

# **A REVIEW OF HEALTHCARE PROFESSIONAL LICENSURE IN WYOMING**

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## **Executive Summary**

The following report is a review of the way Wyoming licenses its medical professionals. The stated purpose of this review is the identification of potential barriers to licensure due to overly-stringent or unfairly-exclusionary provisions in state statutes or professional board rules and regulations. The goal of this review is to ensure that Wyoming's licensure statutes and professional board rules and regulations do not

discourage or prevent qualified healthcare professionals from obtaining licenses to practice in Wyoming, while at the same time not compromising patient safety. In order to achieve this end, this review was conducted in three ways:

- A review was made of the case law surround the licensing of medical professionals;
- A comparison was developed between Wyoming's licensure requirements and procedures and those of five other states; and
- Public comment was compiled from individuals and organizations.

## **Chapter 1 -- Legal Review**

The following is a review of the case law which directly impacts the right of the State of Wyoming to license medical professionals. It should be noted that the subject of licensure of medical professionals by a state have for the most part, long since been resolved. As such, there are very few cases decided by the Wyoming Supreme Court on the issue of Medical Professional Licensure. However, the rights, rules, and requirements that have been developed in case law from around the country have thus far been uniform in their decisions, including in those few cases decided in Wyoming. Based upon this review, I found nothing within Wyoming's statutes nor the rules and regulations for licensing medical professionals which would violate the legal principles described below. In the few cases decided by the Wyoming Supreme Court, when a problem was identified by the Court, the Legislature has acted to modify Wyoming's statutes to comply with the Supreme Court rulings.

**The state of Wyoming has the plenary power to regulate the practice of medicine, in so far as the preservation and protection of the public health is at risk.<sup>1</sup>**

Therefore, the Wyoming Executive and Legislative branches have the right to exercise their police power, within reasonable and constitutional limitations, to achieve this goal.<sup>2</sup> In the proper exercise of the police power, the Legislature may control and regulate the practice of medicine, in all of its branches, subject only to the rule that these regulations must be reasonable and bear some relation to the end or object to be attained, which is to

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<sup>1</sup> Frank v. Wyoming State Board of Dental Examiners, 965 P.2d 674 (Wyo. 1998); Maquire v. Thompson, 957 F.2d 374 (7<sup>th</sup> Cir. 1992).

<sup>2</sup> People v. Witte, 145 N.E. 178 (Ill. 1934)

protect the public from being mistreated or misled by incompetent or unscrupulous practitioners.<sup>3</sup> The existence and exercise of this regulatory power is clearly justified by the fact that the practice of medicine, unlike many lawful occupations, requires highly specialized knowledge, training, skill, and care. The State of Wyoming is also justified in regulating medical professionals because important interests of health and life that are committed to the medical professional care; and most patients ordinarily lack the knowledge and ability to judge a medical professional's qualification in these respects.<sup>4</sup> Therefore, Wyoming has an obligation to regulate medical professionals in order to protect its citizens.

**The power of the state of Wyoming to regulate and control the practice of medicine and its various branches or systems includes the power to create an administrative board and vest in it the supervision of such regulation.**<sup>5</sup> The State of Wyoming has done so in Title 33 of the Wyoming Statutes by creating boards and commissions such as the Boards of Dentistry, Medicine, and Nursing. Throughout the United States, statutes establishing such boards have been attacked as a violation of the doctrine of separation of powers of government by delegating legislative power or besting judicial power in non-judicial bodies.<sup>6</sup> However, it has been consistently held that if a legislature states the purpose or policy of the board and provides a standard to guide the board, there is no unlawful delegation legislative power by vesting such boards with power to make rules and regulations or to find facts in the administration of the legislative policy.<sup>7</sup> It should be noted that each chapter of Wyoming Statutes Title 33 that regulates a medical profession complies with this requirement by stating a purpose for the board or commission, and provides general guidelines for the licensure of medical professionals within the state.

Statutes such as those found in Title 33 of the Wyoming Statutes grant more than just the ministerial power to grant and deny licenses; the administrative authority held by those boards also include the authority to ascertain and determine the qualifications and

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<sup>3</sup> State v. Borah, 76 P. 2d 757 (Az 1938).

<sup>4</sup> McNaughton v Johnson, 242 U.S. 344, 37 S. Ct. 178 (1917)

<sup>5</sup> Meffert v State Board of Medical Registration & Examination, 195 U.S. 625, 25 S. Ct 790 (1903); City of Sheridan v. Litman, 228 P. 688 (Wyo. 1924)

<sup>6</sup> Yoshizaw v. Hewitt, 52 F.2d 411 (C.C.A. 9<sup>th</sup> Cir. 1931)

<sup>7</sup> State v. Biggs, 133 N.C. 729 (N.C. 1903)

competency of applicants for licensure, including that intellectual fitness, educational qualifications, moral fitness, and overall general fitness have also been upheld.<sup>8</sup> So long as the rules and regulations promulgated and enforced by Wyoming's administrative boards and commissions are limited to ensuring the high quality of medical care and to protect the public from persons unfit to practice medicine, they are well within their legal bounds.<sup>9</sup>

**A medical professional license granted by the State of Wyoming not only gives the licensee the privilege to practice medicine in one of its branches, but also provides immunity from punishment from practicing that branch of medicine without a license.**<sup>10</sup> Holding a medical professional license from the state of Wyoming does not mean that the licensee is free from control and regulation of the State. Rather, when a medical professional accepts the license granted to him or her from the State of Wyoming, he or she is subject to the rights of the State of Wyoming in the interest of the public welfare and health to make further restrictions and regulations upon the licensee even though they may actually prohibit further practice under a license previously granted.<sup>11</sup> It has also been held that a license to practice medicine grants a property right or and estate to the licensee.<sup>12</sup> With the property interest in the license, a licensee is entitled to due process by the State of Wyoming before the license can be revoked.<sup>13</sup> While the subject of administrative discipline and revocation are not discussed further in this report, Wyoming's medical professional statutes, rules and regulations provide for the administrative judicial-like procedures which satisfy this due process requirement.

**The power of Wyoming to regulate and control the practice of medicine includes the power to prescribe the qualifications that everyone who desires to engage in such practice must possess.**<sup>14</sup> Wyoming may prescribe requirements of training and capacity that an applicant must attain before being emitted to engage in the practice of medicine. All qualifications set forth by the State of Wyoming must be reasonably

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<sup>8</sup> In re Thompson, 78 P. 899 (Wash 1904)

<sup>9</sup> Douglas v. Noble, 261 U.S. 165, 43 S. Ct. 303 (1923)

<sup>10</sup> 61 Am Jur2d § 18

<sup>11</sup> Greenfield v. Hamrick, 341 So. 2d 136 (Ala. 1976)

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Barsky v. Board of Regents of University, 347 U.S. 442, 74 S. Ct. 650 (1954)

related to the practice of medicine in general, or specific to the branch of medicine the license is being sought.<sup>15</sup>

- **Moral Character**

Due to the relationship of a patient to a medical professional, which is confidential and serious in nature, not only the skill, but the moral character of the medical professional is of great importance to the interest of the patient and the state.<sup>16</sup> A state may lawfully impose as a condition of the right to practice medicine the qualification of honor and good moral character, or may rightfully determine what shall be the evidences of that character.<sup>17</sup>

- **Fees**

Unless restricted by the Legislature, Wyoming may exercise its taxing power, require a tax or fee as a condition on the privilege to practice of medicine.<sup>18</sup> The tax or fee may be charged both when both initially apply for licensure is made, as well as, a condition to renew the license.<sup>19</sup> The licensee is charged with the knowledge of duty to pay the require license fee.<sup>20</sup>

- **Malpractice insurance coverage**

Proof that an applicant for a license to practice has obtained malpractice insurance coverage in a specified amount may be validly made a prerequisite to obtaining a license.<sup>21</sup> A requirement that a medical professional obtain malpractice insurance as a condition to state licensure bears a rational relationship to the health and welfare of injured patients and to this extent does not violate due process.<sup>22</sup>

- **Educational Requirements**

Wyoming has the right to require that as a prerequisite of licensure, an applicant supply proof of fitness and qualification by exhibiting a diploma granted to him by a

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<sup>15</sup> Louisiana State Board of Medical Examiners v. Fife, 274 U.S. 720, 47 S. Ct. 590 (1927); Lineberge v. Wyoming State Bd. Of Outfitters and Professional Guides, 44 P.3d 56 (Wyo. 2002)

<sup>16</sup> Page v. Watson, 192 So. 205 (Fla 1938)

<sup>17</sup> Hughes v. State Board of Medical Examiners, 134 S.E. 42 (Ga 1926)

<sup>18</sup> City of Sheridan v. Litman, 228 P. 688 (Wyo. 1924); Village of Dodge v. Guidinger, 127 N.W. 122 (NE 1910)

<sup>19</sup> Slocum v. City of Fredonia, 8 P.2d 332 (KS 1932)

<sup>20</sup> State ex rel. Frenzel v. Wyoming State Board of Examiners in Optometry, 74 P.2d 343 (Wyo. 1937)

<sup>21</sup> Jones v. State Bd. Of Medicine, 555 P.2d 399 (Id 1976)

<sup>22</sup> *Id.*

school of medicine or a particular branch or medicine,<sup>23</sup> and/or passing an examination demonstrating such fitness and qualification.<sup>24</sup> A statute fixing the standards of preparation is not invalidated by the fact that the standards may vary from time to time or may be fixed by the standards of schools teaching a particular system of medicine<sup>25</sup>, and a state may require a person to have graduated from an accredited school to site for the required licensing examination.<sup>26</sup>

