

## HOUSE BILL NO. HB0241

Telehealth Freedom Act.

Sponsored by: Representative(s) Smith, S and Kelly and  
Senator(s) Pearson

A BILL

for

1 AN ACT relating to professions and occupations; authorizing  
2 health care providers to provide telehealth services to  
3 persons in Wyoming without a Wyoming license; providing  
4 requirements; requiring rulemaking; making conforming  
5 amendments; and providing for effective dates.

6

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

8

9 **Section 1.** W.S. 33-1-121 is created to read:

10

11 **33-1-121. Health care providers; telehealth services;**  
12 **definitions.**

13

14 (a) A health care provider, as defined in W.S.  
15 26-55-102(a)(xii), with a valid, unencumbered license and

1 who is in good standing to practice in any other state,  
2 United States territory or the District of Columbia shall  
3 be permitted to conduct telehealth services with persons  
4 who are physically present in Wyoming when telehealth  
5 services are rendered without first obtaining a license  
6 under this title. In addition:

7

8 (i) The health care provider who is not licensed  
9 in Wyoming shall be physically present outside Wyoming in  
10 order to conduct telehealth services under this section;

11

12 (ii) The appropriate licensing board shall be  
13 notified before the health care provider begins providing  
14 telehealth services under this section unless a patient has  
15 an established relationship with the health care provider;

16

17 (iii) As used in this section, "telehealth"  
18 means the practice of medicine by electronic communication  
19 or other means from a health care provider in one (1)  
20 location to a patient in another location.

21

22 **Section 2.** W.S. 33-9-103, 33-10-105(a), 33-15-108(a)  
23 and (h), 33-15-114(a) by creating a new paragraph (xiii),

1 33-21-120(a)(i)(D), 33-21-145(a)(i), 33-21-151(a)(i) and  
2 (iii), 33-23-101(a)(iv), 33-23-103(a), 33-25-101(a)(i),  
3 (ii) and (vi), 33-25-102(a)(intro) and (f) by creating a  
4 new paragraph (viii), 33-25-116(a)(i) and (iii),  
5 33-26-301(a), 33-26-410(a), 33-26-504(a), 33-27-113(a)(xi)  
6 and (xii), 33-27-114 by creating a new subsection (j),  
7 33-27-119(b), 33-33-103(b), 33-33-202(b), 33-38-102(a)(x)  
8 through (xii) and (xvi), 33-38-103 by creating a new  
9 subsection (g), 33-40-102(a)(ii) and (iv), 33-40-103(a),  
10 33-40-115(b) and (d)(ii), 33-46-105(a), 33-49-102(a)(iii),  
11 33-49-106(a)(x) and 33-49-107(a)(intro) and (e) are amended  
12 to read:

13

14 **33-9-103. License required to practice.**

15

16 It is unlawful for a person to profess to be a podiatrist,  
17 to practice or assume the duties incident to podiatry or to  
18 advertise in any form or hold himself out to the public as  
19 a podiatrist, or in a sign or advertisement to use the word  
20 "podiatrist", "foot correctionist", "foot expert", "foot  
21 specialist", "chiropracist" or any other term or designation  
22 indicating to the public that he is holding himself out as  
23 a podiatrist or foot correctionist in any manner, without

1 first obtaining from the board a license authorizing the  
2 practice of podiatry in this state under this act or as  
3 provided by W.S. 33-1-121.

4

5 **33-10-105. License required.**

6

7 (a) It shall be unlawful for any person to practice  
8 chiropractic in this state without first obtaining a  
9 license, as provided for in this act, or as provided by  
10 W.S. 33-1-121.

11

12 **33-15-108. Licensing; qualifications; examinations;**  
13 **fees.**

14

15 (a) Except as provided by W.S. 33-1-121, any person  
16 who has a background that does not evidence conduct adverse  
17 to the practice of dentistry or to the ability to practice  
18 dentistry, who has graduated and attained the degree of  
19 doctor of dental surgery or doctor of dental medicine from  
20 a college or university in the United States or Canada  
21 accredited by the commission on dental accreditation of the  
22 American Dental Association, may apply to the board to have  
23 the applicant's qualifications considered for licensure to

1 practice dentistry. The applicant shall pass a written,  
2 clinical and state examination that follows national  
3 standards as determined by rule of the board.

4

5 (h) The board may make and prescribe rules and  
6 regulations for the licensure and practice of dentistry in  
7 the state of Wyoming, including rules and regulations  
8 pertaining to telehealth services under W.S. 33-1-121, not  
9 inconsistent with this act. For purposes of this  
10 subsection, "practice of dentistry" includes the work of  
11 dental hygienists, dental auxiliaries, dental technicians  
12 and dental laboratories.

13

14 **33-15-114. Persons deemed to be practicing dentistry;**  
15 **work authorizations from licensed dentist.**

16

17 (a) Except as provided by paragraph (xii) of this  
18 subsection, any person is deemed to be practicing dentistry  
19 within the meaning of this act:

20

21 (xiii) Who provides telehealth services under  
22 W.S. 33-1-121.

23

1           **33-21-120. Definitions.**

2

3           (a) As used in this act:

4

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

6 means a nurse who:

7

8                           (D) Has completed an advanced program of  
9 study in a specialty area in an accredited nursing program,  
10 has taken and passed a national certification examination  
11 in the same area and has been granted licensure by the  
12 board to practice as an APRN or is providing telehealth  
13 services under W.S. 33-1-121.

