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A BILL

for

AN ACT relating to the creation and establishment of a state board of denturists; requiring the state board of denturists to regulate the practice of denturism; providing for licensing, fees, examinations and other regulation of denturists; and making conforming amendments.

Be It Enacted by the People of the State of Wyoming

Section 1. W.S. 33-45-101 through 33-45-121 are created to read:

CHAPTER 45

ARTICLE 1

DENTURISTS

33-45-101. Short title.

This act shall be known and may be cited as the "Wyoming Denturism Act."

33-45-102. Definitions.

1 (a) As used in this act:

2 (i) "Board" means the state board of denturists;

3
4 (ii) "Continuing education" means courses of study in
5 the practice of denturism approved by the board;

6
7 (iii) "Clinical dental technology" means practice
8 standards of a denturist to furnish or supply a denture
9 directly to a person or advising the use of a denture and
10 maintaining a facility for the same;

11
12 (iv) "Dental prosthesis" means a removable full or
13 partial upper or lower denture;

14
15 (v) "Denture" means a removable full or partial
16 upper or lower dental prosthesis to be worn in the mouth to
17 replace the missing natural teeth;

18
19 (vi) "Denture laboratory technology" means making,
20 constructing, altering, reproducing or repairing a denture;

21
22 (vii) "Denturist" means a person licensed under this
23 act to engage in the practice of denturism;

24

1 (viii) "Oral pathology" means the study of the nature
2 and cause of disease which involves changes in structure
3 and function concerning the mouth;

4
5 (ix) "Practice of denturism" means:

6
7 (A) Making, placing, constructing, altering,
8 reproducing or repairing a denture; and

9
10 (B) Taking impressions and furnishing or
11 supplying a denture directly to a person or advising the
12 use of a denture and maintaining a facility for the same.

13
14 (x) "Standard schools of denturism" means accredited
15 schools of denturism recognized by the board which offer an
16 associates degree program in denturism;

17
18 (xi) "This act" means W.S. 33-45-101 through 33-45-
19 121.

20
21 **33-45-103. Denturists; referral to healthcare**
22 **practitioners.**

1 (a) Before making and fitting a denture, a denturist shall
2 examine the patient's oral cavity.

3
4 (b) If the examination gives the denturist reasonable
5 cause to believe that there is an abnormality or disease that
6 requires medical or dental treatment, the denturist shall
7 immediately refer the patient to a dentist or physician. In such
8 cases, the denturist shall take no further action to fabricate
9 or place a denture until the patient has been examined by a
10 dentist or physician and the dentist or physician gives written
11 documentation that the placement of a denture will pose no
12 threat to the patient's health.

13
14 **33-45-104. Board created; members; appointment; terms;**
15 **qualification; removal; vacancies.**

16
17 (a) There is hereby created and established a board to be
18 known as the state board of denturists, which shall be composed
19 of three (3) practicing denturists who shall have been engaged
20 in the practice of denturism for a period of not less than (5)
21 years immediately preceding appointment to the board, and who
22 shall currently be licensed to practice denturism under
23 statutory provisions of another state or have a diploma from a
24 accredited denturist school or college. After the initial

1 members are appointed, all board members shall be licensed under
2 this act prior to appointment to the board.

3
4 (b) The governor shall appoint three (3) practicing
5 denturists, who possess the qualifications specified in Section
6 (a), to constitute the membership of the board. Members shall
7 be appointed to a term of three (3) years, except that initial
8 terms shall be staggered so that annually thereafter the
9 governor shall appoint one (1) licensed denturist member who
10 shall serve for three (3) years, or until his successor is
11 appointed. The governor shall fill all vacancies occurring in
12 the board. The governor may remove any board member as provided
13 in W.S. 9-1-202.

14
15 **33-45-105. Board meetings; elections; quorum; record of**
16 **proceedings.**

17
18 (a) A license to practice denturism within this state shall
19 be issued to the individual members of the board at the first
20 meeting, upon payment by each board member of the fee, as
21 provided for in this act.

