
21 executive secretary, board counsel and other necessary  
22 staff. The executive secretary shall not be a board member.

23

1 (b) The executive secretary's salary shall and board  
2 counsel's salary may be set by the board. The salaries of  
3 other staff shall be set by the human resources division of  
4 the department of administration and information.

5  
6 (c) Board members shall not receive compensation for  
7 their services but shall receive mileage and per diem in  
8 the same manner and amount as ~~state employees~~ members of  
9 the Wyoming legislature. Any incidental expenses  
10 necessarily incurred by the board or any member, if  
11 approved by the board, shall be paid from the account  
12 within the earmarked revenue fund from fees collected  
13 pursuant to this chapter.

14  
15 **33-26-301. License required.**

16  
17 (b) Upon appropriate application, fulfillment of  
18 eligibility criteria and successful completion of all other  
19 requirements, the board may grant:

20  
21 (ii) A temporary license to practice medicine  
22 pursuant to W.S. 33-26-304; ~~or~~

23  
24 (iii) A restricted or conditional license; ~~or~~ or

1

2

3

4

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6

**33-26-302. USMLE examination.**

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**33-26-303. Requirements for granting license.**

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(iv) An inactive license, provided the qualifications for and the conditions of this license shall be established by rule.

(a) The board ~~or its agent~~ shall ~~administer step 3 of the USMLE examination not more than four (4) times per year~~ adopt regulations for the qualification for and administration of the USMLE.

(a) The board may grant a license to practice medicine in this state to any applicant who demonstrates, to the satisfaction of the board, that he:

(iv) Provides written evidence that he has completed at least one (1) year of postgraduate training in an A.C.G.M.E., A.O.A. or ~~Canadian~~ R.C.P.S.C. accredited program. An applicant who graduated from a medical school not accredited by the L.C.M.E. or A.O.A. shall present written evidence that he has completed at least two (2)

1 years of medical education at the medical school from which  
2 he graduated and that he has completed at least three (3)  
3 years of postgraduate training in an A.C.G.M.E., A.O.A. or  
4 ~~Canadian~~ R.C.P.S.C. accredited program;

5  
6 (v) Has ~~completed at least two (2) years of on-~~  
7 ~~campus medical education at the medical school from which~~  
8 ~~he graduates~~ presented other credentials and qualifications  
9 equivalent to or exceeding the criteria in paragraph (iv)  
10 of this subsection as may be considered by the board to  
11 demonstrate competency to practice medicine in this state;

12  
13 (vi) Has successfully completed all three (3)  
14 parts of the USMLE, national boards, the FLEX, a board  
15 approved, state constructed licensing examination, the  
16 examination by the licentiate of the medical council of  
17 Canada, the examination administered by the A.O.A. or an  
18 appropriate composite; ~~For purposes of this section,~~  
19 ~~"FLEX" means the federal licensure examination;~~

20  
21 (vii) ~~Completes~~ Has completed an application  
22 form provided by the board;

23



1 (viii) ~~Pays~~ Has paid the appropriate fees ~~set~~  
2 ~~forth at~~ pursuant to W.S. 33-26-307;

3

4 (ix) ~~Completes~~ Has completed to the satisfaction  
5 of a majority of board members, a personal interview  
6 consisting of inquiry and oral response to medical  
7 knowledge, personal and professional history and intentions  
8 for practicing medicine in this state;

9

10 (x) Has not had his license suspended, revoked  
11 or restricted by or have any disciplinary or clinical  
12 privilege action pending before any committee of a health  
13 care facility, any other state medical or licensing board,  
14 or if his license ~~was~~ or privileges were suspended,  
15 revoked or restricted or relinquished while under  
16 investigation or the threat of an investigation, has had  
17 his license or privileges reinstated, is eligible for  
18 reinstatement or the imposed license or privilege  
19 restrictions have been removed; and

20

21 (b) A person who has pled guilty to or has been  
22 convicted of a felony or any crime that is a felony under  
23 Wyoming law in any state or federal court or in any court  
24 of similar jurisdiction in another country may apply for

1 licensure provided, the board may deny licensure based upon  
2 the plea or conviction alone.

3

4 **33-26-304. Temporary license to practice medicine;**  
5 **application; qualifications.**

6

7 (a) The board may issue a temporary license for  
8 ninety (90) days a term that expires on the date of the  
9 next regularly scheduled board meeting to a person who:

10

11 (i) Completes an application in a form as  
12 approved by the board prescribes for temporary licensure;

13

14 (ii) Meets all licensing requirements of W.S.  
15 33-26-303 except that the board may waive defer the  
16 interview required by W.S. 33-26-303(a)(ix) at its  
17 discretion until the next board meeting;

18

19 (iii) Pays a temporary license fee prescribed in  
20 W.S. 33-26-307 in an amount set by the board.

