

SENATE FILE NO. SF0111

Nurse practice act revisions.

Sponsored by: Senator(s) Baldwin, Peterson and Scott and  
Representative(s) Barlow, Dayton, McKim and  
Wilson

A BILL

for

1 AN ACT relating to the occupation of nursing; revising the  
2 Nurse Practice Act; specifying applicability to advanced  
3 practice registered nurses, registered nurses, licensed  
4 practical nurses or certified nursing assistants;  
5 conforming provisions; and providing for an effective date.

6

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

8

9       **Section 1.** W.S. 33-21-120(a)(i)(C), (D) and (viii),  
10 33-21-122(c)(iii), 33-21-127(a)(intro), (ii), (iii),  
11 (b)(intro), (ii), (iv)(A), (c) and (d), 33-21-128(b) and  
12 (c), 33-21-129, 33-21-130, 33-21-131, 33-21-132(a) through  
13 (d), 33-21-133, 33-21-145(a)(i) through (iv) and (viii),  
14 33-21-146(a)(iii)(A), (C), (D), (vi), (vii), (x) and (b),  
15 33-21-147, 33-21-148, 33-21-149, 33-21-150(a)(i),

1 33-21-151(a) (i) through (iii), 33-21-153(a) and  
2 33-21-154(a) (ix) and (xi) are amended to read:

3

4 **33-21-120. Definitions.**

5

6 (a) As used in this act:

7

8 (i) "Advanced practice registered nurse (APRN)"

9 means a nurse who:

10

11 (C) Has a doctorate or master's degree in  
12 nursing, or an advanced practice registered nurse specialty  
13 or has completed an accredited advanced practice registered  
14 nurse educational program prior to January 1, 1999; and

15

16 (D) Has completed an advanced program of  
17 study in a specialty area in an accredited nursing program,  
18 has taken and passed a national certification examination  
19 in the same area and has been granted ~~recognition~~licensure  
20 by the board to practice as an APRN.

21

22 (viii) "License" means a current document  
23 permitting the practice of nursing as ~~a~~an advanced

1 practice registered nurse, registered nurse or licensed  
2 practical nurse;

3

4 **33-21-122. Board of nursing; powers and duties.**

5

6 (c) Without limiting the foregoing, the board of  
7 nursing may do the following:

8

9 (iii) Publish advisory opinions relative to  
10 whether the nursing procedures, policies and other  
11 practices of any agency, facility, institution or other  
12 organization that employs individuals licensed or certified  
13 under this act complies with the standards of nursing  
14 practice as defined in this act and board rules and  
15 regulations. The board may submit comments, register  
16 complaints or file charges with the appropriate advisory,  
17 certifying or regulatory body governing the agency,  
18 facility, institution or organization that authorizes and  
19 condones violations of this act or board rules and  
20 regulations;

21

22 **33-21-127. Qualifications for licensure or**  
23 **certification; application requirements.**

1

2 (a) An applicant for licensure or certification by  
3 examination to practice as ~~a~~an advanced practice  
4 registered nurse, registered nurse, ~~or~~ licensed practical  
5 nurse or certified nursing assistant shall:

6

7 (ii) Be a graduate of a state board approved  
8 nursing or nursing assistant education program recognized  
9 by the board which prepares the applicant for the level of  
10 licensure or certification being sought;

11

12 (iii) Pass a board approved national nursing  
13 licensure or certification examination;

14

15 (b) An applicant for licensure or certification by  
16 endorsement to practice as ~~a~~an advanced practice  
17 registered nurse, registered nurse, ~~or~~ licensed practical  
18 nurse or certified nursing assistant shall:

19

20 (ii) Be a graduate of a state board approved  
21 nursing or nursing assistant education program recognized  
22 by the board which prepares the applicant for the level of  
23 licensure or certification being sought;

1

2 (iv) Remit fees as specified by the board; and  
3 either:

4

5 (A) Submit proof of initial licensure or  
6 certification by an examination acceptable to the board,  
7 provided that when the applicant secured his or her initial  
8 license or certificate, the requirements for licensure or  
9 certification included the requirements then necessary for  
10 licensure or certification in this state and have submitted  
11 proof that the license or certificate has not been  
12 suspended, revoked or otherwise restricted for any reason;  
13 or

14

15 (c) Each applicant who successfully meets the  
16 requirements of this section is entitled to licensure or  
17 certification as ~~a~~an advanced practice registered nurse,  
18 registered nurse, ~~or~~ licensed practical nurse or certified  
19 nursing assistant, whichever is applicable.

