

Wyoming Board of Medicine

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Mark Gordon
Governor

WYOMING BOARD OF MEDICINE RULES AND REGULATIONS STATEMENT OF PRINCIPAL REASONS

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The proposed rules addresses several circumstances that can arise during public health emergencies declared by the Governor, and also create an incentive for physicians and physician assistants using a licensure exemption to practice in Wyoming during an emergency to apply for full licensure in the state. They also simplify license applications and renewals, set a reduced fee for verification of large groups of Wyoming physician licenses for Wyoming hospitals, and clarify that respondents in disciplinary matters may be represented by legal counsel authorized to practice in Wyoming. The proposed rules:

- (a) Provide a process for physicians and physician assistants not licensed in Wyoming to practice in the state under the consultation exemption [Wyo. Stat. Ann. § 33-26-103(a)(iv)] during a declared public health emergency. This includes a “tail period” for the exemption to last 45 days after termination of the public health emergency to ensure continuity of care.
- (b) Provide an expedited process for physicians and physician assistants to temporarily reactivate lapsed or inactive licenses during a declared public health emergency. This includes a “tail period” for the reactivation to last 45 days after termination of the public health emergency to ensure continuity of care.
- (c) Extend the annual physician license renewal deadline from June 30, 2020, to September 30, 2020. The rule keeps the grace period for late renewals in place through December 31, 2020.
- (d) Lift the current limit of three (3) physician assistants on duty and under the supervision of a single physician at any given time. The extension adds a “tail period” for the expanded supervision limit to last 45 days after termination of the public health emergency to ensure continuity of care.
- (e) Eliminate the requirement for applicants for a T-2 training license to submit a Federation Credentials Verification Service (“FCVS”) packet.
- (f) Change the requirements for filing an affidavit to support application for, or renewal of, inactive or emeritus licenses to submitting a verification on a form approved by the Board.
- (g) Establish a reduced fee of \$165 for physicians approved for licensure exemption during a public health emergency to apply for full licensure in Wyoming.

- (h) Establish a fee of \$15.00 per license to verify for a Wyoming hospital the status of a physician or physician assistant holding privileges at the hospital. *See, Ch. 1, § 8 (pg. 19).*
- (i) Establish a reduced fee of \$100 for physician assistants approved for licensure exemption during a public health emergency to apply for full licensure in Wyoming.
- (j) Provide that respondents in disciplinary matters may be represented by an attorney, and clarifying that the attorney must be admitted to practice in Wyoming, or be admitted in another U.S. jurisdiction and associated with a Wyoming-licensed attorney.

Principal Reasons for Adoption:

Events regarding COVID-19 caused the Board of Medicine to review its processes and procedures regarding physician and physician assistant licensing during a declared public health emergency.

The proposed rules make permanent the emergency rules permitting physicians and physicians not licensed in Wyoming to practice in the state “in consultation” with the State Health Officer. It is intended to ensure a physician or physician assistant has current licensure in another jurisdiction, and the Board will query national databases to determine if there are any immediate safety concerns with the practitioner. The consultation continues until the earlier of when the public health emergency ends, or the State Health Officer notifies the Board that the provider’s consultation has ended. In addition, by working “in consultation” with the State Health Officer, physicians and physician assistants using the exemption may prescribe controlled substances based on their home-state DEA authorization, and do not need to obtain additional authorization from DEA or the Wyoming Board of Pharmacy.

The proposed rules also extend emergency rules permitting a physician or physician assistant whose Wyoming license has lapsed or is on inactive status to quickly reactivate the license for the duration of a declared public health emergency.

The proposed rules establish a reduced fee of \$165 for physicians approved for licensure exemption during a public health emergency to apply for full licensure in Wyoming. They also establish a reduced fee of \$100 for physician assistants approved for licensure exemption during a public health emergency to apply for full licensure in Wyoming.

The rules extend the June 30th deadline for physician license renewal for three months to September 30, 2020, to eliminate license renewal as a concern for physicians during the current public health emergency. Making this rule permanent keeps in place the extended late renewal grace period which runs through December 31, 2020.

The proposed rules also make permanent an emergency rule lifting, during a public health emergency, the existing limit of three (3) physician assistants who may be on duty and supervised at any given time by one physician. This is intended to provide maximum

flexibility for physician assistants to respond where needed during a public health emergency. This provision works in conjunction with an existing rule which allows a physician assistant to work under the supervision of a physician not previously approved by the Board as their supervisor during a declared public health emergency.

The proposed rules repeal the requirement that medical residents applying for a T-2 (second year) training license need not submit a Federation Credentials Verification Service (FCVS) packet. Because residents are very early in their careers, no meaningful information is gathered from an FCVS packet at this time, and requiring it constitutes an additional and unnecessary cost to the applicant or the residency program.

The Board of Medicine currently charges \$35.00 to verify a physician or physician assistant license to another state medical board, hospital, or other organization seeking to officially and formally confirm the status of a license issued by the Board. The verification is provided on a traditional certificate with seal, as is required by the party requesting the verification.

Wyoming hospitals have asked for a less formal, but still official, process to verify licenses held by physicians and physician assistants practicing in their facilities. The traditional certificate with seal is not needed or desired, and hospitals verifying all of their physicians and physician assistants can request dozens, if not hundreds, of verifications at one time. Setting the fee for these bulk verifications requested by hospitals at \$15.00 recognizes that the Board is not required to produce the formal, traditional certificate with seal for each license verified, thereby reducing the staff time required to respond to the requests.

In disciplinary matters, licensees may be represented by counsel. The proposed rule clarifies the counsel shall be an attorney admitted to practice in Wyoming, or one admitted in another U.S. jurisdiction who is associated with a Wyoming-licensed attorney.

The Board of Medicine does not expect there will be any opposition or objection to any of the proposed rules.

As required by WYO. STAT. ANN. § 16-3-103(a)(i)(G), these proposed rules meet minimum substantive state statutory requirements.