22
23 (b) The board shall convene within thirty (30) days after
24 appointment of its members and shall elect from its membership a

1 president, vice-president and secretary-treasurer. The board
2 shall hold a regular meeting at least once each year. A majority
3 of the board shall constitute a quorum.

4

5 (c) The secretary of the board shall keep a record of the
6 proceedings of the board which shall at all times be open to
7 public inspection.

8

9 **33-45-106. Board responsibilities; duties.**

10

11 (a) The board shall:

12 (i) Adopt a seal, which shall be affixed to all
13 licenses issued by it;

14

15 (ii) Adopt a schedule of minimum educational
16 requirements not inconsistent with the provisions of this act,
17 for accredited schools of denturism;

18

19 (iii) Set continuing education requirements for
20 relicensure of denturists;

21

22 (iv) Examine, license and renew the licenses of duly
23 qualified applicants;

24

1 (v) Maintain an up-to-date list of every person
2 licensed to practice denturism under this act. This list shall
3 contain the name and address of each denturist and such other
4 information as the board deems advisable. This list shall be
5 available for public inspection during reasonable business
6 hours; and

7
8 (vi) Maintain an up-to-date list of persons whose
9 licenses have been suspended, revoked or denied. This list
10 shall include the names, type and cause of action, date and
11 penalty incurred, and the duration of penalty imposed. This list
12 shall be available for public inspection during reasonable
13 business hours.

14

15 **33-45-107. Board; general powers.**

16

17 (a) The board may:

18 (i) In accordance with the Wyoming Administrative
19 Procedure Act, adopt rules and regulations not inconsistent with
20 the law as may be necessary to enable it to carry into effect
21 the provisions of this act;

22

23 (ii) Employ personnel as necessary to perform the
24 functions of the board;

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(iii) Establish licensure requirements and procedures as are appropriate;

(iv) Establish relicensure requirements and procedures as are appropriate, including adopting and publishing a code of ethics; and

(v) Enter into agreements or contracts with outside organizations for the purpose of developing, administering, grading or reporting the results of licensing examinations.

33-45-108. Board; indebtedness; compensation.

The board shall not create any indebtedness on behalf of the state of Wyoming, except as provided in this section. Members of the board shall receive mileage and per diem in the same manner and amount as state employees while engaged in board duties. Any incidental expenses necessarily incurred by the board or any board member, if the board approves, shall be paid from the state treasury, but only from fees received under the provisions of this act that are paid into the state treasury by the board.

33-45-109. Board to establish fees; disposition of fees.

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(a) The board shall determine each year the fees to be collected for examination, reexamination, renewals and reinstatement pursuant to W.S. 33-1-201.

(b) Fees received by the board and any monies collected under this act shall be deposited with the state treasurer, who shall credit the money to a separate account which shall only be used by the board to defray costs incurred in the administration of this act.

33-45-110. License Required.

No person may act as, advertise, or hold himself out to be a licensed denturist in this State without applying for licensure, meeting the required qualifications, and obtaining a denturist license by the board, unless otherwise exempted by this act.

33-45-111. Exemptions.

(a) Nothing in this act prohibits or restricts:

1 (i) The practice of a profession by an individual, who is
2 licensed, certified or registered under other laws of this state
3 and who is performing services within the scope of practice;
4

5 (ii) The practice of denturism by an individual employed by
6 the government of the United States while the individual is
7 engaged in the performance of duties prescribed by the laws and
8 regulations of the United States;
9

10 (iii) The practice of denturism by students enrolled in an
11 accredited school approved by the board. The performance of
12 services shall be pursuant to a course of instruction or an
13 assignment from an instructor and under the direct supervision
14 of an instructor;
15

16 (iv) Work performed by dental labs and dental technicians
17 under the written prescription of a dentist; or
18

19 (v) A legally qualified denturist of another state making
20 a clinical demonstration before a meeting of denturists for
21 educational purposes.
22