**Wyoming has broad authority to decide if it wants to issue medical licenses on the basis of credentials, and what those requirements would be.** Specifically, it is not one of the privileges and immunities of citizens of the United States that persons licensed to practice a profession in one state shall have the like right in all other states.<sup>27</sup> A statute that imposes the same restrictions on all who propose to practice medicine within a state, regardless of their prior residence or place of practice, does not deny the practitioners of other states any privileges and immunities to which they have a constitutional right.<sup>28</sup> A requirement in Wyoming, and most other jurisdictions, is that applications from other states or countries prove that they have been licensed and have actively practiced for a specific amount of time in another state, and that the licensing examination they took in the original state is equivalent in content to that administered in Wyoming.<sup>29</sup>

Wyoming's medical professional examining boards have discretionary power with respect to granting or refusing an application for a license without examination by one previously licensed in another state or country.<sup>30</sup> Wyoming may, however, lawfully exempt from the operation of licensure statutes, practitioners who have been duly licensed in another state, the foreign license being accepted in evidence of ability and skill.<sup>31</sup> Wyoming may also validly exempt from statutory licensing requirements nonresident physicians who come into the state for consultation or other special professional purpose.<sup>32</sup>

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<sup>23</sup> Ex. Parte Whitley, 77 P. 879 (Ca 1904)

<sup>24</sup> Cummings v. X-Ray Associates of New Mexico, P.C. 918 P.2d 1321 (N.M. 1996)

<sup>25</sup> Ex parte Gerino, 77 P.166 (Ca 1906)

<sup>26</sup> Brown v. State Bd. Of Examiners of Psychologists, 378 S.E.2d 718 (Ga 1989)

<sup>27</sup> People v. Griswold, 106 N.E. 929 (N.Y. 1914)

<sup>28</sup> State v. Rosenkrans, 225 U.S. 698, 32 S. Ct. 840 (R.I. 1912)

<sup>29</sup> Board of Osteopathic Examiners v. Board of Medical Examiners, 53 Cal. App. 3d 78 (3<sup>rd</sup> Dist. 1975)

<sup>30</sup> Levin v. Board of Medical Examiners of Cal., 239 P. 410 (1<sup>st</sup> Dist. 1925)

<sup>31</sup> Id.

<sup>32</sup> Mann v. Board of Medical Examiners of the State, 187 P.2d 1 (Ca 1947)

**1.6 – Reciprocity:** A state may validly vest a state board with discretion to grant licensures to licensees of other states with which it maintains reciprocal relations provided that such licensees have complied with the applicable rules and regulations and have lawfully practiced for a prescribed period in the other state.<sup>33</sup> A board of examiners has a broad discretion in the matter of granting reciprocity licenses without examination.<sup>34</sup> A state has the authority to qualify licensure to applicants from another state, on the grounds that the other states grant reciprocity on substantially the same terms and conditions.<sup>35</sup> Those licenses granted by reciprocity are like any other license granted in its class, authorizing the same acts.<sup>36</sup>

## Chapter 2 -- State Comparison

In order to identify overly-stringent or unfairly-exclusionary provisions in state statutes or professional board rules and regulations, this review compared Wyoming’s licensing requirements and procedures to those in Colorado, Idaho, Montana, Nevada, and Utah. The states were chosen for their proximity to Wyoming, large rural populations, and similar patient to physician ratio.

### 2.1 – Dentists:

	Application fee, licensure by exam or credentialing/renewal	Education	Background check/no pending or final disciplinary actions	Exams	Credentialing	CPR	Renewals of license	Continuing Ed
<b>Wyoming</b>	Exam: \$250 Credential: \$750 Renewal: \$125 annually	Proof of graduation from an ADA accredited school	Yes/Yes	Proof of passing National Boards and a regional exam (1 of 3 regions)		Yes	Annual	CPR
<b>Idaho</b>	Exam: \$100	Proof of graduation from an ADA accredited school	Yes/Yes	Proof of National Boards and a regional exam		Yes	Annual	15 hours or 10 hours and 10 hours of volunteer dentistry
<b>Montana</b>		Proof of graduation from an ADA accredited school	No/Yes	Proof of passing National Boards and a regional exam (1 of 3		Yes	Annual	60 hours every three years

<sup>33</sup> Thomas v. State Bd. Of Health, 79 S.E. 725 (W. Va. 1913)

<sup>34</sup> Id.

<sup>35</sup> Fales c. Commission on Licensure to Practice Healing Art, 275 A.2d 1 (D.C. 1971)

<sup>36</sup> Fernal v. State Bd. Of Medical Examiners, 267 P. 561 (2<sup>nd</sup> Dist. 1928)

				regions)				
<b>Nevada</b>	Exam: \$600 Credentialing: \$1,200	Proof of graduation from an ADA accredited school	Yes/No	Proof of passing National Boards		Yes	Annual	30 hours every year
<b>Utah</b>	Exam: \$110 Renewal: \$63 annually	Proof of graduation from an ADA accredited school	No/No	Proof of passing National Boards and a regional exam (1 of 4 regions)		No	Annual	30 hours every 2 years
<b>Colorado</b>	Renewal: \$426 every two years	Proof of graduation from an ADA accredited school within last 12 months or proof of employment in dentistry or teaching 1 of last 5 years.	No/Yes	Proof of passing National Boards and a regional exam (1 of 4 regions)		Yes	Every 2 years	None

In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of dentistry.<sup>37</sup> From January to September 2004, the Wyoming Board of Dental Examiners 216 requests for applications, 56 application submittals with 46 accepted (none were rejected – apparently some were withdrawn).

*Application Fee:* Wyoming’s application fee for dental licensure by examination is \$250. The average application fee for the six states is \$271. Nevada has the highest fee at \$600, while Idaho is the lowest at \$100. Wyoming’s application fee for dental licensure by credentialing is \$750. The average application fee for the six states is \$604. Nevada is the highest fee at \$1,200, while Utah is the lowest at \$110.

*Education:* Wyoming requires that an applicant for licensure supply proof of graduation from an American Dental Association accredited school. All other states reviewed have the same requirement.

*Experience Requirements:* Wyoming does not have any experience requirements when applying for licensure by examination beyond the practical/clinical examination. Colorado requires applicants for licensure by examination to prove clinical competence

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<sup>37</sup> State Bd. Of Dental Examiners v. Savelle, 8 P.2d 693 (Co 1932)



by graduating from an ADA-certified school with the past 12 months, or to have actively been engaged in the practice or teaching of dentistry in one of the last five years.

*Exams:* Wyoming requires applicants for licensure by examination and applicants for licensure by credentialing to provide proof of passing Part I and Part II of the National Boards examination. All six states have the same requirements. All require applicants by examination and credentialing to pass a state specific jurisprudence examination.

Wyoming requires applicants for licensure by examination and applicants for licensure by credentialing to provide proof of passing a regional practical clinical examination. The regional exams accepted by the state of Wyoming are the western regional (WREB), central regional (CRDTS), and southern regional (SRTA) examinations. Utah and Colorado are the most inclusive states, accepting all four regional testing exams; including the Northeastern Regional (NRTB) exam. Nevada is the only state which does not require applicants for examination or credentialing to have proof of passing any of these regional exams.

*Credentialing Requirements:* Wyoming and all the comparator states allow for licensing by credentials. Wyoming and the comparator states each require proof that the applicant has previously meet the requirements application by examination (ADA-accredited school graduate, passing of the National boards, and practical/clinical examinations). In addition, all of the states still require the applicant to take the state specific jurisprudence examination, and provide proof of all prior dental licenses held in other jurisdictions. Each of the states has different experience requirements for granting license by credentials. In Wyoming, applicants must provide documentation of having practiced dentistry for 5,000 hours and five years of practical experience. In Colorado, applicants must provide documentation of having practiced 700 hours per year, for the past five years. In Idaho and Montana, an applicant must provided documentation of practicing dentistry for 1,000 hours and five years practical experience. In Utah, the requirement is 6,000 hours and five years practical experience. Nevada is the most unique, in that it requires a complete history of the applicants' past 10 years of practice and continuing education courses.

*Basic Life Support:* Wyoming requires all applicants by examination, credentialing, and renewal to hold a current basic life support certification (CPR). Utah is

the only one of the comparator states which does not require all applicants to hold current CPR certification.

*Renewal of License:* Wyoming requires all current licensees to renew their license on a yearly basis. Colorado's renewal period for licensure is every two years. The other four comparator states all require licensees to be annually renewed.

*Renewal Fee:* Wyoming annual renewal application fee is \$125. The average renewal application fee is \$134.<sup>38</sup> Colorado's \$426 biannual fee (\$213 annually) is the highest renewal fee, while Utah's \$63 annual renewal fee was the lowest.

*Continuing Education Requirements:* As a condition of renewing a dental license, Wyoming's only continuing education requirement is a current CPR certification. The average continuing education requirement is 17.5 hours per year. However, each of the comparator states has a different method for calculating continuing education requirements. Colorado is the only state without any continuing education requirements. Montana requires dentists to complete 60 hours of continuing education every three years; Utah requires 30 hours every two years; and Nevada requires 30 hours every year. Idaho has the most unique continuing education requirements, for it requires 15 hours of oral health specific instruction yearly. However, applicants can earn up to five credit hours by providing 2 hours of volunteer dentistry per 1 credit hour.

*Disciplinary Actions:* Four of the six states, including Wyoming, require that an applicant has no pending or final disciplinary actions in another jurisdiction as a condition of licensure, by either examination or credentialing. Utah and Nevada are the two states that do not have such a requirement.

*Background Check:* Three of the six states, including Wyoming, require that an applicant submit to a background check. Montana, Colorado, and Utah do not require such a check.

*Unique Requirements:* Wyoming is the only state which requires applicants to submit to an oral interview. Applicants by examination and credentialing are both required to have the oral interview. Nothing in Wyoming statutes require the Board of Dentistry to conduct this interview. There is nothing in the Rules and Regulations of the

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<sup>38</sup> Colorado biannual renewal fee is \$426 dollars. In order to calculate the average renewal fee, the fee was divided in half, and a \$213 dollar fee was used to calculate the average annual fee.