21

22 (b) A temporary license is valid until the date of  
23 the next board meeting following the date of issuance. The  
24 board, in its discretion may extend the a temporary license

1 for ~~up to one hundred eighty (180) days~~ an additional term  
2 no longer than the date of the second regular board meeting  
3 following the date of issuance.

4  
5 **33-26-305. Annual renewal; cancellation; reactivation**  
6 **of lapsed licenses; duplicates.**

7  
8 (a) All licenses other than temporary licenses to  
9 practice medicine shall ~~expire on~~ lapse at 12:01 a.m. July  
10 1 of each year. A licensee may renew his license by  
11 sending his signature, current address, the registration  
12 number, practice related information requested by the  
13 board, proof of compliance with and fulfillment of  
14 continuing medical education requirements of the board in  
15 the manner set forth in the board's continuing medical  
16 education rules and regulations and renewal fee to the  
17 board after April 1 but prior to July 1 of each year. The  
18 licensee additionally shall report any ~~information~~  
19 ~~concerning~~ disciplinary action pending or taken by a state  
20 examining board, a health care entity or the grievance  
21 committee of a medical society during the preceding year.

22  
23 (c) The board may ~~reinstate~~ reactivate a lapsed  
24 license if the applicant pays a ~~reinstatement~~ reactivation

1 fee and fulfills the requirements for the granting of an  
2 initial license.

3

4 (d) A licensee shall apply to the board for a  
5 duplicate license if his license is stolen, lost or  
6 destroyed. Upon proof of proper identification, the  
7 required fee and submission of other information as the  
8 board may require, the board shall issue a duplicate  
9 license bearing on its face the word "DUPLICATE".

10

11 **33-26-307. Fees.**

12

13 (a) The board shall set by regulation appropriate  
14 ~~fees in an amount not exceeding the maximum fees specified~~  
15 ~~in the following schedule:~~ license application, renewal and  
16 reactivation fees, examination fees and fees for  
17 information verification or document production and other  
18 services of the board to be charged under this chapter.

19

20 (b) All money received or collected under this  
21 chapter shall be paid to the state treasurer for deposit in  
22 an account within the earmarked revenue fund. The money in  
23 the account is subject at all times to the warrant of the  
24 state auditor drawn upon written requisition of the

1 president and attested by the executive secretary of the  
2 board, with seal attached, for the payment of any board  
3 expenses.

4  
5 **33-26-401. Board duties; investigation; interview.**

6  
7 (a) The board shall investigate, upon a written and  
8 signed complaint or by its own motion, any information  
9 ~~appearing to show that a licensee may be impaired or has~~  
10 ~~engaged in errant conduct~~ that if proven would fall within  
11 the jurisdiction of the board and would constitute a  
12 violation of this act.

13  
14 (b) Before holding a contested case hearing, ~~to~~  
15 ~~revoke, suspend, restrict, or limit a license,~~ the board  
16 shall ~~request~~ conduct an informal interview with the  
17 licensee unless the licensee waives an interview.

18  
19 (c) Notwithstanding any other provision of law the  
20 board may require, by administrative subpoena, the  
21 testimony of licensees and witnesses and the production of  
22 evidence relating to any matter under investigation.

23

1       (d) All evidence admitted into the record of any  
2 contested case hearing held before the board shall be  
3 subject to the confidentiality provisions set forth in W.S.  
4 33-26-408 unless waived by the licensee.

5  
6       (e) The board retains jurisdiction over all licensees  
7 to whom temporary or full licenses were granted regardless  
8 of whether the license expired, lapsed or was relinquished  
9 during or after the alleged occurrence of conduct  
10 proscribed by W.S. 33-26-402 by the licensee.

11  
12       **33-26-402. Grounds for suspension; revocation;**  
13 **restriction; imposition of conditions; refusal to renew or**  
14 **other disciplinary action.**

15  
16       (a) The board may refuse to ~~grant or~~ renew, and may  
17 revoke, suspend or restrict a license or take other  
18 disciplinary action, including the imposition of conditions  
19 or restrictions upon a license on one (1) or more of the  
20 following grounds:

21  
22               (vi) Obtaining any fee or claim for payment of a  
23 fee by fraud or misrepresentation;

1           (vii) Sexual ~~exploitation of a patient~~  
2 misconduct;

3

4           (viii) Conviction of ~~a felony including pleas of~~  
5 ~~nolo contendere. A copy of the conviction certified by the~~  
6 ~~clerk of the court entering the conviction is conclusive~~  
7 ~~evidence of the conviction~~ or pleading guilty or nolo  
8 contendere to a felony or any crime that is a felony under  
9 Wyoming law in any jurisdiction;

10

11           (xi) Except as permitted by law, repeatedly  
12 prescribing or administering, selling or supplying any drug  
13 legally classified as a narcotic, addicting or scheduled  
14 drug to ~~an addict or drug~~ a known abuser;

15

16           (xv) Failure to appropriately supervise ~~or~~  
17 ~~collaborate with~~ nonphysicians to whom the licensee has  
18 delegated medical responsibilities;