20

21 (d) In addition to subsections (a) and (b) of this  
22 section, an applicant for licensure or certification under  
23 this act shall provide the board fingerprints and other

1 information necessary for a criminal history record  
2 background check as provided under W.S. 7-19-201.

3

4 **33-21-128. Examinations for licensure; reexamination.**

5

6 (b) The board may employ, contract and cooperate with  
7 any organization in the preparation, administration and  
8 grading of an appropriate national nursing licensure or  
9 nursing assistant certification examination.

10

11 (c) The board shall by rules and regulations limit  
12 the number of reexaminations which may be taken by the  
13 applicant after the initial failure of a board approved  
14 national nursing licensure or nursing assistant  
15 certification examination.

16

17 **33-21-129. Renewal of licenses or certificates.**

18

19 (a) Licenses or certificates issued under this act  
20 shall be renewed biennially according to a schedule  
21 established by board rules and regulations.

22

1 (b) A renewal license or certificate shall be issued  
2 to ~~a~~an advanced practice registered nurse, registered  
3 nurse, ~~or~~ licensed practical nurse or certified nursing  
4 assistant who demonstrates satisfactory completion of  
5 requirements established by the board and who remits the  
6 required fees established in the board rules and  
7 regulations.

8  
9 (c) Any license or certificate issued by the board  
10 shall expire if the licensee or certificate holder fails to  
11 renew the license or certificate as established in board  
12 rules and regulations, including the remittance of all  
13 fees.

14  
15 (d) Failure to renew the license or certificate by  
16 the expiration date shall result in forfeiture of the right  
17 to practice nursing or nurse assisting in this state.

18  
19 **33-21-130. Relicensure or recertification.**

20  
21 Licensees or certificate holders who have allowed their  
22 license or certificate to lapse by failure to renew as  
23 herein provided, may apply for relicensure or

1 recertification according to board rules and regulations.  
2 Upon satisfaction of the requirements for relicensure or  
3 recertification, the board shall issue a renewal of license  
4 or certificate to practice nursing or nurse assisting.

5

6 **33-21-131. Inactive status; reactivation or**  
7 **recertification.**

8

9 Licensees or certificate holders who hold an active license  
10 or certificate to practice in this state, and who wish to  
11 discontinue the practice of professional or practical  
12 nursing or nurse assisting in this state, may request in  
13 writing that the board place their license or certificate  
14 on inactive status. A licensee or certificate holder on  
15 inactive status shall not be considered lapsed or expired.  
16 A biennial renewal fee shall be required to retain the  
17 inactive status. Licensees or certificate holders on  
18 inactive status may apply for reactivation pursuant to  
19 board rules and regulations.

20

21 **33-21-132. Temporary permit.**

22



1           (a) The board may issue a temporary permit to  
2 practice nursing or nurse assisting to ~~a~~an advanced  
3 practice registered nurse, registered nurse, ~~or~~ licensed  
4 practical nurse or certified nursing assistant who is  
5 awaiting licensure or certification by endorsement and who  
6 is currently licensed or certified in good standing in  
7 another jurisdiction, territory or possession of the United  
8 States. The period for a temporary permit shall not exceed  
9 ninety (90) days, provided the applicant submits a written  
10 application for licensure or certification by endorsement  
11 in a form and substance satisfactory to the board. A  
12 temporary permit for such a request shall be issued only  
13 one (1) time.

14  
15           (b) The board may issue a temporary permit to  
16 practice nursing or nurse assisting to ~~a~~an advanced  
17 practice registered nurse, registered nurse, ~~or~~ licensed  
18 practical nurse or certified nursing assistant who is not  
19 seeking licensure or certification by endorsement and who  
20 is currently licensed or certified in good standing in  
21 another jurisdiction, territory or possession of the United  
22 States. The period for a temporary permit shall not exceed  
23 ninety (90) days, provided the applicant submits a written

1 application for licensure or certification by endorsement  
2 in a form and substance satisfactory to the board. A  
3 temporary permit for such a request shall be issued only  
4 one (1) time.

5  
6 (c) The board may issue a temporary permit to  
7 practice nursing or nurse assisting to a graduate of an  
8 approved nursing or nursing assistant education program,  
9 pending the results of the first board approved national  
10 nursing licensure or certification examination offered  
11 after graduation. A temporary permit shall not be issued to  
12 any applicant who has previously failed a board approved  
13 national nursing licensure or certification examination.  
14 The temporary permit shall be surrendered in event of  
15 failure of the licensure or certification examination. A  
16 new graduate holding a temporary permit shall practice only  
17 under the direction and supervision of a registered  
18 professional nurse. A temporary permit for such a request  
19 shall be issued only one (1) time.