Board of Dentistry which outlines this oral interview, other than it is to occur. The rules do not outline the content or procedures for the interview. Colorado and Nevada require proof of any professional license ever held, in any other jurisdiction. Colorado is the only state which requires applicants to provide proof of malpractice insurance.

**Dental Hygienists:** The requirements for dental hygienists are very similar to those of dentists. Dental Hygienists are required to receive a degree from an ADA-accredited school, pass the national boards, the practical/clinical examinations, and the jurisprudence exams. All hygienists, except those in Utah are required to maintain current CPR certification.

*Application Fee:* Wyoming's application fee for licensure by examination is \$130. The average fee is \$121. The highest fee is Montana's -- \$185, while the lowest is Idaho's -- \$50. Wyoming's application fee for licensure by credentialing is \$200. The average fee is \$228. The highest fee is Nevada's -- \$600, while the lowest is Utah's -- \$60.

*Credentialing Requirements:* Wyoming and all the comparator states allow for licensing by credentials. Wyoming and the comparator states each require proof that the applicant has previously met the requirements application by examination (ADA-accredited school graduate, passing of the National boards, and practical/clinical examinations). In addition, all of the states still require the applicant to take the state specific jurisprudence examination, and provide proof of all prior dental licenses held in other jurisdictions. Each of the states has different experience requirements for granting license by credentials. In Wyoming, applicants must provide documentation of having practiced dentistry for 1,000 hours and three years of practical experience. In Colorado, applicants must provide documentation of having taught or had a clinic practiced for 12 months in the past three years. In Idaho, an applicant must provide documentation of practicing dentistry for 1,000 hours and two years practical experience. In Montana, the applicant must have practiced at least 500 hours immediately prior to application. In Utah, the requirement is 2,000 hours and two years practical experience. Nevada requires a complete history of the applicant's past 10 years of practice and continuing education courses.

*Experience Requirements:* Wyoming does not have any experience requirements when apply for licensure by examination beyond the practical/clinical examination. Colorado requires applicants for licensure by examination to prove clinical competence by graduating from an ADA – certified school with the past 12 months, or to have actively been engaged in the practice or teaching of dentistry in one of the last five years.

*Renewal of License:* Wyoming requires all current licensees to renew their license on a yearly basis. Colorado’s renewal period for licensure is every two years. The other four comparator states all require licensees to be annually renewed.

*Renewal Fee:* Wyoming’s annual renewal application fee is \$65. The average renewal application fee is \$78.<sup>39</sup> Nevada’s \$150 annual fee is the highest, while Utah’s \$37 annual renewal fee was the lowest.

*Continuing Education Requirements:* As a condition of renewing a dental hygienists license, Wyoming’s only continuing education requirement is a current CPR certification. The average continuing education requirement is 13.5 hours per year. However, each of the comparator states has different method for calculating continuing education requirements. Colorado is the only state without any continuing education requirements. Montana requires hygienists to complete 36 hours of continuing education every three years; Utah requires 30 hours every two years; and Nevada requires 15 hours every year. Idaho requires 12 hours of oral health specific instruction yearly. However, applicants can earn up to five credit hours by providing two hours of volunteer dentistry per credit hour.

*Disciplinary Actions:* Four of the six states, including Wyoming, require that an applicant has no pending or final disciplinary actions in another jurisdiction as a condition of licensure, by either examination or credentialing. Utah and Nevada are the two states without that requirement.

*Background Check:* Three of the six states, including Wyoming, require that an applicant submit to a background check. Montana, Colorado, and Utah do not require such a check.

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<sup>39</sup> Colorado biannual renewal fee is \$150dollars. In order to calculate the average renewal fee, the fee was divided in half, and a \$75 dollar fee was used to calculate the average annual fee.

**2.2 - Hearing Aid Specialists:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Hearing Aiding Specialists.<sup>40</sup>

*Application Fee:* Wyoming's application fee for licensure by examination is \$400. The average licensure fee is \$350. The highest application fee is Nevada's -- \$550. Colorado's \$125 fee is the lowest.

*Education Requirements:* Wyoming, Montana, and Idaho require applicants for licensure to hold a high school diploma or general education degree (GED). The other three states do not have other educational degree requirements.

*Experience Requirements:* Wyoming does not have experience requirements beyond the passing a practical/clinical examination. Montana requires applicants to successfully participate in a 180-hour training program. Colorado requires applicants to have 300 hours of supervised training by a licensed hearing aid specialist. Utah requires 4,000 hours of supervised training under a licensed hearing aid specialist. Nevada requires a full three-year internship under a licensed hearing aid specialist.

*Examination:* Wyoming, Idaho, Montana, and Nevada require applicants for examination to pass a written and a practical/clinical examination. Colorado and Utah require applicants to pass the national competency examination. Montana and Utah require applicants to pass a jurisprudence exam.

*Certification of Calibration of all Audiometric Equipment:* Wyoming, Colorado, and Utah require applicants for licensure provide a current certification of calibration for audiometric equipment that the applicant intends to use during his or her practice. The other three states have no such requirement.

*Credentialing:* All the states except Nevada issue licenses by credentialing. Each of the five states requires proof of all other hearing aid licensures held in other jurisdictions. Utah requires proof of licensure for the previous two years.

*Credentialing Application Fee:* Wyoming's application fee for licensure by credentialing is \$225. The average licensure fee is \$195. Idaho has the highest fee at \$250, while Colorado is the lowest at \$125.

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<sup>40</sup> National Hearing Aid Centers v. Smith, 376 A2d 456 (Md, 1977)

*Continuing Education:* Wyoming, Colorado, Montana, and Nevada require 10 hours of continuing education per year. Utah requires the most continuing education at 20 hours per year, while Idaho requires the least at 8 hours per year.

*Renewal:* All six states require hearing aid specialists to renew their licenses annually.

*Renewal Fee:* Wyoming and Idaho both charge a \$150 to renew a hearing aid specialist license. The average cost of renewing the license is \$167. Montana charges the most to renew a license at \$275; while Utah charges the least at \$103.

*Age:* Wyoming requires applicants for licensure to be at least 18 years old. Utah and Nevada both require applicants to be 21 years old. The other three states do not have an age requirement.

**2.3 - Physicians and Surgeons:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Physicians and Surgeons.<sup>41</sup>

*Application Fee:* Wyoming's application fee for application by examination is \$350. The average application fee is \$367. Nevada has the highest application fee at \$600; while Utah has the lowest application fee at \$200. Wyoming does not license physicians by credentialing.

*Education:* Wyoming requires applicants for licensure to attend a Liaison Committee on Medical Education (LCME) or American Osteopathic Association (AOA) accredited medical school. All of the comparator states also require attendance at an LCME or AOA accredited medical school.

*Examination:* Wyoming, and each of the other comparator states, requires applicants for licensure by examination to pass one of the following tests:

- A) Federation Licensing Examination (FLEX); or
- B) National Boards of Medical Examiners exam (National Boards); or
- C) The three part USMLE exam; or
- D) Licentiate Medical Council of Canada (LMCC); or
- E) Equivalent state constructed examination; or

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<sup>41</sup> McNaughton v Johnson, 242 U.S. 344, 37 S. Ct. 178 (1917)

F) Composite of Flex and/or National Board and/or USMLE; or and equivalent osteopathic examination.

*Post-graduate training:* Wyoming requires a year participation in an Accreditation Council on Graduate Medical Education (ACGME), AOA or RCPSC accredited post-graduate program. All of the other comparator states, except Montana require a year of participation in an ACGME, AOA, or RCPSC accredited program. Montana requires two years in one of these programs, or one year in a Montana specific family practice post-graduate training program.

*Temporary License:* Wyoming does issue a temporary license to those individuals who have a complete application for licensure pending before the Board of Medicine, and is waiting for a personal interview. The fee for the temporary license is \$100 and is valid until the next regularly scheduled board meeting.

*Interview:* Wyoming requires a personal interview with each applicant for licensure. Wyoming is the only state in which the interview is mandatory with all applicants. In Idaho, Montana, and Nevada, it is at the discretion of the licensing board to hold an interview with an applicant. In Colorado and Utah there is no provision in either board rules and regulations or either state's statutes which allows or disallows a personal interview. The stated purpose of the interview in W.S. 33-26-303(a)(ix) is that it "completes to the satisfaction of a majority of board members, a personal interview consisting of inquiry and oral response to medical knowledge, personal and professional history and intentions for practicing medicine in the state." In order to successfully complete the interview; the applicant shall "successfully complete an interview with the board. The applicant shall demonstrate by oral responses, to the satisfaction of a majority of the board, that he or she is qualified to practice medicine insofar as he or she possesses sufficient medical knowledge and personal and medical experience and character to practice medicine in a safe and competent manner."<sup>42</sup>

Wyoming rules outline two types of interviews. First is a single interview, in which an applicant meets "with one or more board members to be conducted during a regularly scheduled board meeting."<sup>43</sup> This is the most common type of board interview.

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<sup>42</sup> Rules and Regulations, Board of Medicine, Section 5(b)

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The second type of interview is a Board interview. If one of 12 conditions is present, an applicant is required to interview before the full membership of the board. The 12 conditions are:

- (A) Is 65 years old or older;
- (B) Has been licensed for more than 30 years;
- (C) Has been named as a responsible party in a professional liability suit;
- (D) Answers "yes" to questions on the application form regarding physical or mental impairment, prior disciplinary actions, prior restrictions or conditions on medical licensure or restricted or suspended hospital privileges;
- (E) Applicant's credentials do not appear appropriate for declared or indicated area of practice;
- (F) The applicant's education and/or training verification documents indicate a longer than normal time frame in which the applicant completed medical education and/or postgraduate training;
- (G) The applicant's verification documents indicate more than one attempt at passage of any examination necessary to obtain initial licensure or maintain ongoing licensure; or
- (H) The applicant's verification documents indicate failure to pass board specialty recertification examinations; or
- (I) Reference from a single interview; or
- (J) Whose application for temporary license has been deferred by the board; or
- (K) The applicant has not been continuously engaged in the active practice of medicine for a period of twelve (12) months or more or
- (L) The applicant has been convicted of or pled guilty or nolo contendere to a charge of driving while under the influence of an intoxicant within five (5) years of the date of his/her application.

