

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Expanding Physician Access Act.

Sponsored by: Joint Labor, Health & Social Services Interim
Committee

A BILL

for

1 AN ACT relating to physicians and surgeons; authorizing the
2 board of medicine to provide provisional medical licenses
3 to internationally trained physicians as specified;
4 providing definitions; making conforming amendments;
5 requiring rulemaking; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 33-26-801 through 33-26-805 are
10 created to read:

11

12

ARTICLE 8

1 EXPANDING PHYSICIAN ACCESS ACT

2

3 **33-26-801. Short title.**

4

5 This article shall be known and may be cited as the
6 "Expanding Physician Access Act."

7

8 **33-26-802. Definitions.**

9

10 (a) As used in this article:

11

12 (i) "Health care provider" means a person that
13 furnishes, bills or is paid for health care procedures or
14 service delivery in the normal course of business and
15 includes but is not limited to health systems, hospitals,
16 hospital-based facilities, freestanding emergency
17 facilities, medical clinics and urgent care clinics;

18

19 (ii) "Internationally trained physician" means a
20 person who:

21

1 (A) Has been granted a degree as a doctor
2 of medicine, a doctor of osteopathic medicine or
3 substantially similar degree:

4

5 (I) By a United States medical program
6 of good standing as determined and approved by the board;
7 or

8

9 (II) By an international medical
10 program of good standing as determined and approved by the
11 board.

12

13 (B) Has been licensed in good standing with
14 a medical licensing or medical-related regulatory
15 institution of a licensing country at all times in the five
16 (5) years preceding an application for licensure under this
17 article and who does not have any pending investigations or
18 discipline before the licensing body;

19

20 (C) If the person has completed a residency
21 training or residency training equivalent, has provided
22 written verification that the person practiced medicine as
23 a fully licensed physician in the person's licensing

1 country for not less than five (5) years after the
2 completion of residency training, or if the person did not
3 complete a residency training, that the person has
4 practiced medicine as a fully licensed physician in the
5 person's licensing country for not less than twelve (12)
6 years after completion of a degree as a doctor of medicine
7 or a doctor of osteopathic medicine;

8
9 (D) Possesses fluency in the English
10 language in the context of the provision of health care as
11 demonstrated by certification by the educational commission
12 of foreign medical graduates or other test designated by
13 board rule;

14
15 (E) Has submitted all necessary forms and
16 releases for the board to conduct an international and
17 United States criminal background check on the person
18 before issuance of a provisional license under this
19 article; and

20
21 (F) Has passed steps one (1) and two (2) of
22 either the United States medical licensing examination or

1 the comprehensive osteopathic medical licensing examination
2 in not more than three (3) attempts for each part.

3
4 (iii) "Licensing country" means:

5
6 (A) Canada, the United Kingdom, Ireland,
7 Australia, New Zealand, Singapore, Switzerland, Israel,
8 Hong Kong, South Africa, Germany, France, the Netherlands,
9 Sweden, Denmark, Norway, Finland, Belgium, Austria, Japan,
10 South Korea, Spain or Italy; or

11
12 (B) Any other country where the board has
13 determined that medical licensing is adequate and in good
14 standing.

15
16 *****
17 *****
18 STAFF COMMENT

19
20 It is a policy decision whether the Committee wants to
21 include just the countries listed in (iv)(A) within this
22 bill draft or continue to include the catch-all category in
23 (iv) (B) above.

24
25 *****
26 *****
27

28 (iv) "Supervising physician" means a person who:

1

2 (A) Holds a full and unrestricted license
3 in good standing issued by the board to practice medicine
4 in Wyoming and has held the license for not less than the
5 immediately preceding three (3) years before serving in a
6 supervisory role under this article;

7

8 (B) Has not been disciplined by a medical
9 licensing board;

10

11 (C) Is not under investigation by the board
12 or any other medical licensing board;

13

14 (D) Is certified in good and active
15 standing by the American board of medical specialties, the
16 American osteopathic association board of specialties or
17 other national board specified by rule of the board;

18

19 (E) Meets other requirements that are
20 deemed useful or necessary to assure the good standing and
21 competency of the physician as specified by rule of the
22 board; and

23

1 (F) Is approved to supervise an
2 internationally trained physician by the board.