19

20           (xviii) Willful and consistent utilization of  
21 medical service or treatment which ~~is inappropriate or~~  
22 ~~unnecessary~~ has no scientifically demonstrated efficacy;

23

1           (xix) ~~The A~~ manifest incapacity ~~or incompetence~~  
2 to practice medicine with reasonable skill and safety to  
3 patients;

4  
5           (xxi) ~~Repeated~~ Use of a drug or intoxicant to  
6 such a degree as to render the licensee unable to practice  
7 medicine or surgery with reasonable skill and safety to  
8 patients;

9  
10           (xxii) ~~Negligence or malpractice~~ Practicing  
11 medicine below the applicable standard of care, causation  
12 or damage notwithstanding;

13  
14           (xxiii) Failure to submit to an informal  
15 interview or a mental, physical or medical competency  
16 examination following a proper request by the board  
17 pursuant to W.S. 33-26-403;

18  
19           (xxv) Suspension, ~~restriction~~ probation,  
20 imposition of conditions or restrictions or revocation of a  
21 license to practice medicine in another ~~state~~ jurisdiction;

22  
23           (xxvi) Any action by a health care entity that:  
24



1                   (A) Adversely affects clinical privileges  
2 for a period exceeding thirty (30) days;~~or~~

3

4                   (B) Results in the surrender of clinical  
5 privileges to the health care entity while the licensee is  
6 under investigation by the health care entity for possible  
7 professional incompetence or improper professional conduct;  
8 or

9

10                   (C) Results in the surrender of clinical  
11 privileges in return for the health care entity not  
12 conducting an investigation for possible professional  
13 incompetence or improper professional conduct.~~†~~

14

15                   (xxvii) Unprofessional or dishonorable conduct  
16 not otherwise specified in this subsection, including but  
17 not limited to:

18

19                   (B) Failure to conform to the minimal  
20 standards of acceptable and prevailing medical practice;

21

22                   (C) Willful or careless disregard for the  
23 health, welfare or safety of a patient;

24

1                   (D) Engaging in any conduct or practice  
2 that is harmful or dangerous to the health of a patient or  
3 the public;

4  
5                   (E) Engaging in conduct intended to or  
6 likely to deceive, defraud or harm the public;

7  
8                   (F) Using any false, fraudulent or  
9 deceptive statement in any document connected with the  
10 practice of medicine including the intentional  
11 falsification or fraudulent alteration of a patient or  
12 health care facility record;

13  
14                   (G) Failing to prepare and maintain legible  
15 and complete written medical records that accurately  
16 describe the medical services rendered to the patient,  
17 including the patient's history, pertinent findings,  
18 examination, results, test results and all treatment  
19 provided;

20  
21                   (H) Practicing outside of the scope of the  
22 licensee's expertise and training;

23

1                   (J) Repeatedly engaging in harassing,  
2 disruptive or abusive behavior directed at staff, co-  
3 workers, a patient or a patient's relative or guardian or  
4 that interferes with the provision of patient care;

5  
6                   (K) Engaging in conduct that constitutes  
7 moral turpitude, including but not limited to conviction of  
8 or pleading guilty or nolo contendere to domestic abuse,  
9 stalking, sexual assault, sexual abuse or unlawful  
10 exploitation of a minor, indecent exposure, incest or  
11 distribution of pornography;

12  
13                   (M) Failing or neglecting to attempt to  
14 inform a patient within a reasonable time of the results of  
15 a laboratory test;

16  
17                   (N) Improperly terminating a physician-  
18 patient relationship by failing to send the patient by  
19 certified mail at least thirty (30) days prior to the date  
20 of the termination, a written notice that includes the  
21 following statements:

22  
23                   (I) That the physician-patient  
24 relationship shall be terminated as of a date certain at

1 least thirty (30) days following the date of the notice;  
2 and

3

4 (II) That the licensee's care of the  
5 patient will continue until the date of termination or  
6 until the date that the patient notifies the licensee of  
7 the name and address of the patient's new physician,  
8 whichever date occurs first.

9

10 (O) Representing that a manifestly  
11 incurable disease or condition can be permanently cured or  
12 that any disease or condition can be cured by a secret  
13 method, procedure, treatment, medicine or device if the  
14 representation is untrue;

15

16 (P) Intentionally or negligently releasing  
17 or disclosing confidential patient information. This  
18 restriction shall not apply to disclosures required by  
19 state or federal law or when disclosure is necessary to  
20 prevent imminent risk of harm to the patient or others;

21

22 (Q) Failing or refusing to transfer patient  
23 records to another physician or health care provider when  
24 requested to do so by the patient or the patient's legally

1 designated representative within thirty (30) days after  
2 receipt of a written request;

3

4 (R) Utilization of experimental forms of  
5 therapy without proper informed consent from the patient,  
6 without conforming to generally-accepted criteria or  
7 standard protocols, without keeping detailed, legible  
8 records or without having periodic analysis of the study  
9 and results reviewed by a committee of peers;

10

11 (S) Assisting in the care or treatment of a  
12 patient without the consent of the patient, the attending  
13 physician or the patient's legal representative;

14

15 (T) Using or engaging in fraud or deceit to  
16 obtain third party reimbursement.