*Continuing Education:* Wyoming requires physician to complete 60 hours of continuing education every three years. The average is continuing education requirement in 20 hours per year. Idaho, Nevada, and Utah each require 40 hours of continuing education every two years. Nevada also requires two of those hours to be cover medical ethics. Both Colorado and Montana do not require physicians to complete any continuing education.

*Renewal:* Wyoming, Idaho, and Montana each require its physician to renew its license annually. Colorado, Nevada, and Utah require its physicians to renew its license every two years.

*Renewal Fee:* Wyoming charges \$200 to renew a physician's license. The average renewal fee is \$200. Nevada has the highest renewal fee at \$600 every two years (\$300 annually), and Utah charges the lowest fee at \$183 every two years (\$91 annually).



## **Physician Assistants**

*Application Fee:* Wyoming physician assistant licensure application fee is \$100, and is the lowest of the comparator states. The average application is \$228. Nevada has the highest application fee, it is \$450.

*Education:* Wyoming, Colorado, Idaho, and Utah all require an applicant to have graduated from a physician assistant program accredited by National Commission on the Certification Physician Assistant (NCCPA) or its predecessor organization. Montana and Nevada require a physician assistant to graduate from a program certified by the American Medical Association's Committee on Allied Health Education and Accreditation.

*Examination:* All six states, including Wyoming, require passage of the National Commission on the certification physician assistant (NCCPA) exam. Utah also requires applicant to pass a jurisprudence examination.

*Supervising Physician:* All six states, including Wyoming, require that a physician assistant is supervised by a licensed physician in the state. In each state, contact with the supervising physician by telecommunications is sufficient to show ready availability.

*Prior Licensure:* Wyoming, Colorado, Idaho, Montana, Nevada, Utah requires proof of all prior physician assistant licenses held in other jurisdictions.

*Temporary License:* Wyoming allows for the temporary licensure of physician assistants, when an applicant has submitted a completed application, and is awaiting an interview with the Board of Medicine. In Montana, a temporary license can only be granted after the applicant has submitted a completed application, is awaiting final approval of his or her application, and has an interview with a member of the Board of Medicine. Utah offers temporary licensure for those PA who have submitted a complete application, are awaiting final approval of his or her application. Nevada offers temporary licenses for those physician assistants who have been licensed in other states, and are scheduled to sit for the next examination offered by the Board of Medicine. Colorado and Idaho do not offer a temporary license.

*Interview:* Wyoming requires all physician assistants to have a personal interview with the Board of Medicine. Idaho, Montana, Nevada all allow their Boards of

Medicines' discretion, in determining if an interview is required. Neither Colorado nor Utah has provisions with their statutes or rules and regulations that allow or prohibit interviews.

*Continuing Education:* Wyoming does not require any continuing education for physician assistants as a condition of renewing his or her license. Montana requires a physician assistant to maintain current certification with the NCCPA. Nevada and Utah requires 40 hours every two years. Idaho requires 100 hours of continuing medical education every two years as a condition of re-licensure.

*Renewal:* Wyoming, Montana requires physician assistants to renew their licenses annually. Colorado, Nevada, and Utah renew licenses every two years. Idaho requires renewal of license at minimum of every five years.

*Renewal Fee:* Wyoming's fee for renewal of a physician assistant license is \$50, which is the lowest among the comparator states. The average fee for renewing a physician's assistant license is \$74. Colorado has the highest fee at is \$225 every two years (\$112 annually).

**2.4 – Nurses:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Nursing.<sup>44</sup> Wyoming requires all nursing applicants to submit to a complete background check. The fee for the check is \$60.

#### **Advanced Practice Registered Nurse (APRN)**

*Education:* Wyoming, Colorado, Idaho, Montana, Nevada, and Utah requires applicant hold a least a master's degree in nursing, which includes course and clinical work in advanced practical/clinical level.

*Application Fee:* Wyoming's application fee is \$120. Colorado's application fee is \$75. Idaho's application fee is \$90. Montana's application fee is \$75. Nevada's application fee is \$200. Utah fee is \$129.

*Licensure:* Wyoming, Colorado, Idaho, Montana, Nevada, and Utah require APRN specialty certification by a state recognized national certifying body. Utah also requires passage of a jurisprudence exam.

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<sup>44</sup> State v. District Court of Thirteenth Judicial Dist. In and for Yellowstone County, 146 P.2d 743 (Mont. 1976)

*Certification:* Wyoming, Colorado, Idaho, Montana, Nevada, and Utah require an APRN to maintain current certification as a registered nurse (RN).

*Collaboration:* Wyoming, Montana, and Nevada require a current plan of practice and collaboration agreement between an APRN and a licensed physician or dentist. Colorado, Idaho and Utah do not.

*Continuing Education:* Wyoming requires an APRN to maintain national certification, or have 60 hours of continuing education related to the recognized specialty, and a minimum of 400 hundred practice hours in advanced nursing practice during the last two years. Colorado requires 20 hours every two years. Idaho requires maintain of a national certification, and 30 hours of continuing education, and a 200 practice hours during the past two years. Montana requires 40 hours every two years. Nevada requires 800 hours of collaborative practice and a total of 45 hours of nursing-related continuing education in the previous 24 months. In Utah, nurses may either maintain their national APRN certification or practice at least 400 hours in the past two years and completed 30 hours continuing education.

*Renewal:* Wyoming, Colorado, Idaho, Montana, Nevada, and Utah renew their ARPN every two years.

*Renewal Fee:* Wyoming renew fee is \$120 per specialty recognition. Idaho renewal fee is \$50. Montana's renewal fee is \$100 per specialty recognition. Nevada's renewal fee is \$200. Utah's fee for renewing an ARPAN license is \$68 per specialty recognition. Colorado does not charge a renewal fee.

### **RN/LPN**

*Licensure by Examination Application Fee:* Wyoming's application fee for an RN is \$130. Montana and Nevada's application fee are \$100. Colorado's fee is \$82. Idaho's fee \$90 Utah fee is \$99. Wyoming's applicant fee for an LNP is \$130. Montana's application fee is a \$100. Colorado's fee is \$82. Idaho's fee is \$75. Nevada's application fee is \$90. Utah's fee is \$99.

*Education Requirements:* Wyoming, Colorado, Idaho, Montana, Nevada and Utah require graduation from a State Board approved nursing education program. Montana also requires a High School Diploma or GED.

*Examination Information:* Wyoming, Colorado, Idaho, Montana, Nevada, and Utah require proof of passing the National Council of State Boards of Nursing (NCLEX) RN or LNP exam. Utah also requires applicant to pass a jurisprudence examination.

*Endorsement:* Wyoming, Colorado, Idaho, Montana, Nevada, and Utah requires proof of nursing licenses held in other jurisdiction, and proof of passing the NCLEX RN or LNP exam. Nevada also accepts the Board Test Pool Examination (SBTPE). Utah also requires applicant to pass a jurisprudence examination.

*Endorsement Application Fee:* Wyoming's endorsement fee for an RN is \$130. Montana's is \$200. Colorado's fee is \$37. Idaho's fee is \$85. Nevada's fee is \$105. Utah's fee is \$99. Wyoming's endorsement fee for an LPN is \$120. Montana's is \$200. Colorado's fee is \$37. Idaho's fee is \$85. Nevada's fee is \$95. Utah's fee is \$99.

*Renewal Period:* Each state's renewal period is every 2 years.

*Renewal Fee:* Wyoming's renewal fee for a RN is \$110. Montana's renewal fee is \$200; Colorado's is \$102. Idaho and Nevada's renewal fee is \$100. Utah's renewal fee is \$58. Wyoming's renewal fee for an LPN is \$90. Montana's renewal fee is \$200. Colorado's is \$65. Idaho and Nevada's renewal fee is \$100. Utah's renewal fee is \$58.

*Continuing Education Requirements:* Wyoming does not have any continuing education requirements for RN and LPN, as long as the applicant has worked a minimum of 1600 hours in the last five years and 500 hours in the last two. Nevada requires RNs and LPNs to complete 24 hours of continuing education over 2 years. Utah requires nurses to have practiced at least 400 hours or practiced at least 200 hours and completed 15 hours of approved continuing education or completed 30 hours of continuing education. Colorado, Idaho, Montana does not have any continuing education requirements.

*Temporary Permits:* Wyoming, Idaho, and Nevada offer a temporary permit to applicants by endorsement awaiting full licensure. Montana offers a 90 day temporary permit to those applicants that have completed their application and are await results of the NCLEX exam. Utah only offer a temporary permit to those applicant who have recently graduated from a Utah school of nursing, and are registered to take the next NCLEX exam. Colorado does not issue temporary permits.

*Temporary Permit Fee:* Wyoming's temporary permit fee for an RN is \$135. Idaho and Montana's temporary permit fee is \$25. Nevada's temporary permit fee is \$50. Wyoming's temporary permit fee for an LPN is \$120. Idaho and Montana's temporary permit fee is \$25. Nevada temporary permit fee is \$50. Utah does not charge a temporary permit fee.