20  
21 (d) The board may issue a temporary permit to  
22 graduates of foreign schools of nursing who have met the  
23 requirements for licensure by examination or endorsement

1 pursuant to board rules and regulations. Applicants showing  
2 evidence of certification from a board approved national  
3 certifying organization for graduates of foreign nursing  
4 schools shall take the first available board approved  
5 national nursing licensure or certification examination  
6 ~~offered~~ for which they are eligible. A temporary permit for  
7 such a request shall be issued only one (1) time.

8  
9 **33-21-133. Licensees and certificate holders to**  
10 **provide statistical information to board.**

11  
12 Each licensee and certificate holder shall provide  
13 reasonable information for statistics requested by the  
14 board to perform its duties in nursing manpower planning.

15  
16 **33-21-145. Violations; penalties.**

17  
18 (a) No person shall:

19  
20 (i) Engage in the practice of nursing or nurse  
21 assisting as defined in this act without a valid, current  
22 license, certificate or temporary permit, except as

1 otherwise permitted under this act or the Nurse Licensure  
2 Compact or the Advanced Practice Registered Nurse Compact;

3  
4 (ii) Practice nursing or nurse assisting under  
5 cover of any diploma, license, certificate or record  
6 illegally or fraudulently obtained or signed or issued  
7 unlawfully or under fraudulent representation;

8  
9 (iii) Use any words, abbreviations, figures,  
10 letters, titles, signs, cards or devices tending to imply  
11 that the person is ~~a~~ an advanced practice registered nurse,  
12 registered nurse, licensed practical nurse or ~~advanced~~  
13 ~~practice registered nurse~~ certified nursing assistant  
14 unless the person is duly licensed or certified as ~~a~~ an  
15 advanced practice registered nurse, registered nurse,  
16 licensed practical nurse, ~~or recognized as an advanced~~  
17 ~~practice registered nurse~~ or certified nursing assistant  
18 under this act or the Advanced Practice Registered Nurse  
19 Compact or holds a license in another state and is  
20 practicing in this state pursuant to the Nurse Licensure  
21 Compact;

22

1 (iv) Knowingly employ unlicensed or uncertified  
2 persons in the practice of nursing or nurse assisting;

3  
4 (viii) Practice nursing or nurse assisting  
5 during the time a license or certificate is suspended,  
6 revoked, surrendered, inactive or lapsed.

7  
8 **33-21-146. Disciplining licensees and certificate**  
9 **holders; grounds.**

10  
11 (a) The board of nursing may refuse to issue or  
12 renew, or may suspend or revoke the license, certificate or  
13 temporary permit of any person, or to otherwise discipline  
14 a licensee or certificate holder, upon proof that the  
15 person:

16  
17 (iii) Has practiced fraud or deceit:

18  
19 (A) In procuring or attempting to procure a  
20 license or certificate to practice nursing or nurse  
21 assisting;

22

1 (C) In signing any report or record as ~~a~~an  
2 advanced practice registered nurse, registered nurse, ~~or~~as  
3 a licensed practical nurse or certified nursing assistant;  
4

5 (D) In representing authority to practice  
6 nursing or nurse assisting; or  
7

8 (vi) Has had a license or certificate to  
9 practice nursing or nurse assisting or to practice in  
10 another health care discipline in another jurisdiction,  
11 territory or possession of the United States denied,  
12 revoked, suspended or otherwise restricted;  
13

14 (vii) Has practiced nursing or nurse assisting  
15 within this state without a valid current license or  
16 temporary permit or as otherwise permitted under this act,  
17 ~~or~~the Nurse Licensure Compact or the Advanced Practice  
18 Registered Nurse Compact;  
19

20 (x) Has knowingly engaged in an act which the  
21 licensee or certificate holder knew was beyond the scope of  
22 the individual's nursing or nurse assisting practice prior  
23 to committing the act, or performed acts without sufficient

1 education, knowledge<sup>7</sup> or ability to apply nursing  
2 principles and skills;

3  
4 (b) Upon receipt from the department of family  
5 services of a certified copy of an order from a court to  
6 withhold, suspend or otherwise restrict a license or  
7 certificate issued by the board, the board shall notify the  
8 party named in the court order of the withholding,  
9 suspension or restriction of the license or certificate in  
10 accordance with the terms of the court order. No appeal  
11 under the Wyoming Administrative Procedure Act shall be  
12 allowed for a license or certificate withheld, suspended or  
13 restricted under this subsection.