17

18 (xxxii) Acquiring or attempting or conspiring to  
19 acquire any drug classified as a narcotic, addicting or  
20 scheduled drug by fraud or deception;

21

22 (xxxiii) Prescribing any medication for any  
23 person absent a documented physician-patient relationship;

24

1           (xxxiv) Violating any final order, consent  
2 decree or stipulation between the board and the licensee.

3  
4           (b) Upon a finding of ineligibility for licensure or  
5 refusal to grant a license under subsection (a) of this  
6 section, the board shall file its written order and  
7 findings.

8  
9           **33-26-403. Impaired physicians.**

10  
11           (a) The board may order a licensee to undergo one (1)  
12 or more mental, physical competency or medical competency  
13 examinations if it has reasonable cause to believe that the  
14 licensee is impaired. Any disciplinary proceeding pending  
15 against the licensee shall be stayed until the results of  
16 the examination have been finalized and submitted to the  
17 board.

18  
19           (b) Every licensee is deemed to have consented to and  
20 shall submit to a board requested mental, physical, or  
21 medical competency examination and to have waived all  
22 objections to the production of the report of the  
23 examination to the board and the admissibility of the  
24 ~~results-report~~ report of the examination in any board proceedings

1 ~~on the ground that the results constitute a privileged~~  
2 ~~communication~~ in which the licensee is a respondent. If a  
3 licensee fails to submit to an examination when requested  
4 by the board, the board may ~~suspend the license unless the~~  
5 ~~failure was beyond the licensee's control~~ initiate a  
6 disciplinary proceeding against the licensee based upon a  
7 violation of this section.

8  
9 (c) If the board finds that there is reasonable cause  
10 to conduct ~~an~~ a mental, physical competency or medical  
11 competency examination of the licensee, it shall appoint  
12 three (3) practicing licensees who are not board members to  
13 serve as an examination committee. At least one (1) of the  
14 licensees shall be a psychiatrist if a question of mental  
15 illness is involved and, if available, at least one (1)  
16 member shall be from the same medical specialty as the  
17 licensee under investigation. The examination committee  
18 shall conduct an examination and report its recommended  
19 findings to the board within ~~thirty (30)~~ sixty (60) days  
20 following the date of their appointment.

21  
22 (e) The results of any board ordered mental, physical  
23 competency or medical competency examination shall be

1 provided to the licensee and the board prior to any further  
2 board action.

3

4 **33-26-404. Voluntary and mandatory revocation;**  
5 **restriction; suspension.**

6

7 (a) A licensee may request the board, in writing, to  
8 accept the voluntary relinquishment, restriction or  
9 suspension of his license. The board may, but shall not be  
10 required to accept the relinquished license, grant the  
11 request for restriction or suspension, attach conditions to  
12 the license or waive the commencement of any proceedings  
13 under this article. Removal of a voluntary relinquishment,  
14 restriction or suspension is subject to the procedure for  
15 reinstatement of a license as provided in this article.

16

17 (b) Unless the board and the licensee ~~has voluntarily~~  
18 ~~relinquished or restricted his license~~ have agreed to the  
19 relinquishment of or imposition of restrictions or  
20 conditions on a license, the board shall conduct ~~any a~~  
21 proceeding to ~~deny,~~ refuse to renew or reinstate, revoke,  
22 restrict or suspend a license on the grounds ~~that a~~  
23 ~~licensee is impaired or has engaged in errant conduct~~ set



1 forth in W.S. 33-26-402(a) as a contested case under the  
2 Wyoming Administrative Procedure Act.

3

4 (c) The board may temporarily suspend the license of  
5 any licensee without a hearing pursuant to W.S. ~~16-3-113~~  
6 16-3-113(c).

7

8 **33-26-405. Order of the board.**

9

10 (a) Following a hearing to refuse to renew or  
11 reinstate, revoke, restrict or suspend a license on the  
12 grounds ~~that a licensee is impaired or has engaged in~~  
13 ~~errant conduct~~ set forth in W.S. 33-26-402(a), the board  
14 shall enter its order and findings pursuant to the Wyoming  
15 Administrative Procedure Act. The board may take one (1) or  
16 more of the following actions:

17

18 (iv) Impose a civil fine not exceeding ~~five~~  
19 ~~thousand dollars (\$5,000.00)~~ twenty-five thousand dollars  
20 (\$25,000.00);

21

22 (ix) Take other action as the board in its  
23 discretion finds proper;~~;~~

24

1                   (x) Place the licensee on probation.