*Wyoming Nursing Data:* As of October 27, 2004, there are 302 Advance Practice Nurses, 5,793 registered professional nurses, 1,295 licensed practical nurses, and 5,870 certified nurses' assistants in Wyoming. This represents an increase of 1,903 licensees in the past year. This includes an increase of 56 Advanced Practice Nurses, 591 Registered Professional Nurses, 178 Licensed Practical Nurses, and 1,089 Certified Nursing Assistants. The board's disciplinary case load has also increased 25.6% during the past year. Last year the Board of Nursing received a total of 2490 applications for licensure, of which three applications (0.1%) were denied for licensure (of which two were sexual abuse convictions). Below is a breakdown of the applications received:

- Total Applications - 2490
- Total Licensed- 2,109 (85%)
- Total Examination Failures - 201 (8%)
- No Shows to Examination - 137 (5%)
- Denials - 3 - (0.1%)

On December 9, 2004 there were 269 applications pending in the office. The break down of where these applications are located is:

1. Compliance Officer - 10 applications (Applications pending review for discipline, i.e. positive criminal backgrounds; at various stages of process.)
2. Endorsement Licensing Officer - 76 applications (42 RN, 13 LPN and 21 CNA -all missing information; most are new applications just received).
3. Examination Licensing Officer - 183 applications (25 RN, 13 LPN and 155 CNA - of these, 84 are awaiting test results, 19 are Failures awaiting retest, 2 are in compliance; 6 have not tested, 1 is a foreign applicant awaiting CGFNS; 4 applications are missing information; and 47 were No Shows at the exam).

## **2.5 - Nursing Home Administrators**

*Application Fee:* Wyoming charges applicant for NHA a fee of \$ 270, which is the highest among the comparator states. The average fee for a NHA is \$145. Montana's fee of a \$100 is the lowest license fee.

*Education:* All of the six states require some combination of post secondary education and practical experience, as a requirement for licensure as a nursing home administrator. In Wyoming, Idaho, and Utah a bachelor's degree is required. In Idaho, the degree requirement can be waived with two years of comparable experience. In Utah, the degree requirement can be waived with 8000 hours of related experience. In Colorado, two years college level study in areas relating to health care, or two years of experience in nursing home administration or in a comparable health care management experience is required. Montana's educational requirements are the most flexible, as a point value are assigned to various levels of education, experience, continuing education, and ATI program attendance. The applicant can use any combination of factors to reach the required point value.

*Administrator in Training Program (AIT):* Wyoming and Idaho require every applicant to complete a six month AIT program, under a licensed nursing home administrator. Wyoming's AIT requirement can be waived if the applicant has been employed as a nursing home administrator or similar facility administrator for two of the last five years. Colorado requires applicants to complete a 2,000 hour ATI program, and up to 1000 hours can be waived if the applicant has two years or more experience as a NHA. Montana requires a 1,200 hour ATI program, which can be waived with comparable education and experience. Utah requires applicant to have completed 1,000 hours in an ATI program.

*Examination:* Wyoming, Colorado, Idaho, Montana, and Utah require all applicants for a NHA to pass the National Association of Board of Examiners of Nursing Home Administrators written examination. Colorado, Idaho, Montana, and Utah require applicants to pass an additional state exam.

*Endorsement:* Wyoming, Colorado, Idaho, and Montana considered each applicant for endorsement individually. The applicant holds a current license in good standing in another jurisdiction, with similar licensure requirements. Wyoming also requires the applicant to have been employed as a NHA for two of the last five years.

Colorado, Idaho, Montana still requires applicants to pass the state exam. Utah does not offer licensure by endorsement.

*Endorsement Fee:* Wyoming and Idaho's endorsement fee is \$250. Montana's endorsement fee is \$200.

*Temporary License:* Wyoming and Utah grants temporary licenses to fill a position of NHA that unexpectedly becomes vacant. Individuals must hold bachelors and be of good character to be considered for the six month license. Colorado also issues a 90 day temporary license in cases of emergency. Idaho can issue a single temporary permit, which is valid for one year. Montana offers a temporary license to an applicant that is waiting to take the national exam.

*Temporary License Fee:* The fee charged for a temporary license in Wyoming is \$400. Idaho, Montana charge a temporary license fee is a \$100. Utah's temporary license fee is \$120.

*Continuing Education:* Wyoming, Montana requires NHA to have 25 hours of continuing education per year. Idaho requires NHA to complete 20 hours of continuing education per year. Utah requires 40 hours of continuing education every two years. Colorado does not require any continuing education as a condition of re-licensure.

*License Renewal:* Wyoming, Idaho, Montana requires the NHA license be renewed yearly. Utah renews NHA license every two years.

*License Renewal Fee:* Wyoming's license renewal fee for NHA is \$300. Idaho's renewal fee is \$175. Montana's fee is \$125. Utah's renewal fee is \$40.

**2.6 - Occupational Therapists:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Physical and Occupational Therapy.<sup>45</sup> Colorado does not license occupational therapists.

*Application Fee:* Wyoming application fee for occupational therapy is \$225. The average from the comparator states is \$193. Nevada's fee is the highest, at \$400. Utah has the lowest fee at \$70.

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<sup>45</sup> State v. Bain, 295 P.2d 241 (Mont. 1956)

*Education Requirements:* All five states, including Wyoming, require a degree from program accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education.

*Examination:* All six states, including Wyoming, require the applicant to pass the National Board for Certification in Occupational Therapy exam. Utah also requires applicants to pass a state jurisprudence exam.

*Experience:* Both Idaho and Montana require applicants to have completed 6 months of supervised fieldwork experience. Wyoming has no such requirement.

*Continuing Education:* Wyoming requires OT to complete 16 hours of continuing education per year. Montana and Nevada both require 10 hours. Idaho and Utah have no requirements.

*Endorsement:* Wyoming and Idaho are the two states that license occupational therapists by endorsement. Both require proof of other OT licenses held, and proof of passing the NBCOT exam.

*Endorsement Fee:* Wyoming charges \$225 application by endorsement fee, while Idaho charges \$110.

*Renewal:* Every state, except Utah, renews occupational therapists license annually. Utah requires renewal of occupational therapists licenses every two years.

*Renewal Fee:* Wyoming charges \$110 to renew an occupational therapy license. The average renewal fee is \$93. Nevada charges the highest fee at \$175; while Utah charges the least amount at \$35.

**2.7 – Optometrists:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Optometry.<sup>46</sup>

*Application Fee:* Wyoming charges an application fee of \$200. The average application fee is \$163. The highest fee is charged by Nevada at \$250. The lowest fee is charged by Idaho at \$100.

*Education:* All six states require that applicants for licensure have graduated from an optometry school accredited by the International Association of Boards of Examiners in Optometry (IABEO).

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<sup>46</sup> *Rochen v. Ward*, 279 U.S. 337, 49 S. Ct. 336 (1929)



*Exam:* All six states, including Wyoming, require applicants for licensure to have passed all parts of the National Board from the IABEO. Wyoming also requires passage of a practical and jurisprudence state exam. Colorado, Nevada, and Utah require passage of a state jurisprudence exam.

*Endorsement:* Wyoming, Colorado, Idaho Montana, and Utah do issue licenses by endorsement. Each state requires verification of all optometry licenses held. Wyoming and Montana also require proof of passage all three parts of the national Boards. Utah requires applicants to have practiced a minimum of 3200 hours during the two years proceeding application. Colorado requires two years experience practicing optometry and Idaho requires five years.

*Endorsement Fee:* Wyoming charges \$200 fee for licensure by endorsement. The average fee is \$185 dollars. Montana has the highest fee at \$300, while Idaho has the lowest fee at \$100.

*Renewal:* Wyoming, Idaho, Montana, and Nevada require optometry licenses to be renewed annually. Colorado and Utah require optometry licenses to be renewed every two years

*Renewal Fee:* Wyoming charges a \$150 dollars to renew its annual license. The average renewal fee is \$136 per year. The highest renewal fee is charged by Nevada at \$250 per year. The lowest fee is charged by Utah at \$46.50 per year.<sup>47</sup>

*Continuing Education:* As a condition of re-licensure, Wyoming requires optometrists to complete 30 hours of continuing education over 2 years. Ten hours must be in the area of Ocular Systemic Therapeutics. Wyoming also mandates that a maximum of 4 hours continuing education can be in practice management, and maximum of 4 hours of continuing education can be earned over the Internet. Montana requires 36 hours every two years; while the other four states all require 24 hours every two years.

## **2.8 - Pharmacists**

*Application fee:* Wyoming's application fee to become a licensed pharmacist is \$125. The average application among the comparators fee is \$187. The highest application fee is charged by Montana at \$250; while Colorado charges the least amount at \$120.

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<sup>47</sup> Utah charges \$93 every two years. The fee was divided into half to determine the fee per year.

*Education:* Wyoming requires applicants for licensure to hold a Bachelors of Science in Pharmacy or a Pharm.D. Degree from an ACPE accredited institution. The other five state all require a B.S. in pharmacy from an ACPE accredited institution.

*Exams:* All six states, including Wyoming, require applicants to pass the North American Pharmacy Licensure Exam (NAPLEX), and the Multi-state Pharmacy Jurisprudence Exam (MPJE). The MPJE is jurisdiction specific, covering both state and federal law.

*Internship:* Wyoming requires applicants for licensure to complete 2,000 hours in a supervised internship. The other five states only require a 1,500 hour internship.

*Endorsement:* Wyoming does offer licensure by endorsement for pharmacy licenses. Wyoming requires proof of all other pharmacy license held, which much be held in good standing; proof of 400 hours practice of pharmacy the year proceeding application, and applicants must retake the MPJE. The other five states use the National Association of Pharmacy Board transfer application and procedure to determine whether to grant licensure by endorsement.

*Endorsement Fee:* Wyoming charges a \$200 application fee for licensure by endorsement. The average fee of licensure by endorsement among the comparator states is \$234. Nevada charges the highest fee at \$300; while Colorado charges the lowest fee at \$170.

*Renewal:* Wyoming, Idaho, and Montana, each requires pharmacy licenses to be renewed annually. Colorado, Nevada, and Utah renew licenses biannually.