14

15 **33-21-147. Disciplining licensees or certificate**  
16 **holders; procedure.**

17

18 A proceeding for discipline of a licensee, certificate  
19 holder or a temporary permit holder, or action against an  
20 applicant for a license, certificate or temporary permit,  
21 may be commenced when the board has reasonable grounds to  
22 believe that a person under the board's jurisdiction has  
23 committed acts in violation of W.S. 33-21-146. No license

1 or certificate to practice nursing or nurse assisting may  
2 be revoked or denied by the board without affording the  
3 licensee, certificate holder or applicant due process of  
4 law. However, the board may summarily suspend a license or  
5 certificate and institute proceedings concomitantly if the  
6 board finds that the licensee or certificate holder  
7 presents a clear and immediate danger to the public health,  
8 safety and welfare if allowed to continue to practice. For  
9 purposes of a suspension or other restriction imposed  
10 pursuant to W.S. 33-21-146(b), the board may presume that  
11 the court imposing the suspension or restriction afforded  
12 the licensee, certificate holder or applicant due process  
13 of law.

14

15 **33-21-148. Disciplining licensees; reinstatement.**

16

17 Any person whose license or certificate has been denied,  
18 suspended or revoked, pursuant to this act, may apply to  
19 the board for reinstatement of the license or certificate  
20 or issuance of a license or certificate after fulfilling  
21 those requirements determined by the board. The application  
22 shall be made in writing and in the form prescribed by the  
23 board. The board may grant or deny the application or it



1 may modify its original findings to reflect any  
2 circumstances that have changed sufficiently to warrant  
3 modifications.

4

5 **33-21-149. Disciplining licensees or certificate**  
6 **holders; conditional licensure.**

7

8 As a result of disciplinary action, the board may in  
9 addition to other powers and duties, issue, renew or  
10 reinstate licenses or certificates subject to reasonable  
11 conditions which the board may impose.

12

13 **33-21-150. Immunity of board members and persons**  
14 **reporting information to board.**

15

16 (a) Any member or agent of the board, or any person  
17 under oath, is not subject to a civil action for damages as  
18 a result of reporting information in good faith, without  
19 fraud or malice, relating to alleged violations of this act  
20 or board rules and regulations including, but not limited  
21 to:

22

1 (i) Negligence, malpractice or the  
2 qualification, fitness or character of a person licensed or  
3 certified, or applying for a license or certificate, to  
4 practice nursing or nurse assisting; or

5  
6 **33-21-151. Injunctive relief; grounds.**

7  
8 (a) The board may petition in its own name for an  
9 injunction to a proper court of competent jurisdiction to  
10 enjoin:

11  
12 (i) Any person from practicing nursing or nurse  
13 assisting, within the meaning of this act, without a valid  
14 license, certificate or temporary permit, unless so  
15 exempted under W.S. 33-21-154;

16  
17 (ii) Any licensee or certificate holder from  
18 practicing who allegedly is in violation of this act; or

19  
20 (iii) Any person, firm, corporation, institution  
21 or association from employing any individual to practice  
22 nursing or nurse assisting who is not licensed or certified  
23 under this act or exempted under W.S. 33-21-154.

1

2           **33-21-153. Names of terminated licensees or**  
3 **certificate holders to board; enforcement by court order;**  
4 **civil contempt for noncompliance; immunity.**

5

6           (a) Hospitals, nursing homes and other employers of  
7 advanced practice registered nurses, registered nurses,  
8 licensed practical nurses, and ~~advanced practice registered~~  
9 ~~nurses~~ certified nursing assistants shall report to the  
10 board the names of those licensees or certificate holders  
11 whose employment has been terminated voluntarily or  
12 involuntarily for any reasons stipulated in W.S. 33-21-146.

13

14           **33-21-154. Exemptions.**

15

16           (a) No provisions in this act prohibit:

17

18           (ix) The practice of any nurse or nursing  
19 assistant, currently licensed or certified in another  
20 jurisdiction, in the provision of nursing care in the case  
21 of an emergency or disaster as declared by the governor;

22

1           (xi) The practice of any advanced practice  
2 registered nurse who holds a license in another state and  
3 is practicing in this state pursuant to ~~W.S. 33-21-302~~ the  
4 Advanced Practice Registered Nurse Compact.

5

6           **Section 2.** This act is effective July 1, 2017.

7

8

(END)