23 **33-45-112. Licensing; reciprocity.**
24

1 (a) The board shall issue a license to practice denturism
2 to an applicant who submits a completed application, including
3 the location(s) where licensee will practice denturism; pays the
4 appropriate fees; and meets the following requirements;

5
6 (i) An applicant currently licensed to practice
7 denturism under statutory provisions of another state, territory
8 of the United States, District of Columbia, or Puerto Rico, with
9 substantially equivalent licensing standards to this act shall
10 be licensed without examination, subject to Section (b), upon
11 providing the board with the following:

12
13 (A) Proof of successfully passing a written and
14 clinical examination for denturism in a state, territory of the
15 United States, District of Columbia or Puerto Rico, if the state
16 or territory has substantially equivalent licensing standards as
17 those in this act, including but not limited to both the written
18 and clinical examinations;

19
20 (B) An affidavit from the licensing agency where
21 the person is licensed or certified attesting to the fact of the
22 person's licensure or certification;

23
24 (C) Pays the appropriate fees; and

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(D) Have committed no acts which are grounds for disciplinary action as set forth in W.S. 33-45-116.

(ii) An applicant graduating from an accredited denturism program shall be licensed if he:

(A) Submits an official transcript showing successful completion of formal training with a major course of study in denturism of not less than two (2) years in duration at an accredited educational institution approved by the board;

(B) Passes a written and clinical examination approved by the board; and

(C) Pays the appropriate fees.

(iii) An applicant who has worked in denture laboratory technology for five (5) years and who provides the board with three (3) affidavits by persons other than family members attesting to the applicant's employment in the practice of denturism or provides the documentation of at least four thousand (4,000) hours of practical work experience in denture laboratory technology during the past five (5) years. An

1 applicant shall be licensed within two (2) years of March 1,
2 2009, if he:

3
4 (A) Provides documentation of successful
5 completion of a training course approved by the board or
6 completion of an equivalent education course approved by the
7 board;

8
9 (B) Passes a written and clinical examination
10 administered by the board; and

11
12 (C) Pays the appropriate fees.

13
14 (b) All applicants for licensure under this Section shall
15 provide documentation showing completion of special training in
16 oral pathology prescribed by the board, whether as part of an
17 accredited associates degree program or equivalent training. In
18 addition to documentation of oral pathology training, the
19 applicant must show proof of passage of an examination in oral
20 pathology, or before licensure, must pass an examination in oral
21 pathology administered, prescribed, or accepted by the board.

22

23 **33-45-113. Examinations.**

24

1 (a) The board shall administer the examinations for
2 licensing denturists under this act, subject to the following
3 requirements:

4
5 (i) Examinations shall determine the qualifications,
6 fitness and ability of the applicant to practice denturism. The
7 test shall include a written examination and a practical
8 demonstration of skills;

9
10 (ii) Examinations shall be held at least annually;

11
12 (iii) The first examination shall be conducted no
13 later than nine (9) months after the effective date of this act;

14
15 (iv) The written examination shall cover the
16 following subjects:

17 (A) Head and neck oral anatomy and
18 physiology;

19 (B) Oral pathology;

20
21 (C) Partial denture construction and
22 design;

23 (D) Microbiology;

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(E) Clinical dental technology;

(F) Denture laboratory technology;

(G) Clinical jurisprudence;

(H) Asepsis;

(I) Medical emergencies;

(J) Cardiopulmonary resuscitation; and

(K) Gerontology.

(v) The applicant shall be informed in writing by certified mail of the results of his examination within thirty (30) days after the examination. An applicant who fails an examination may apply to the board for a reexamination at the next scheduled examination meeting. Application shall be made in writing and shall be accompanied by a fee as required by rule of the board;

(vi) If the applicant fails the board examination three (3) times, the applicant shall show evidence of additional

1 education to the satisfaction of the board before the applicant
2 may be reexamined.