*Renewal Fee:* Wyoming charges \$125 to renew a pharmacy license, this is the highest fee charged among the comparator states. The average fee among the comparators is \$80. Utah is the lowest, charging \$50 per year to renew a pharmacy license.<sup>48</sup>

*Continuing Education:* As a condition of re-licensure, Wyoming, Utah, and Colorado each require licensees to complete 12 hours of continuing education each year. Idaho, Montana, and Nevada, each require 15 hours of continuing education each year.

*Data:* In 2004, Wyoming received 57 applications for licensure by exam or reciprocity, as of October 26, 2004, 50 had been licensed.

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<sup>48</sup> Utah charges \$100 every two years. The fee was divided into half to determine the fee per year.

**2.9 – Physical Therapy:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Physical and Occupational Therapy.<sup>49</sup>

*Application Fee:* Wyoming charges an application fee for licensure as a physical therapist of \$125. The average fee for among the comparator states is \$129. Nevada charges the highest licensure fee at \$350. Montana and Colorado charge the lowest licensure fee at \$25.

*Education:* All six comparator states, including Wyoming, require applicant for physical therapy licensure to complete a program certified by the American Physical Therapy Association (APTA).

*Exam:* All six comparator states, including Wyoming, require applicant to pass the National Physical Therapy examination (NPT).

*Endorsement:* Wyoming, Montana, and Colorado issue license on the basis of endorsement. These three states require proof of all physical therapy licenses, which must be held in good standing, and proof of passing the NTP exam.

*Endorsement Fee:* Wyoming charges the highest fee for licensure by endorsement at \$125. Montana charges a \$50 application fee, and Colorado charges a \$35 application fee for endorsement.

*Renewal:* Wyoming, Montana, and Nevada require physical therapists to renew their licenses every year. Colorado, Idaho, and Utah require renewal every two years.

*Renewal Fee:* Wyoming charges a \$125 per year to renew a physical therapy license. The average fee for renewal among the comparators is \$88 per year. Nevada charges the highest renewal fee at \$150 per year, while Montana charges the lowest renewal fee at \$25 per year.

*Continuing education:* Wyoming, Colorado, Idaho, and Utah do not require any continuing education for physical therapists as a condition of renewing their license. Montana requires 20 hours of continuing education every two years, while Nevada requires 15 hours every two years.

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<sup>49</sup> State v. Bain, 295 P.2d 241 (Mont. 1956)

**2.10 – Podiatrists:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Podiatry.<sup>50</sup>

*Application Fee:* Wyoming and Idaho both charge a \$500 application fee for licensure as a podiatrist. The average fee amongst the comparator states is \$437. The highest fee is charged by Nevada, at \$800. Utah charges the lowest fee for application at \$200.

*Education:* Each of the six states, including Wyoming, require applicants to have graduated from a 4 year AMPA accredited school, with a minimum of 3360 hours of study.

*Experience;* Each of the six states, including Wyoming, requires all applicants for licensure to have completed a one year residency in podiatry.

*Examination:* Each of the six states, including Wyoming, requires applicants to pass the National Boards Part I & II from the National Board of Podiatric Medical Examiners, and the PMLexis from the Federation of Podiatric Medical Boards. Wyoming and Utah also require passing a state exam.

*Renewal:* Utah is the only state of the comparator states which does not require podiatry licenses to be renewed annually. Utah renews its licenses biannually.

*Renewal Fee:* Wyoming and Nevada charge a renewal fee of \$400, which is the highest fee charged among the comparators. The average fee charged for renewal of a podiatrist's license is \$283. Utah charges the lowest fee for renewal, at \$103.

*Endorsement:* Wyoming, Colorado, Idaho, and Utah allow applicant to be licensed by endorsement. Each state requires proof of all other podiatry licenses, which must be held in good standing. Wyoming also requires that the other license be held for a minimum of one year. Idaho requires proof that the license has been held 3 of the last five years, and that the applicant has earned 15 continuing education hours in the year preceding application. Utah requires proof that the other license has been held for the past two years.

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<sup>50</sup> People v. Amber, 76 Misc. 2d 267 (N.Y. 1973)

*Endorsement Fee:* Wyoming and Idaho charge the highest fee for licensure by endorsement at \$500. Colorado charges \$300, and Utah charges \$200 for licensure by endorsement.

*Continuing Education:* Wyoming, Montana, and Colorado do not require any continuing education as a condition of license renewal. Idaho requires 12 hours of continuing education per year. Nevada requires 50 hours every two years, while Utah requires 40 hours of continuing education every two years.

**2.11 – Psychologists:** In the performance of its duty to protect the public health, Wyoming has the right to regulate the practice of Psychology.<sup>51</sup>

*Application Fee:* Wyoming charges \$250 application fee for licensure as a psychologist, which is the highest fee charged among the comparator states. The average fee among the comparator states is \$190. Nevada charges the lowest application fee at \$125.

*Education:* All six states, including Wyoming, require applicants to hold a Doctoral degree in Psychology, and provided a detailed description of all course work.

*Experience:* Wyoming, Colorado, and Nevada all require applicants to complete 1,500 hours of supervised experience, which should be completed with 12 to 24 months. Idaho and Montana require 3,000 hours of supervised experience, and Utah requires the most at 4,000 hours.

*Exam:* All six states, including Wyoming require applicants to pass the EPPP exam. Colorado, Utah, and Nevada also require applicants to pass a state jurisprudence exam.

*Endorsement:* All six states, including Wyoming, offer licensure by endorsement. Each state requires verification of all licenses in other jurisdictions, which must be held in good standing. Utah, Idaho, and Nevada also require a minimum of five years practice.

*Endorsement Fee:* Wyoming charges \$250 for an endorsement fee. The average fee is \$210. The highest fee charged is Idaho at \$300. Nevada has the lowest fee at \$125.

*Continuing Education:* Wyoming and Nevada requires physiologists to have 30 hours of continuing education over a two year period. Idaho requires 20 hours of

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<sup>51</sup> Pitts v. State Bd. Of Examiners of Psychologists, 160 A.2d 200 (Md. 1960)

continuing education every two years. Utah requires 48 hours of continuing education every two years.

*Renewal:* Wyoming, Idaho, and Montana all require psychology licenses to be renewed every year. Colorado, Nevada, and Utah require renewal every two years.

*Renewal Fee:* Wyoming charges \$300 to renew a physiology license. The average among the comparator states is \$260. The highest fee is charged by Nevada at \$500 a year, and the lowest is Montana at \$128.

**2.12 – Radiological Technicians:** Radiological Technicians are licensed by Wyoming, Montana, and Utah; but not Colorado, Idaho, and Nevada.

*Application Fee:* Wyoming charges the highest application fee amongst the comparators at \$110. The average fee is \$90 among the three states. Utah charges the lowest application fee at \$70.

*Education:* Each state, including Wyoming, requires that applicants for radiological technician licensure have a high school diploma (or equivalent), as well as graduation from a 2 year American Registry of Radiological Technologists (ARRT) certified program.

*Examination:* Each state requires applicants for licensure to pass the national board's exam administered by the ARRT.

*Temporary Permit:* Wyoming and Montana both offer temporary permits to applicants for licensure who are scheduled to take the next ARRT exam. Utah does not offer a temporary permit.

*Temporary Permit Fee:* Wyoming charges \$25 dollars for a temporary permit. Montana charges \$70 dollars for a temporary permit.

*Renewal:* Wyoming and Utah both require radiological technologists to renew their license every two years; while Montana requires the yearly renewal.

*Renewal Fee:* Wyoming charges \$60 dollars every two years to renew a license. Utah charges \$35 dollars every two years; while Montana charges \$50 dollars every year to renew.

*Continuing Education:* Wyoming does not require licensees to complete any continuing education hours as a condition of re-licensure. Montana requires licensees to

maintain a current ARRT certification, and Utah requires 16 hours of continuing education every two years.

### **2.13 - Respiratory Care**

*Application Fee:* Wyoming, Montana, and Nevada each charge a \$100 application fee for licensure as a respiratory therapist, which is the highest fee charged amongst the comparators. The average fee charged among the states is \$85. Colorado and Utah have the lowest fee at \$60.

*Education:* All six states, including Wyoming, require applicants to hold a minimum of a high school diploma (or equivalent). Each of the states also require applicants to have completed an American Medical Association Joint Committee on Respiratory Care education accredited program

*Grand fathering:* Wyoming also licenses for those who have been actively engaged in Respiratory Care for the last 24 months. However, this type of licensure will end as July 1 2005. No other states have this type of licensure.

*Exam:* Each of the six states, including Wyoming, requires applicants to pass either the Certified Respiratory Therapists (CRT) exam or Registered Respiratory Therapist exam administered by the National Board of Respiratory Care.

*Endorsement:* Wyoming, Colorado, and Utah each issue licenses by endorsement. Wyoming requires proof of license in another jurisdiction, the license is held in good standing, requirements to obtain license are similar to Wyoming, and current RRT or CRT certified. Utah and Colorado have identical requirements to Wyoming. Idaho, Montana, and Nevada do not offer licensure by endorsement.

*Endorsement Fee:* Wyoming charges a \$100 fee for licensure by endorsement. Colorado and Utah each charge \$60.

*Renewal:* Wyoming, Colorado, and Idaho each require licensees to renew their licenses annually. Montana, Nevada, and Utah each require licensees to renew their licenses biannually.

*Renewal Fee:* Wyoming and Nevada charge the highest renewal fee at a \$100 per year (Nevada is \$200 every two years). The average renewal fee is \$71 dollars per year. Utah charges the lowest renewal fee of \$26 dollars a year (\$52 every two years).

*Continuing Education:* Wyoming does not require licensees to complete any continuing education hours as a condition of re-licensure. Montana requires 24 hours of continuing education every two years. Montana is the only state of the comparators which requires continuing education hours.