2

3           (b) Restriction of a license may include, but is not  
4 limited to, the following:

5

6                   (iii) Forbidding the use of certain medical  
7 procedures without consultation with and approval by  
8 another physician.

9

10           **33-26-406. Reinstatement of license; removal of**  
11 **restrictions or conditions from a license.**

12

13           (a) A person whose license has been revoked,  
14 restricted or suspended under this chapter, voluntarily or  
15 by action of the board, may petition for reinstatement of  
16 his license or for removal of any restrictions or  
17 conditions placed upon his license pursuant to W.S.  
18 33-26-405 not less than six (6) months after final judicial  
19 review of a board order revoking, restricting or suspending  
20 the petitioner's license or six (6) months after the date  
21 of the board order if there is no judicial review.

22

23           (b) The petitioner shall submit a petition in writing  
24 to the board. ~~The petition shall state reasons and contain~~

1 ~~information demonstrating that the petitioner is no longer~~  
2 ~~impaired and is able to safely, skillfully and competently~~  
3 ~~resume the practice of medicine or has otherwise corrected~~  
4 ~~the conduct or condition which formed the basis for the~~  
5 ~~revocation, restriction or condition placed on his license~~  
6 that, at a minimum, sets forth and provides information  
7 regarding the petitioner's fulfillment of any and all  
8 conditions or compliance with all restrictions imposed upon  
9 petitioner by any prior order of the board or success in  
10 correcting the conduct that formed the basis for revocation  
11 of petitioner's license.

12

13 (c) Upon receipt of the petition, the board shall set  
14 the matter for hearing in accordance with the provisions of  
15 the Wyoming Administrative Procedure Act. The burden of  
16 proof upon the petitioner at the hearing shall be to  
17 demonstrate, by a preponderance of evidence, that:

18

19 (i) Petitioner has corrected the conduct that  
20 formed the basis for the revocation of petitioner's license  
21 and that petitioner is able to safely, skillfully and  
22 competently resume the practice of medicine; or

23

1           (ii) Petitioner has fulfilled all conditions or  
2 complied with all restrictions imposed upon petitioner by  
3 any prior order of the board, has otherwise corrected the  
4 conduct or condition which formed the basis for the  
5 restrictions or conditions placed on petitioner's license  
6 and is able to safely, skillfully and competently practice  
7 medicine in this state.

8  
9           **33-26-407. Judicial review.**

10  
11           (a) Judicial review of the findings of the board may  
12 be obtained pursuant to the Wyoming Administrative  
13 Procedure Act. All final administrative orders of the board  
14 shall remain effective pending any ~~administrative and~~  
15 judicial ~~appeal~~ review, except where the board finds that  
16 the licensee's continued practice presents no danger to the  
17 public.

18  
19           (b) In any disciplinary proceeding against a  
20 licensee, ~~or a person charged with practicing medicine~~  
21 ~~without a license,~~ the board shall bear the burden of  
22 proving a violation of this act by ~~a preponderance of the~~  
23 clear and convincing evidence.

24

1           **33-26-408. Protected action and communication.**

2

3           (c) ~~All board records except final orders are not~~  
4 ~~subject to public disclosure or discovery and are not~~  
5 ~~admissible in any nonboard proceeding except when necessary~~  
6 ~~for further board action or upon judicial review of a board~~  
7 ~~order.~~ Final findings of fact, conclusions of law, orders of  
8 the board entered and any consent decree, stipulation or  
9 agreement to which the board is a party in any disciplinary  
10 docket of the board are public documents. The board may  
11 order, under special circumstances and upon entry of  
12 specific findings setting forth those circumstances, that a  
13 consent decree, stipulation or agreement to which the board  
14 is a party in any disciplinary docket is not a public  
15 document.

16

17           (d) The board shall promptly report ~~any board action~~  
18 ~~taken which limits the privileges of a licensee~~ and provide  
19 all final orders entered by it to the chief of the medical  
20 staff and hospital administrator of each hospital in which  
21 the licensee has medical staff privileges. ~~The board shall~~  
22 ~~report any board action taken which limits the privileges~~  
23 ~~of a licensee~~ and to all appropriate agencies including the

1 federation of state medical boards, the national  
2 practitioner data bank and other state medical boards.

3

4 (e) This ~~subsection~~section shall not be construed to  
5 prohibit the United States or the state of Wyoming from  
6 obtaining information from the board concerning a physician  
7 who is the subject of a criminal investigation. Upon  
8 petition to a state or federal district court, supported by  
9 affidavit, the judge may order the Wyoming board of  
10 medicine to release records of any proceedings, testimony  
11 of witnesses and reports or investigation for in-camera  
12 inspection by the judge, or the judge may deny the petition  
13 for failure to show good cause. The petition shall state  
14 the nature of the criminal investigation and the identity  
15 of the physician who is under investigation. If the judge  
16 grants the petition and orders the board to produce the  
17 board's records for in-camera inspection, the board shall  
18 comply within ten (10) days after entry of the order or as  
19 otherwise ordered by the court. Upon receipt of the  
20 records, the judge shall inspect them to determine what  
21 material, if any, is relevant to the criminal  
22 investigation. Material deemed to be relevant shall be  
23 made available to the investigation if otherwise admissible  
24 under the Wyoming Rules of Evidence. All records and

1 material deemed by the court to be irrelevant or otherwise  
2 inadmissible under the Wyoming Rules of Evidence shall be  
3 returned to the board and the contents thereof shall not be  
4 divulged.