3

4 **33-26-803. State license for internationally trained**
5 **physicians.**

6

7 (a) The board may grant a provisional license to
8 practice medicine in Wyoming to an internationally trained
9 physician who meets the requirements of this article and
10 has a written offer of employment as a physician with any
11 health care provider operating in Wyoming. Before issuing
12 the provisional license, the board shall require an
13 internationally trained physician to complete an
14 application form provided and approved by the board, pass
15 an international and United States criminal background
16 check investigation, meet all requirements set forth in
17 this article and in rules adopted by the board and pay all
18 fees required by the board. The board:

19

20 (i) Shall not grant a provisional license to
21 practice medicine in this state to any internationally
22 trained physician unless the physician is eligible to

1 obtain federal immigration status that allows the physician
2 to practice in the United States;

3
4 (ii) May suspend a provisional license granted
5 under this subsection if the internationally trained
6 physician is not employed by a health care provider that
7 operates in this state during the provisional license
8 period. If the internationally trained physician loses
9 employment with the health care provider, the license shall
10 be suspended until the internationally trained physician
11 obtains employment with another Wyoming health care
12 provider. If the internationally trained physician cannot
13 obtain required employment within six (6) months, the
14 provisional license shall be revoked. The board shall
15 verify all written offers of employment and periodically
16 verify the internationally trained physician's employment
17 status with the health care provider.

18
19 (b) The board may suspend or revoke a provisional
20 license granted under subsection (a) of this section
21 pursuant to this chapter. Provisional licensees may appeal
22 the suspension or revocation of a provisional license in
23 accordance with the requirements of this chapter.

1

2 (c) Notwithstanding any other law, the holder of a
3 provisional license issued under this article shall be
4 eligible to apply to convert the license to a full,
5 unrestricted license to practice medicine under the Wyoming
6 Medical Practice Act in this state after three (3)
7 cumulative years of active practice under a provisional
8 licensed issued under this article in this state if the
9 licensee:

10

11 (i) Has not been disciplined under W.S.
12 33-26-401 through 33-26-410;

13

14 (ii) Has substantially complied with all of the
15 board's rules under this chapter; and

16

17 (iii) Has passed step three (3) of the United
18 States medical licensing examination or the comprehensive
19 osteopathic medical licensing examination in not more than
20 three (3) attempts.

21

22 (d) Provisional license holders shall comply with the
23 continuing medical education requirements and any other

1 requirements for practicing physicians as set forth by the
2 board's rules and this article.

3

4 (e) Nothing in this section shall require the board
5 to license, on a provisional or full basis, an
6 internationally trained physician without evidence of full
7 compliance with the requirements of this article and rules
8 set forth by the board.

9

10 (f) Internationally trained physicians who are
11 required to obtain a federal work authorization before
12 commencing any work for a sponsoring health care provider
13 are eligible to apply for a provisional license prior to
14 receiving federal work authorization but shall not commence
15 work under the provisional license without the required
16 work authorization. The provisional license shall be under
17 a nondisciplinary suspension until the board receives
18 documentation demonstrating the holder's authorization to
19 work in the United States. Upon receipt by the board of the
20 documentation, the suspension of the provisional license
21 shall be immediately lifted with no additional action
22 required by the board after the board provides immediate

1 notice to the internationally trained physician that the
2 suspension has been lifted.

3
4 (g) Internationally trained physicians who become
5 licensed under subsection (a) of this section shall not be
6 required to maintain employment with the original
7 sponsoring health care provider, provided that the
8 international trained physicians maintain employment with a
9 health care provider for the period of time required by
10 this article.

11
12 **33-26-804. Supervision requirements for**
13 **internationally trained physicians.**

14
15 (a) The holder of a provisional license under this
16 article shall not practice in an independent or separate
17 practice outside of the supervision of a supervising
18 physician. For the first year beginning on the date of
19 issuance of a provisional license, where the holder of the
20 license is engaged in patient contact, the supervising
21 physician shall be in the same physical facility as the
22 holder of the provisional license to provide immediate
23 supervision to ensure patient safety. Beginning upon the

1 first anniversary of the issuance of a provisional license,
2 and for the remaining time an internationally trained
3 physician holds a provisional license, when the holder has
4 patient contact, the supervising physician shall be
5 available and in direct contact within fifteen (15) minutes
6 to consult with and supervise the holder. This consultation
7 and supervision may be done in person via telephone,
8 videoconference or other mode allowing two (2) way
9 communication between the holder and the supervising
10 physician.