*Temporary Permit:* Wyoming and Montana are the only two states which offer temporary permits in respiratory care. Both states offer temporary permits to individuals who have complete the required education, and are awaiting the exam. Wyoming also offers a temporary permit to applicants by endorsement.

*Temporary Permit Fee:* Wyoming charges a temporary permit fee of \$40. Montana charges a temporary permit fee of \$50.

**2.14 – Mental Health Professionals:** Wyoming issues four types of mental health professional licenses: Professional Councilors, Marriage and Family Therapists, Social Workers, and Addiction/Chemical Dependant Councilors. Not all of the comparator states issues licenses in these specific classifications. Wyoming also allows individuals who are licensed as mental health professional to be certified in additional mental health fields (i.e. as a professional councilor and an addiction/chemical dependant councilor) after meeting the requirements for license, and an addition \$150 per discipline.

*Professional Counselors*

*Application Fee:* Wyoming charges the highest application fee for licensure as a professional councilor at \$200. The average fee among the comparator states is 116 dollars. Idaho and Nevada charge the lowest fee is \$75 dollars.

*Education:* Applicants for licensure as a professional councilor in Wyoming, Colorado, Idaho, Montana, Nevada, and Utah must hold a masters degree or higher from a program certified by the Council for Accreditation of Counseling and (CACREP) or the Council on Rehabilitation Education (CORE). Applicants who hold masters degrees or higher from programs not accredited by CACREP or CORE may also apply for licensure by providing documentation that the program graduated from is regionally accredited, and contains ten necessary curriculum elements: practicum, internships, or field experience; human growth and development; social and cultural foundations; helping relationships; groups; lifestyles and career development; appraisal; research and



evaluation; professional orientation; and environmental and specialty standards for community counseling.

*Exam:* Applicants for licensure as professional counselors in Wyoming, Colorado, Idaho, Montana, Nevada and Utah must pass the National Board for Certified Counselors (NBCC) National Counselor Examination (NCE). Colorado also requires applicants to pass a jurisprudence exam.

*Experience:* Wyoming and Montana require applicants for licensure as a professional counselor to complete a minimum of 3,000 hours of supervised clinical training/work experience in a program which guidelines conform to the American Counseling Association (ACA). Of the 3,000 hours, a minimum of 1,500 hours must be post master's supervised clinical experience. A minimum of 100 hours of direct, verifiable, individual face-to-face clinical supervision with a qualified clinical supervisor is required. In Colorado, the requirement is for 2,000 hours clinical training/work experience over a minimum of 24 months. Of the 2,000 hours, a minimum of 70 hours must be under individual supervision. Idaho requires 1,000 hours of post graduate supervised clinical training/work; with a 1 hour of direct supervised work for every 20 hours. Idaho also requires 3,000 hours of supervised clinical training/work, plus 300 hours of direct supervision. Nevada requires 1,500 hours of post-graduate supervised clinical training/work, of which 300 hours must be directly supervised. Utah requires 4,000 hours of supervised clinical training/work, with 100 hours of direct supervision.

*Endorsement:* Wyoming does offer licensure by endorsement for professional counselor, upon proof of holding a similar license in good standing in another jurisdiction; as well as, providing documentation that the license was obtain under similar requirements as licenses issued by examination. Colorado, Idaho, Montana has identical requirements. Nevada and Utah do not offer licensure by endorsement.

*Endorsement Fee:* In Wyoming, the fee for licensure by endorsement is \$200. The average fee amongst the comparators is \$146 dollars. Colorado charges the highest endorsement fee at \$210. Idaho charges the lowest fee at fee is \$75.

*Provisional Permits:* Wyoming, Idaho, Nevada doe offer a provisional permit to those individuals who have completed the educational requirements for licensure, and

now must complete the experience and examination requirements for licensure. Colorado, Montana, and Utah do not offer a provisional permit.

*Provisional Permit Fee:* In Wyoming, the provisional permit fee is a \$100. Idaho charges \$25 for its provisional permit, and Nevada charges \$75.

*Renewal:* In Wyoming, Colorado, and Utah licenses must be renewed every two years. Idaho, Montana and Nevada require licenses to be renewed annually.

*Renewal Fee:* Wyoming charges \$100 every two years to renew a license, and \$50 for each additional certification held. Colorado is \$165 every two years. Idaho is \$60 every year. Montana is \$100 every year. Nevada renewal fee is \$150. Utah charges 93.

*Continuing Education:* As a condition of re-licensure, Wyoming requires a minimum of 45 hours of continuing education every two years. Idaho, Montana, Nevada, and Utah require applicants to complete 40 hours of continuing education every two years. Colorado does not require any continuing education as a condition of re-licensure.

***Family and Marriage Counseling:*** Montana does not offer a specialized license for family and marriage counseling.

*Application Fee:* Wyoming charges the highest application fee for licensure as a family and marriage councilor is \$200. The average application fee is \$120 among the comparator states. Idaho and Nevada charge the lowest application fee of \$75.

*Education:* Applicants for licensure as a professional councilor in Wyoming, Colorado, Idaho, Nevada, and Utah must hold a masters degree or higher from a program certified by the Commission on Accreditation For Marriage and Family Therapy Education (CAMFTE), or the Council for Accreditation of Counseling Related Educational Programs- Marriage and Family Counseling (CACREP-MFC). Applicants who hold masters degrees or higher from programs not accredited by CAMFTE or CACREP-MFC may also apply for licensure by providing documentation that the program graduated from is regionally accredited, and contains six necessary curriculum elements: human development; marital and family studies; marital and family therapy; research; professional studies; and clinical practicum.

*Exam:* Applicants for licensure as family and marriage councilors in Wyoming, Colorado, Idaho, Nevada, and Utah must pass the Association of Marital and Family Therapists Regulatory Boards (AMFTRB) examination.

*Experience:* Wyoming requires applicants for licensure as a professional counselor to complete a minimum of 3,000 hours of supervised clinical training/work experience in a program which guidelines conform to the American Association of Marriage and Family Therapists (AAMFT). Of the 3,000 hours, a minimum of 1,500 hours must be post master's supervised clinical experience. A minimum of 100 hours of direct, verifiable, individual face-to-face clinical supervision with a qualified clinical supervisor is required. In Colorado, the requirement is for 2,000 hours clinical training/work experience over a minimum of 24 months. Of the 2,000 hours, a minimum of 70 hours must be under individual supervision. Idaho requires a two year, 2,000 hour supervised clinical training/work experience. Nevada also requires 3,000 hours of supervised clinical training/work, plus 300 hours of direct supervision. Utah requires 4,000 hours of supervised clinical work/training, which 100 must be directly supervised.

*Endorsement:* Wyoming, Colorado, Idaho, do offer licensure by endorsement for marriage and family counselor, upon proof of holding a similar license in good standing in another jurisdiction; as well as, providing documentation that the license was obtain under similar requirements as licenses issued by examination. Nevada and Utah do not offer licensure by endorsement.

*Endorsement Fee:* In Wyoming, the fee for licensure by endorsement is \$200. Colorado is \$210. Idaho charges \$75.

*Provisional Permits:* Wyoming, Idaho, and Nevada do offer a provisional permit to those individuals who have completed the educational requirements for licensure, and now must complete the experience and examination requirements for licensure. Colorado and Utah do not offer a provisional permit.

*Provisional Permit Fee:* In Wyoming, the provisional permit fee is a \$100. Idaho's provisional permit fee is \$25. Nevada's permit is \$75

*Renewal:* In Wyoming, Colorado, and Utah licenses must be renewed every two years. Idaho and Nevada requires annual license renewal.

*Renewal Fee:* Wyoming charges \$100 every two years to renew a license, and \$50 for each additional certification held. Colorado is \$165. Idaho charges \$60 annual renewal fee. Nevada charges \$150. Utah charges \$93.

*Continuing Education:* As a condition of re-licensure, Wyoming requires a minimum of 45 hours of continuing education every two years. Colorado does not require any continuing education as a condition of re-licensure. Idaho, Nevada and Utah require 40 hours of continuing education every two years.

***Social Work***

*Application Fee:* Wyoming charges the highest application fee for licensure as a clinical social worker at \$200. The average fee charged is among the comparator states is \$126 dollars. Idaho charges the lowest fee at \$50

*Education:* In Wyoming, Colorado, Idaho, Montana, Nevada, and Utah all applicants for licensure in clinical social work must hold a masters degree from a program accredited by the Council on Social Work Education (CSWE).

*Exam:* Applicants for licensure as clinical social workers in Wyoming, Colorado, Idaho, Montana, Nevada, and Utah must pass the American Association of State Social Work Boards (AASSWB) Examination at the Advanced or Clinical Level. Colorado and Utah also requires applicant to pass a jurisprudence examination.

*Experience:* Wyoming, Montana, and Nevada require applicants for licensure as a professional councilor to complete a minimum of 3,000 hours of supervised clinical training/work experience in a program which guidelines conform to the National Association of Social Workers (NASW). Of the 3,000 hours, a minimum 1,500 hours must be post master's supervised clinical experience. A minimum of 100 hours of direct, verifiable, individual face-to-face clinical supervision with a qualified clinical supervisor is required. In Colorado, applicants are required to complete 3,360 hour, full-time supervised clinical training/work program over 24 months. Idaho requires a 3,000 hours of supervised clinical training/work over a two year period. Utah requires applicants to complete 4,000 hours of supervised clinical training/work, with 100 hours of direct supervision.

*Endorsement:* Wyoming, Colorado, Idaho, Montana do offer licensure by endorsement for clinical social workers, upon proof of holding a similar license in good standing in another jurisdiction; as well as, providing documentation that the license was obtain under similar requirements as licenses issued by examination. Nevada and Utah does not offer license by endorsement

*Endorsement Fee:* In Wyoming, the fee for licensure by endorsement is \$200. Colorado is \$210. Idaho's endorsement fee is \$60. Montana is \$100.