3

4 (b) The board may hire trained persons licensed under this
5 act to prepare, administer and grade the examinations or may
6 contract with regional examiners who meet qualifications
7 established by the board.

8

9 (c) The examination fee shall be set by the board each year,
10 and all reexamination fees shall be the same as the current fee
11 for the initial examination. Fees shall be paid to the secretary
12 of the board before examination.

13

14 **33-45-114. License content.**

15

16 The license shall contain, on its face, the name of the
17 licensee, the date the license was issued and the license
18 expiration date.

19

20 **33-45-115. Renewal license certificate.**

21

22 The board shall establish by rule the requirement for renewal of
23 licenses to practice denturism, but shall not increase the
24 licensure requirements provided for denturism in this act.

1 Application for renewal shall be accompanied by evidence
2 satisfactory to the board of proof of continuing education
3 activities as established by rules and regulations of the board.
4 The board may waive the continuing education requirement for the
5 first renewal of a license. Licenses shall be conspicuously
6 displayed by denturists at their offices or other places of
7 practice.

8
9 **33-45-116. Grounds and procedure for revocation or**
10 **suspension of license.**

11
12 (a) The board may revoke, suspend or refuse to renew any
13 license or place on probation, or otherwise reprimand a licensee
14 or deny a license to an applicant if, after hearing, it finds
15 that the person is guilty of any of the following violations:

16
17 (i) Conviction of a felony, or high misdemeanor
18 involving moral turpitude, in which case the record of
19 conviction certified by the clerk or judge of the court in which
20 the conviction is had is conclusive evidence;

21
22 (ii) Renting or loaning to any person his license
23 or diploma to be used as a license or diploma for such person;

24

1 (iii) Unprofessional conduct, as defined by the
2 rules established by the board, advertising or soliciting
3 patients in any form of communication in a manner that is false
4 or misleading in any material respect;

5
6 (iv) Engaging in unethical disclosure of
7 confidential patient information without written permission from
8 the patient;

9
10 (v) Engaging in any dishonest, unethical or
11 unprofessional conduct likely to deceive, defraud or harm the
12 public;

13
14 (vi) Being addicted to a drug or intoxicant to such
15 a degree as to render the licensee unsafe or unfit to practice
16 denturism;

17
18 (vii) Failing to furnish evidence showing the
19 satisfaction of the requirements of continuing education
20 required by the board;

21
22 (viii) Having had his license revoked or suspended in
23 another state; or

24

1 (ix) Willfully violating any provision of this act.

2

3 (b) The proceedings under this section may be taken by the
4 board from matters within its knowledge or upon information from
5 another. If the informant is a member of the board, the other
6 members of the board shall take action on behalf of the board.
7 All complaints shall be in writing, verified by a party familiar
8 with the facts charged, and shall be filed with the secretary of
9 the board. Upon receiving the complaint, the board, if it deems
10 the complaint sufficient, shall proceed as in a contested case
11 under the Wyoming Administrative Procedure Act. If the board
12 determines that suspension or revocation of any license is
13 warranted, the fact shall be noted upon the records of the board
14 and the license shall be marked suspended or revoked upon the
15 date of the final action of the board. The secretary of the
16 board, upon judgment of suspension or revocation being entered,
17 shall transmit to the secretary of state a copy of the judgment
18 order, certified by the secretary of the board, and the same
19 shall be kept in the same manner as the list of licensed
20 denturists.

21

22 (c) Upon receipt from the department of family services of
23 a certified copy of an order from a court to withhold, suspend
24 or otherwise restrict a denturist license issued by the board,

1 the board shall notify the party named in the court order of the
2 withholding, suspension or restriction of the license in
3 accordance with the terms of the court order. No appeal under
4 the Wyoming Administrative Procedure Act shall be allowed for a
5 license withheld, suspended or restricted under this subsection.