5

6 (f) The following documents are not public documents  
7 and are not subject to disclosure by the board to any  
8 person or entity nor are they subject to discovery in any  
9 civil or administrative action or admissible in any  
10 nonboard proceeding except when necessary for further board  
11 action, in any action in which the board may be named as a  
12 party or upon judicial review of a board order:

13

14 (i) Investigative notes, attorney's notes and  
15 work product and reports, pleadings, correspondence,  
16 witness statements and deposition transcripts and medical  
17 and prescription records in the possession of the board,  
18 whether acquired by the board, by any agent of the board or  
19 by any agency that has cooperated with or provided  
20 information to the board regarding the investigation of a  
21 disciplinary docket; and

22

23 (ii) Any and all records of the board regarding  
24 licensure applications and proceedings thereon.

1

2 (g) A respondent in a disciplinary case shall not be  
3 entitled to copies of investigative material unless the  
4 material is going to be offered by the petitioners into  
5 evidence at a contested case hearing.

6

7 (h) The confidentiality of all documents and  
8 information described in this section shall exist and  
9 continue regardless of whether the confidential material is  
10 in the custody of any agency of the United States or any  
11 other agency of the state of Wyoming with whom the board  
12 has cooperated or is cooperating in an investigation.

13

14 (j) This section shall not be construed to prohibit  
15 the board from publishing in a directory or otherwise  
16 disclosing, general information about its licensees and  
17 former licensees including names, practice addresses, dates  
18 of licensure, licensure by other states, areas of practice,  
19 education, training and specialty board certifications.

20

21 **33-26-409. Health care entity reports required;**  
22 **malpractice.**

23

24 (a) Each health care entity shall report:



1

2 (i) Any action ~~taken~~ it takes against a licensee  
3 on the grounds that the licensee is impaired, or has  
4 engaged in conduct constituting a ground for disciplinary  
5 action in W.S. 33-26-402;

6

7 (ii) ~~On physicians when the entity~~ Any action  
8 that:

9

10 (A) ~~Takes a professional action that~~  
11 Adversely affects the clinical privileges of a ~~physician~~  
12 licensee for a period exceeding thirty (30) days;

13

14 (B) Accepts the surrender of a physician's  
15 clinical privilege:

16

17 (I) While the ~~physician~~ licensee is  
18 under investigation by the entity for possible incompetence  
19 or improper professional conduct; or

20

21 (C) In the case of an entity which is a  
22 professional society, takes a professional review action  
23 which adversely affects the membership of a ~~physician~~  
24 licensee in the society.

1

2 (c) Each insurer providing health care professional  
3 liability insurance in this state shall report to the board  
4 all claims for which a reserve has been established against  
5 a licensee. Reports required by this subsection shall be  
6 made within sixty (60) days of the time the claim comes to  
7 the attention of the insurer.

8

9 (d) ~~Reports shall be made within ninety (90) days of~~  
10 ~~the time the claim comes to the attention of the person~~  
11 ~~responsible for reporting them. Claims shall be reported~~  
12 ~~whether or not the person believes the claim is valid.~~  
13 ~~Reports shall be in the form and contain information~~  
14 ~~required by the board.~~ Any entity or person subject to the  
15 reporting requirements of this section shall be subject to  
16 a fine up to one thousand dollars (\$1,000.00) for each  
17 violation of this section. Each day that a requirement of  
18 this section is not met shall constitute a separate  
19 violation. In the event that the board is required to bring  
20 a civil action to enforce this section, the violating party  
21 shall additionally be liable to the board for all  
22 reasonable attorney's fees and costs incurred by the board  
23 in prosecuting the action.

24

1           **33-26-410. Effect of violation.**

2

3           (c) The attorney general, the board, any county or  
4 district attorney or any citizen may obtain an injunction  
5 in the name of the state of Wyoming upon the relation of a  
6 complainant enjoining any person from engaging in the  
7 practice of medicine without a license. ~~or contrary to any~~  
8 ~~provision of this chapter.~~ The district court of the  
9 district in which the offending person resides or the  
10 district court of Laramie county has original jurisdiction  
11 of any such injunction proceedings. Any defendant who is  
12 enjoined and who thereafter violates the injunction shall  
13 be punished for contempt of court by a fine of not less  
14 than two hundred dollars (\$200.00) or more than one  
15 thousand dollars (\$1,000.00) or by imprisonment in the  
16 county jail for not less than six (6) months or not more  
17 than one (1) year, or both. An injunction may be issued  
18 without proof of actual damage sustained and upon proof of  
19 one (1) or more acts constituting practice of medicine  
20 without a license. ~~or in violation of this chapter~~ The  
21 standard of proof of any violation of this subsection shall  
22 be by a preponderance of the evidence.

