

HOUSE BILL NO. HB0157

Health care providers-sexual assault protections-2.

Sponsored by: Representative(s) Bovee, Barlow, Blake,
Connolly, Dayton, Gierau, Harshman, Loucks
and Wilson and Senator(s) Anselmi-Dalton,
Boner, Ellis, Landen and Nethercott

A BILL

for

1 AN ACT relating to health care providers; clarifying
2 offenses relating to sexual assault; revising provisions
3 relating to the expungement of misdemeanor sexual offenses
4 committed by health care providers; authorizing the board
5 of nursing to take disciplinary action against a licensed
6 nurse for sexual misconduct; requiring specified licensing
7 boards to conduct a review of existing rules relating to
8 health care providers; requiring specified licensing boards
9 to amend existing rules as necessary; repealing a
10 provision; and providing for an effective date.

11

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

13

1 **Section 1.** W.S. 6-2-301(a)(iv), by creating a new
2 paragraph (ix) and by renumbering (ix) as (x), 6-2-303(b)
3 by creating new paragraphs (i) and (ii),
4 7-13-1501(a)(intro), by creating a new paragraph (iv) and
5 (m) by creating a new paragraph (iv) and 33-21-146(a)(xi),
6 by creating a new paragraph (xiii) and by creating a new
7 subsection (c) are amended to read:

8

9 **6-2-301. Definitions.**

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11 (a) As used in this article:

12

13 (iv) "Position of authority" means that position
14 occupied by a parent, guardian, relative, household member,
15 teacher, employer, custodian, health care provider or any
16 other person who, by reason of his position, is able to
17 exercise significant influence over a person;

18

19 (ix) "Health care provider" means an individual
20 who is licensed, certified or otherwise authorized or
21 permitted by the laws of this state to provide care,
22 treatment, services or procedures to maintain, diagnose or
23 otherwise treat a patient's physical or mental condition;

1

2 ~~(ix)~~ (x) "This article" means W.S. 6-2-301
3 through 6-2-320.

4

5 **6-2-303. Sexual assault in the second degree.**

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7 (b) A person is guilty of sexual assault in the
8 second degree if he subjects another person to:

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10 (i) Sexual contact or inflicts sexual intrusion
11 in the course of treatment or examination of a victim for
12 purposes or in a manner substantially inconsistent with
13 reasonable medical practices;

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15 (ii) Sexual contact and causes serious bodily
16 injury to the victim under any of the circumstances listed
17 in W.S. 6-2-302(a)(i) through (iv) or paragraphs (a)(i)
18 through (vii) and (ix) of this section.

19

20 **7-13-1501. Petition for expungement of records of**
21 **conviction of certain misdemeanors; filing fee; notice;**
22 **objections; hearing; definitions; exceptions.**

23

1 (a) A person who has ~~pleaded~~pled guilty or nolo
2 contendere to or been convicted of a misdemeanor may
3 petition the convicting court for an expungement of the
4 records of conviction, subject to the following
5 limitations:

6
7 (iv) A health care provider who has pled guilty
8 or nolo contendere to or has been convicted of an offense
9 punishable under W.S. 6-2-313 which was committed against a
10 patient under the care of the health care provider shall
11 not be eligible for an expungement of the records of
12 conviction.

13
14 (m) As used in this section:

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16 (iv) "Health care provider" means an individual
17 who is licensed, certified or otherwise authorized or
18 permitted by the laws of this state to provide care,
19 treatment, services or procedures to maintain, diagnose or
20 otherwise treat a patient's physical or mental condition.

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22 **33-21-146. Disciplining licensees and certificate**
23 **holders; grounds.**

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

(xi) Has failed to submit to a mental, physical or medical competency examination following a proper request by the board made pursuant to board rules and regulations and the Wyoming Administrative Procedure Act;

~~or~~

(xiii) Has committed sexual misconduct.

(c) As used in this section, "sexual misconduct" means:

(i) Any behavior by a licensee that involves offers of exchange of medical services for some form of sexual gratification; or

1 (ii) Sexual contact or sexual intrusion, as
2 defined in W.S. 6-2-301(a), that occurs while the patient
3 is under the care of the licensee.
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5 **Section 2.** W.S. 6-2-303(a)(viii) is repealed.
6

7 **Section 3.**
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9 (a) Before July 1, 2019, each licensing board with
10 the authority to license, supervise and discipline health
11 care providers shall:
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13 (i) Conduct a review of existing rules relating
14 to standards of care and the use of chaperones and other
15 persons to ensure patient safety and protection, including
16 in cases where an intimate portion of a patient's body is
17 being examined by a health care provider; and
18

19 (ii) Promulgate new rules or amendments to
20 existing rules which are deemed necessary by the board for
21 patient safety and protection, based on the review
22 conducted pursuant to paragraph (i) of this subsection.
23

1 (b) As used in this section, "health care provider"
2 means an individual who is licensed, certified or otherwise
3 authorized or permitted by the laws of this state to
4 provide care, treatment, services or procedures to
5 maintain, diagnose or otherwise treat a patient's physical
6 or mental condition.

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8 **Section 4.** This act is effective July 1, 2018.

9

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(END)