*Provisional Permits:* Wyoming does offer a provisional permit to those individuals who have completed the educational requirements for licensure, and now must complete the experience and examination requirements for licensure. Colorado, Idaho, Montana, Nevada and Utah do not have provisional permits for clinical social workers.

*Provisional Permit Fee:* In Wyoming, the provisional permit fee is a \$100.

*Renewal:* In Wyoming, Colorado, and Utah licenses must be renewed every two years. Idaho, Montana, and Nevada require licenses to be renewed annually.

*Renewal Fee:* Wyoming charges \$100 every two years to renew a license, and \$50 for each additional certification held. Colorado's is \$165. Idaho charges a \$60 renewal fee. Montana's renewal fee is \$100. Nevada charges a \$150. Utah charges \$93.

*Continuing Education:* As a condition of re-licensure, Wyoming requires a minimum of 45 hours of continuing education every two years. Idaho, Montana, Nevada, and Utah require 40 hours of continuing education every two year as a condition of re-licensure. Colorado does not require any continuing education as a condition of re-licensure.

*Addiction Therapy:* Idaho and Nevada do not issue specialty licenses for addiction therapy.

*Application Fee:* In Wyoming, Montana the application fee for licensure as an addiction therapist is \$200. Colorado is \$150. Utah's fee is 85.

*Education:* Applicants for licensure as an addition therapist in Wyoming and Utah must hold a graduate degree from a regionally accredited program, which the curriculum which contains at least twelve semester credit hours of: counseling theories; counseling skills; practicum in addictions/chemical dependency counseling; and counseling ethics. Applicants in Wyoming must also demonstrate complete of at least 10 semester hours (in any combination) of either graduate or undergraduate work in: alcoholism; drugs and behavior; addictions/chemical dependency and special populations; addictions/chemical dependency education & prevention; addictive behaviors; addictions/chemical dependency assessment; and organization and administration of addictions/chemical

dependency services. In Colorado, applicants must have completed 21 hours of clinical supervision, 21 semester hours of advanced counseling skills, and have 63 clock hours of elective courses relating to addition/chemical dependency. In Montana an applicant must hold either a baccalaureate degree in alcohol and drug studies, psychology, sociology, social work, counseling, or a related field from an accredited college or university; or an associate of arts degree in alcohol and drug studies, chemical dependency, or substance abuse from an accredited institution; or have successfully completed a one year-formalized training program in chemical dependency counseling in a state-approved program; and all education requirements must include 270 contact hours of specific chemical dependency and counseling courses.

*Exam:* Applicants for licensure in Wyoming, Colorado, Montana, and Utah as an addition therapist requires a passing score on either the National Association of Alcoholism and Drug Abuse Counselors (NAADAC), NCAC Level II exam; or the National Board for Certified Counselors (NBCC) Master Addiction Counselor (MAC) exam. The Board for Licensed Addition Councilors administers its own written and oral examination.

*Experience:* Wyoming requires applicants for licensure as a professional counselor to complete a minimum of 3,000 hours of supervised clinical training/work experience in a program which guidelines conform to the National Association of Alcoholism and Drug Abuse Counselors (NAADAC). Of the 3,000 hours, a minimum of 1,500 hours must be post master's supervised clinical experience. A minimum of 100 hours of direct, verifiable, individual face-to-face clinical supervision with a qualified clinical supervisor is required. In Colorado, the requirement is for 2,000 hours clinical training/work experience over a minimum of 24 months. Of the 2,000 hours, a minimum of 70 hours must be under individual supervision. In Montana, prior to beginning the examination process, 1,000 hours of supervised chemical dependency counseling experience in a chemical dependency treatment program is required. Utah requires 4,000 hours of supervised chemical dependency counseling experience, with 400 hours being directly supervised.

*Endorsement:* Wyoming, Colorado, and Montana do offer licensure by endorsement for addiction therapists upon proof of holding a similar license in good

standing in another jurisdiction, as well as providing documentation the license was obtained under similar requirements as licenses issued by examination. Utah does not offer licensure by endorsement.

*Endorsement Fee:* In Wyoming, the fee for licensure by endorsement is \$200. Colorado is \$150. Montana the fee is \$185.

*Provisional Permits:* Wyoming does offer a provisional permit to those individuals who have completed the educational requirements for licensure, and now must complete the experience and examination requirements for licensure. Colorado, Montana, and Utah do not offer a provisional permit

*Provisional Permit Fee:* In Wyoming, the provisional permit fee is a \$100.

*Renewal:* In Wyoming, Colorado, Montana, and Utah licenses must be renewed every two years.

*Renewal Fee:* Wyoming charges \$100 every two years to renew a license, and \$50 for each additional certification held. Colorado is \$165. Montana is \$135. Utah's renewal fee is \$65.

*Continuing Education:* As a condition of re-licensure, Wyoming requires a minimum of 45 hours of continuing education every two years. Montana and Utah require 40 hours of continuing education every two years. Colorado does not require any continuing education as a condition of re-licensure.

**2.15 – Speech/Pathologists and Audiologists:** Idaho does not license speech/pathologists and Audiologists.

*Application Fee:* Wyoming charges a \$150 application fee for licensure, which is the highest fee amongst the comparator states. The average fee charged for licensure charged is \$109. Utah charges the lowest fee at \$70.

*Education:* All five states require all applicants to hold a minimum of a Master's degree from a program accredited by the Educational Standards Board of the American Speech-Language-Hearing Association.

*Exam:* All five states require all applicants for licensure to pass the National Examination in Speech-Language Pathology and/or Audiology exam.

*Experience:* Wyoming requires all applicants for licensure to complete a minimum of 375 hours of supervised clinical observation and clinical practicum during

graduate studies. Montana requires applicants to submit proof of completing nine months of full-time post graduate supervised clinical work. Nevada requires proof of 300 hours of post graduate supervised clinical work. Wyoming, Colorado, and Utah also require applicants hold a certificate of clinical competency issued by the American Speech-Language-Hearing Association.

*Renewal:* Wyoming, Colorado, Montana, and Nevada require renewal of licenses annually. Only Utah requires speech/pathology and audiology licenses to be renewed every two years.

*Renewal Fee:* Wyoming annual renewal fee is a \$100. The average renewal fee is \$89. Colorado has the highest renewal fee at \$125 per year. Utah has the lowest renewal fee at \$35 per year.

*Continuing Education:* Wyoming requires 20 hours of continuing education every year as a condition of re-licensure. Montana requires 40 hours of continuing education every two years; while Nevada requires 15 hours every year. Colorado and Utah do not require any continuing education as a condition of re-licensure.

### **Chapter 3 -- Conclusions**

Overall, the procedural and substantive requirements for licensing medical professionals in the State of Wyoming rest on firm legal ground and are comparable to other states. However, this review has identified are a few “potential” barriers to medical licensure, as well as a couple policy consideration that merit further review.

As a matter of law, Wyoming has clear legal authority to regulate the practice of medical professionals through a licensure process. Courts have consistently held that a state has the right, if not an obligation, to regulate medical professionals to ensure the health and safety of the general public. The states authority includes the right to delegate such regulatory power to a board or commission. The states authority also includes the right to set substantive requirements like education, experience, and examination requirements, and procedural requirements like the application, credentialing, and reciprocity process and fees. The legal test the used to examine the legality of Wyoming’s statutes, rules, and regulations is that these regulations must be reasonable and bear some relation to the end or object to be attained, which is to protect the public



from being mistreated or misled by incompetent or unscrupulous practitioners.<sup>52</sup> I have been unable to identify any statute, rule, or regulation for any of Wyoming's fifteen medical professional classes which are licensed that would fail this legal test.

This review also noted a large degree of uniformity between Wyoming's procedural and substantive requirements for medical professional licensure, and the other five comparators states. However, the following list does identify a couple "potential" barriers to licensure found in Wyoming's state statutes or professional board rules and regulations. The description of these requirements as barriers is justified inasmuch as the requirements are different, and potentially more cumbersome, than what the other states require.

*Potential Issues for Further Examination*

1. **The necessity of applicants for dental licensure to submit to an oral interview.** Wyoming is the only state that conducts oral interviews with dental applicants, regardless of the statutes of the application. The need for the interview is not defined in either rule or statute; it is unclear what benefit this interview serves to protect public health.
2. **The necessity for all applicants for medical licensure to submit to a personal interview.** Wyoming is the only state which requires all applicants to submit to an oral interview, regardless of circumstance. Each of the other states which rules and regulation contain provisions for allowing the board of medicine discretion when to interview applicants. While the Wyoming Board of Medicine should be commended for work diligently to complete these interviews, which are statutorily required. However, there is significant evidence to suggest that the burden of interviewing each candidate is becoming more significant for the board, as well as a potential barrier for qualified physicians. Historically, Wyoming's Board of medicine has interviewed candidates only at the regularly scheduled meets of the board (typically three times yearly). However, according to information received from the Board during this review, demand is such that members of the Board are now scheduling days every month to interview

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<sup>52</sup> State v. Borah, 76 P. 2d 757 (Az 1938).

candidates. Wyoming should consider moving more to a system like Idaho, Montana, and Nevada; where the Board of Medicine has more discretion to determine when an interview is necessary. The Wyoming Board of Medicine's rules already outline 12 factors for when a more through interview is required. Wyoming might be better served if those factors were used to determine whether an interview is required at all. This issue is equally applicable to physician assistants and podiatrists.

3. **Continuing Education Hours for Mental health Professionals.** In each of the mental health licenses issued by Wyoming, licenses are required complete 45 hours of continuing education every two years. However, 45 hours is five hours more than any of the other states, which uniformly require 40 hours every two years. While five hours may not seem significant over a two year period, several comments that were gathered suggested this is a significant hurdle as 40 hours every two (or 20 hours yearly) is the average, and mental health continuing education opportunities are designed to meet this lower standards.