23

24           **33-26-501. Definitions.**

1

2 (a) As used in this article:

3

4 (iii) "Physician assistant" means any person  
5 who:

6

7 (A) Graduates from a physician assistant  
8 education program approved by ~~the commission on~~  
9 ~~accreditation of allied health education programs~~ CAAHEP or  
10 its predecessor or successor agency;

11

12 (B) Satisfactorily completes a  
13 certification examination administered by ~~the National~~  
14 ~~Commission on the Certification of Physician Assistants~~  
15 NCCPA or other national physician assistant certifying  
16 agency established for such purposes which has been  
17 reviewed and approved by the board, and is currently  
18 certified;

19

20 (iv) "Certification examination" means the  
21 initial certifying examination approved by the board for  
22 the certification of physician assistants including, but  
23 not limited to, the examination administered by ~~the~~  
24 ~~National Commission on the Certification of Physician~~

1 ~~Assistants~~ NCCPA or other national physician assistant  
2 certifying agency established for such purpose which has  
3 been reviewed and approved by the board;

4  
5 (v) "Supervising physician" means a:

6  
7 (A) Board-approved physician who utilizes  
8 and agrees to be responsible for the medical acts of an  
9 approved physician assistant; or

10  
11 (viii) "CAAHEP" means the commission on  
12 accreditation of allied health education programs;

13  
14 (ix) "CAHEA" means the committee on allied  
15 health education association;

16  
17 (x) "NCCPA" means the national commission on the  
18 certification of physician assistants.

19  
20 **33-26-503. Board powers and duties.**

21  
22 (a) The board shall pass upon the qualifications and  
23 determine the fitness of all persons desiring to ~~serve~~  
24 practice as physician assistants.

1

2 (b) The board shall:

3

4 (vi) Retain jurisdiction over all licensees to  
5 whom temporary or full licenses were granted regardless of  
6 whether the license expired, lapsed or was relinquished  
7 during or after the alleged occurrence of conduct  
8 proscribed in W.S. 33-26-508 by the licensee.

9

10 **33-26-504. License required; application;**  
11 **qualifications; consideration of applications.**

12

13 (b) The board may grant a physician assistant license  
14 to an applicant who:

15

16 (ii) Has graduated from a physician assistant  
17 program accredited by ~~the commission on accreditation of~~  
18 ~~allied health education programs (CAAHEP)~~ CAAHEP or its  
19 successor organization;

20

21 (iii) Has satisfactorily completed a  
22 certification examination administered by ~~the National~~  
23 ~~Commission on the Certification of Physician's Assistants~~  
24 NCCPA or other national certifying agency established for

1 such purposes which has been reviewed and approved by the  
2 board and is currently certified;

3

4 **33-26-506. Term of license; renewal; duplicates.**

5

6 (a) All licenses other than temporary licenses expire  
7 annually on December 31. A physician assistant may renew  
8 his license by sending his signature, current address,  
9 information requested by the board and renewal fee to the  
10 board prior to expiration of his current license.

11

12 (c) A physician assistant may apply to the board for  
13 a duplicate license if his license is stolen, lost or  
14 destroyed. Upon proof of proper identification and  
15 submission of such other information as the board may  
16 require, the board shall issue a duplicate license bearing  
17 on its face the word "DUPLICATE" and establish and require  
18 payment of appropriate charges for a duplicate license.

19

20 **33-26-507. License fees.**

21

22 (a) The board shall, by regulation set appropriate  
23 license application, renewal and reactivation fees, ~~not~~  
24 ~~exceeding the following amounts:~~ examination fees and fees

1 for information verification or document production and  
2 other services of the board to be charged under this  
3 chapter.

4  
5 **33-26-508. Suspension, restriction, revocation or**  
6 **nonrenewal of license.**

7  
8 (a) ~~Following a contested case hearing~~ The board may  
9 deny or revoke a license on the following refuse to renew,  
10 and may revoke, suspend or restrict a license or take other  
11 disciplinary action, including the imposition of conditions  
12 or restrictions upon a license on one (1) or more of the  
13 grounds ~~+~~ enumerated under W.S. 33-26-402(a)(i) through (x),  
14 (xii) and (xiv) through (xxxiv) provided that each  
15 reference in W.S. 33-26-402(a) to the "practice of  
16 medicine," "practice medicine," or like phrase shall be  
17 deemed the "practice as a physician assistant" for purposes  
18 of this section.