11

12 (b) An internationally trained physician's
13 supervising physician, as approved by the board under this
14 article, shall submit monthly reports to the board on the
15 internationally trained physician's supervision and
16 performance on a form and in a format designated by board
17 rule.

18

19 (c) A health care provider employing a physician
20 holding a provisional license under this article shall
21 submit monthly reports to the board on the internationally
22 trained physician's performance on a form and in a format
23 designated by board rule. The requirements of this

1 subsection shall be considered met upon submission of the
2 supervising physician's monthly report pursuant to
3 subsection (b) of this section.

4
5 (d) If a supervising physician fails to submit a
6 satisfactory report under subsection (b) of this section,
7 the supervising physician shall be considered to be in
8 violation of this article and the provisional license shall
9 be suspended upon notice to the holder of the provisional
10 license until the supervising physician submits all missing
11 reports to the board within thirty (30) days of receiving
12 notice of the missing reports. If the supervising physician
13 fails to submit the missing reports for more than six (6)
14 months, the provisional license shall be revoked.

15
16 **33-26-805. Protection of the public.**

17
18 (a) The holder of a provisional license shall submit
19 and keep on file with the board written proof of liability
20 insurance in an amount and type to be set by board rule. If
21 at any time the liability insurance covering a provisional
22 license holder lapses or is otherwise terminated, the
23 provisional license holder or supervising physician shall

1 notify the board in writing within two (2) business days of
2 the lapse or other situation. Upon notice to the board, the
3 provisional license shall be immediately and automatically
4 suspended and shall remain so until satisfactory, written
5 proof of liability insurance coverage is provided to the
6 board. If the provisional license holder cannot obtain
7 required liability insurance within six (6) months of the
8 date the license was suspended, the provisional license
9 shall be revoked.

10
11 (b) The holder of a provisional license and the
12 supervising physician shall notify the board in writing of
13 the termination of the holder's employment or supervising
14 arrangement, regardless of whether the termination was for
15 cause. Upon termination of the holder's employment or
16 supervision, the provisional license shall be immediately
17 and automatically suspended and shall remain so until all
18 requirements of this article are met. If the requirements
19 are not met within six (6) months, the provisional license
20 holder's license shall be revoked.

21
22 (c) For the first year beginning on the date of
23 issuance of a provisional license, the holder of the

1 provisional license shall only prescribe controlled
2 substances with the signature of the supervising physician.
3 Upon completion of the first year after issuance of a
4 provisional license, the holder of the provisional license
5 may prescribe controlled substances without the signature
6 of the supervising physician, but subject to all laws of
7 Wyoming and the United States, and with regular review of
8 all controlled substance prescriptions by the supervising
9 physician.

10
11 (d) Notwithstanding W.S. 33-26-202(b)(xviii), the
12 holder of a provisional license under this article may not
13 supervise the practice of medicine by a physician
14 assistant.

15
16 **Section 2.** W.S. 7-19-106(a)(xxiii), 7-19-
17 201(a)(xvii), 33-26-102(a)(x), 33-26-202(b) by creating a
18 new paragraph (xxi), 33-26-301(b) by creating a new
19 paragraph (ix), 33-26-303 by creating a new subsection (e),
20 33-26-305(a), 33-26-401(e), 33-26-402(a) by creating a new
21 paragraph (xxxvii) and 35-1-401(a)(x) are amended to read:

1 **7-19-106. Access to, and dissemination of,**
2 **information.**

3
4 (a) Criminal history record information shall be
5 disseminated by criminal justice agencies in this state,
6 whether directly or through any intermediary, only to:

7
8 (xxiii) The board of medicine for purposes of
9 obtaining background information on applicants, including
10 applicants who are internationally trained physicians
11 seeking provisional licensure under W.S. 33-26-801 through
12 33-26-805, for licensure or certification by the board,
13 whose application or other information received by the
14 board indicates the applicant has or may have been
15 convicted of a crime, and for purposes of investigation of
16 complaints and disciplinary action against licensees of the
17 board;