6

7 **33-45-117. Renewal of license; lapse; reinstatement.**

8

9 (a) Licenses shall be renewed annually, on or before June
10 30. The board shall mail notices and applications for renewal at
11 least sixty (60) calendar days prior to expiration for renewal
12 of licenses to every person to whom a license was issued or
13 renewed during the preceding renewal period. The licensee shall
14 complete the application for renewal, which includes updating
15 the location(s) where the licensee practices denturism, and
16 return it to the board with the renewal fee set by the board
17 before the date of expiration.

18

19 (b) Upon receipt of the application for renewal and the
20 fee, the board shall verify its contents and shall issue the
21 license for the current renewal period, which shall be valid for
22 the period stated thereon.

23

1 (c) A licensee, who allows his license to lapse by failing
2 to renew it, may be reinstated by the board upon payment of the
3 renewal fee and reinstatement fee set by the board provided that
4 the request for reinstatement is made within thirty (30) days of
5 the end of the renewal period.

6
7 (d) A denturist who does not engage in the practice of
8 denturism during the succeeding renewal period is not required
9 to pay the renewal fee as long as he remains inactive. If he
10 desires to resume the practice of denturism, he shall notify the
11 board of his intent and shall satisfy the current requirements
12 of the board in addition to remitting the renewal fee for the
13 current renewal period and the reinstatement fee.

14
15 (e) The board is authorized to establish reasonable fees
16 for replacement and duplicate licenses.

17
18 **33-45-118. Secretary of board's certificate that individual**
19 **not listed on list maintained by board is prima facie proof of**
20 **unauthorized practice.**

21
22 In any prosecution for violation of any provision of this act if
23 the secretary of the board certifies that the person accused of
24 the violation is not named on the list of denturists maintained

1 by the board, the certificate shall be prima facie proof that
2 the person is not entitled to practice denturism in the state of
3 Wyoming.

4

5 **33-45-119. Partnerships with dentists.**

6

7 Notwithstanding any other provision of state law, a licensed
8 denturist may enter into a partnership or other business
9 association with a dentist, provided that the association does
10 not impede the independent professional judgment of either
11 party.

12

13 **33-45-120. Violations.**

14

15 Any person who practices denturism without being properly
16 qualified and licensed or who violates any provision of this
17 act, shall be guilty of a misdemeanor, and upon conviction
18 thereof, shall be punished by a fine not to exceed seven hundred
19 and fifty dollars (\$750.00), or imprisonment in jail for not
20 more than one (1) year, or both. Each separate violation of
21 this act constitutes a separate offense.

22

23 **33-45-121. Certificate entitles denturists to practice in**
24 **any county; lost certificates.**

1
2 The certificate provided for in this act entitles the holder to
3 practice denturism, as applicable in any county in Wyoming. The
4 board, upon satisfactory proof of loss of the certificate issued
5 under this act, shall issue a new certificate. The cost of
6 replacement shall be determined by the board and paid by the
7 person requesting replacement.

8
9 **Section 2.** W.S. 33-15-114(a) is amended to read:

10
11 **33-15-114. Persons deemed to be practicing dentistry; work**
12 **authorizations from licensed dentist.**

13
14 (a) Except as provided by paragraphs (xii) and (xiii) of this
15 subsection, any person is deemed to be practicing dentistry
16 within the meaning of the act:

17
18 **Section 3.** W.S. 33-15-114(a)(xiii) is created to read:

19
20 (xiii) A licensed denturist is not practicing dentistry within
21 the meaning of this act when performing services within the
22 scope of his license under W.S. 33-45-101 through 33-45-121.

23
24 **Section 4.** W.S. 33-15-116 is amended to read:

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33-15-116. Certain persons prohibited from soliciting patronage of general public.

Except for a denturist licensed pursuant to the Wyoming Denturism Act W.S. 33-45-101 through 33-45-121 [n]o person engaged in the business of constructing, altering or repairing bridges, crowns, dentures or other prosthetic appliances, surgical appliances or orthodontic appliances shall directly or indirectly solicit the patronage of the general public.

Section 5. This act is effective ninety (90) days after certification by the Wyoming Secretary of State.

(END)