19  
20 (b) ~~The board may assess all or part of the costs of~~  
21 ~~the contested case proceeding against a disciplined~~  
22 ~~physician assistant~~ Upon a finding of ineligibility for  
23 licensure, refusal to grant, suspension, restriction,  
24 refusal to renew or revocation of a license under



1 subsection (a) of this section, the board shall adopt and  
2 enter its written order and findings.

3  
4 **33-26-509. Reinstatement.**

5  
6 (a) Except as provided in subsection (b) of this  
7 section, any person whose license has been ~~relinquished or~~  
8 revoked, restricted or suspended under this chapter,  
9 voluntarily or by action of the board, may petition for  
10 reinstatement ~~at intervals of his license or for removal of~~  
11 any restrictions or conditions placed upon his license  
12 pursuant to W.S. 33-26-508 not less than ~~one (1) year six~~  
13 (6) months after ~~the board enters its final order~~ judicial  
14 review of a board order revoking, restricting or suspending  
15 the petitioner's license or six (6) months after the date  
16 of the board order if there is no judicial review or six  
17 (6) months after the date of the board agreement to accept  
18 a relinquished, restricted or conditioned license. The  
19 petitioner shall submit a written petition ~~stating reasons~~  
20 ~~and containing information demonstrating to the board's~~  
21 ~~satisfaction that he is able to safely, skillfully and~~  
22 ~~competently resume practice as a physician assistant.~~ The  
23 ~~petitioner may request a contested case hearing if the~~  
24 ~~board refuses to grant the petition~~ to the board that, at a

1 minimum, sets forth and provides information regarding the  
2 petitioner's fulfillment of any and all conditions or  
3 compliance with all restrictions imposed upon petitioner by  
4 any prior order of the board or success in correcting the  
5 conduct that formed the basis for revocation of  
6 petitioner's license.

7  
8 (c) The burden of proof upon the petitioner at the  
9 hearing shall be to demonstrate, by a preponderance of  
10 evidence, that:

11  
12 (i) Petitioner has corrected the conduct that  
13 formed the basis for the revocation of petitioner's license  
14 and that petitioner is able to safely, skillfully and  
15 competently resume practice as a physician assistant; or

16  
17 (ii) Petitioner has fulfilled all conditions or  
18 complied with all restrictions imposed upon petitioner by  
19 any prior order of the board, has otherwise corrected the  
20 conduct or condition which formed the basis for the  
21 restrictions or conditions placed on petitioner's license  
22 and that petitioner is able to safely, skillfully and  
23 competently practice as a physician assistant in this  
24 state.

1

2 (d) Upon receipt of a petition that contains the  
3 information required by subsection (a) of this section, the  
4 board shall set the matter for a contested case hearing in  
5 accordance with the provisions of the Wyoming  
6 Administrative Procedure Act.

7

8 (e) After a hearing conducted pursuant to subsection  
9 (c) of this section, the board shall issue specific  
10 findings of facts, conclusions of law and a final order:

11

12 (i) Reinstating the license;

13

14 (ii) Reinstating the license subject to  
15 restrictions or conditions;

16

17 (iii) Removing or modifying the restrictions or  
18 conditions of the license; or

19

20 (iv) Denying reinstatement of the license or  
21 removal of the restrictions or conditions on the license.

22

1       (f) Any final order issued by the board shall be  
2 subject to judicial review as provided for by W.S.  
3 33-26-407.

4  
5       (g) If the board denies a reinstatement or removal of  
6 restrictions or conditions, future petitions for  
7 reinstatement or removal of restrictions or conditions may  
8 be submitted not less than one (1) year after the board's  
9 final order denying reinstatement or removal of  
10 restrictions or conditions.

11  
12       **33-26-510. Prescription of drugs.**

13  
14       (c) A physician assistant may prescribe medications  
15 only as an agent of the supervising physician. A physician  
16 assistant may not prescribe schedule ~~II through schedule V~~  
17 I drugs as defined by W.S. ~~35-7-1015~~ 35-7-1013 through  
18 ~~35-7-1022~~ 35-7-1014. The supervising physician may delegate  
19 authority to the physician assistant to dispense  
20 prepackaged medications in rural clinics when pharmacy  
21 services are not physically available. The board shall,  
22 after consultation with the state board of pharmacy,  
23 promulgate rules and regulations governing the prescription  
24 of medications by a physician assistant.

1

2           **Section 3.**           W.S.       33-26-102(a) (xvii) (A),  
3 33-26-103(a) (ix), 33-26-302(b) through (f), 33-26-303(a) (i)  
4 and (iii), 33-26-305(b), 33-26-307(a) (i) through (vii),  
5 33-26-402(a) (xxvii) (A), (xxix) and (xxx), 33-26-502(c),  
6 33-26-504(b) (i), 33-26-506(d), 33-26-507(a) (i) through  
7 (iii) and 33-26-508(a) (i) through (viii) and (c) are  
8 repealed.

9

10           **Section 4.** This act is effective July 1, 2003.

11

12

(END)