18
19 **7-19-201. State or national criminal history record**
20 **information.**

1 (a) The following persons shall be required to submit
2 to fingerprinting in order to obtain state and national
3 criminal history record information:
4

5 (xvii) All persons applying for licensure, provisional licensure or certification to the Wyoming board
6 of medicine on or after July 1, 2009, whose application or
7 other information received by the board indicates that the
8 applicant has or may have been convicted of a crime, and
9 any licensee or provisional licensee of the board of
10 medicine upon written request from the board of medicine as
11 part of an ongoing investigation of or disciplinary action
12 against the licensee or provisional licensee;
13
14

15 **33-26-102. Definitions.**
16

17 (a) As used in this chapter:
18

19 (x) "Licensee" means any person licensed by the
20 board under this chapter, including a person granted a
21 provisional license under W.S. 33-26-801 through 33-26-805;
22

23 **33-26-202. Board; duties; general powers.**

1

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

3

4 (xxi) Adopt rules regarding granting
5 internationally trained physicians provisional licenses,
6 and the practice of medicine by the holder of a provisional
7 license, pursuant to W.S. 33-26-801 through 33-26-805.

8

9 **33-26-301. License required.**

10

11 (b) Upon appropriate application, fulfillment of
12 eligibility criteria and successful completion of all other
13 requirements, the board may grant:

14

15 (ix) A provisional license to an internationally
16 trained physician pursuant to W.S. 33-26-801 through
17 33-26-805.

18

19 **33-26-303. Requirements for granting license.**

20

21 (e) Notwithstanding the requirements of this section,
22 the board may grant a provisional license to practice
23 medicine in this state to an internationally trained

1 physician pursuant to the requirements of W.S. 33-26-801
2 through 33-26-805.

3
4 **33-26-305. Annual renewal; expiration; reactivation**
5 **of lapsed and inactive licenses; restoration of emeritus**
6 **licenses to active status; duplicates.**

7
8 (a) All licenses granted under this chapter other
9 than temporary licenses and medical training licenses shall
10 lapse annually on a date or dates to be established by
11 rules adopted by the board. A licensee may renew his
12 license each year by submitting a renewal application
13 containing information required by the board, accompanied
14 by proof of compliance with and fulfillment of continuing
15 medical education requirements of the board in the manner
16 set forth in the board's continuing medical education rules
17 and regulations and a renewal fee to the board in an amount
18 set by the board pursuant to W.S. 33-26-307. The licensee,
19 including the holder of a provisional license under W.S.
20 33-26-801 through 33-26-805, additionally shall report any
21 disciplinary action pending or taken by a state examining
22 board, a health care entity or the grievance committee of a
23 medical society during the preceding year.

1

2 **33-26-401. Board duties; investigation; interview.**

3

4 (e) The board retains jurisdiction over only those
5 licensees to whom provisional licenses under W.S. 33-26-801
6 through 33-26-805, temporary or full licenses were granted
7 and who are subject to ongoing investigation by the board,
8 regardless of whether the license expired, lapsed or was
9 relinquished during or after the alleged occurrence of
10 conduct 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 renew, and may revoke,
17 suspend or restrict a license or take other disciplinary
18 action, including the imposition of conditions or
19 restrictions upon a license on one (1) or more of the
20 following grounds:

21

22 (xxxvii) Violating the provisions of W.S.
23 33-26-801 through 33-26-805.

1

2 **35-1-401. Definitions.**

3

4 (a) As used in this act:

5

6 (x) "Physician" means a person authorized or
7 licensed to practice medicine as provided in W.S. 33-26-101
8 through ~~33-26-601~~ 33-26-805;

9

10 **Section 3.** The state board of medicine shall
11 promulgate all rules necessary to implement this act.

12

13 **Section 4.**

14

15 (a) Except as provided by subsection (b) of this
16 section, this act is effective July 1, 2027.

17

18 (b) Sections 3 and 4 of this act are effective
19 immediately upon completion of all acts necessary for a
20 bill to become law as provided by Article 4, Section 8 of
21 the Wyoming Constitution.

22

23 (END)