14

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

16

17           (a) No person shall:

18

19                   (i) Engage in the practice of nursing or nurse  
20 assisting as defined in this act without a valid, current  
21 license, certificate or temporary permit, except as  
22 otherwise permitted under this act, under W.S. 33-1-121 or

1 the Nurse Licensure Compact or the Advanced Practice  
2 Registered Nurse Compact;

3

4 **33-21-151. Injunctive relief; grounds.**

5

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

9

10 (i) Any person from practicing nursing or nurse  
11 assisting, within the meaning of this act or under W.S.  
12 33-1-121, without a valid license, certificate or temporary  
13 permit, unless so exempted under W.S. 33-21-154;

14

15 (iii) Any person, firm, corporation, institution  
16 or association from employing any individual to practice  
17 nursing or nurse assisting who is not licensed or certified  
18 under this act, providing telehealth services under W.S.  
19 33-1-121 or exempted under W.S. 33-21-154.

20

21 **33-23-101. Definitions; authorized scope of practice;**  
22 **prohibited procedures; exceptions.**

23

1 (a) As used in this act:

2

3 (iv) "Optometrist" or "doctor of optometry"  
4 means a person licensed by the board under this act or  
5 providing telehealth services under W.S. 33-1-121;

6

7 **33-23-103. License required; civil suit; damages.**

8

9 (a) It is unlawful for any person in the state of  
10 Wyoming to practice or attempt to practice optometry or to  
11 advertise, or hold himself out as qualified to fit or  
12 adjust any lenses or lens in any manner or form as an aid  
13 to human eyesight, without first obtaining a license to  
14 practice optometry or providing telehealth services under  
15 W.S. 33-1-121.

16

17 **33-25-101. Definitions.**

18

19 (a) As used in this act:

20

21 (i) "Physical therapy" or "physiotherapy" means  
22 the care and services provided by or under the direction  
23 and supervision of a physical therapist or physiotherapist



1 who is licensed pursuant to this act or providing  
2 telehealth services under W.S. 33-1-121. The practice of  
3 physical therapy includes:

4

5 (ii) "Physical therapist" or "physiotherapist"  
6 means a person who is licensed to practice physical therapy  
7 pursuant to this act or is providing telehealth services  
8 under W.S. 33-1-121;

9

10 (vi) "Physical therapy services" means the care  
11 and services provided by a licensed physical therapist or a  
12 certified physical therapist assistant pursuant to this act  
13 or providing telehealth services under W.S. 33-1-121;

14

15 **33-25-102. Practice of physical therapy; license or**  
16 **certificate required; exceptions; false representations.**

17

18 (a) No individual shall engage in the practice of  
19 physical therapy services nor hold himself out as being  
20 able to practice physical therapy in the state of Wyoming  
21 unless he is practicing under W.S. 33-1-121 or is licensed  
22 or certified in accordance with the provisions of this act  
23 and such license or certificate is in good standing and has

1 not been suspended or revoked, except nothing in this act  
2 shall:

3

4 (f) The following persons are exempt from the  
5 licensure and certification requirements of this act:

6

7 (viii) Persons practicing under W.S. 33-1-121.

8

9 **33-25-116. Injunctive relief; grounds.**

10

11 (a) The board may petition in its own name for an  
12 injunction to an appropriate court to enjoin:

13

14 (i) Any person violating W.S. 33-25-102(a),  
15 unless specifically exempt from licensure or certification  
16 pursuant to W.S. 33-25-102(f) or providing telehealth  
17 services under W.S. 33-1-121;

18

19 (iii) Any person, firm, corporation,  
20 institution, association, business or other entity from  
21 employing any individual to practice physical therapy who  
22 is not licensed or certified as required by this act or  
23 providing telehealth services under W.S. 33-1-121.

1

2           **33-26-301. License required.**

3

4           (a) No person shall practice medicine in this state  
5 without a license granted by the board, as provided by W.S.  
6 33-1-121 or as otherwise provided by law.

7

8           **33-26-410. Effect of violation.**

9

10           (a) Any person engaged in the practice of medicine or  
11 aiding and abetting another in the practice of medicine  
12 without a license granted by the board or providing  
13 telehealth services under W.S. 33-1-121 is guilty of a  
14 misdemeanor and upon conviction shall be punished by a fine  
15 of not more than one thousand dollars (\$1,000.00) or by  
16 imprisonment in the county jail for not more than one (1)  
17 year, or both. Each violation constitutes a separate  
18 offense for which the penalty in this subsection may be  
19 assessed.

20

21           **33-26-504. License required; application;**  
22 **qualifications; consideration of applications; exception**  
23 **for telehealth services.**

1

2 (a) Except as provided by W.S. 33-1-121, no person  
3 shall practice as a physician assistant or represent  
4 oneself as a physician assistant without a license granted  
5 by the board.

6

7 **33-27-113. Definitions.**

8

9 (a) As used in this act:

10

11 (xi) "Licensed assistant behavior analyst" means  
12 a person licensed under this act for the practice of  
13 behavior analysis and who is supervised in accordance with  
14 W.S. 33-27-124(c) or who is providing telehealth services  
15 under W.S. 33-1-121;

16

17 (xii) "Licensed behavior analyst" means a person  
18 licensed under this act for the practice of behavior  
19 analysis or who is providing telehealth services under W.S.  
20 33-1-121;

21

22 **33-27-114. Exemptions.**

23

1       (j) Nothing in this act shall prevent a person from  
2 practicing psychology or behavior analysis under W.S.  
3 33-1-121.

4  
5       **33-27-119. Practice without license.**

6  
7       (b) Unless exempt under W.S. 33-1-121, 33-27-114 or  
8 33-27-125, any person who represents himself as a  
9 psychologist and who engages in the practice of psychology  
10 or represents himself as a behavior analyst or assistant  
11 behavior analyst and who engages in the practice of  
12 behavior analysis in violation of this act, is guilty of a  
13 misdemeanor punishable by a fine of not more than seven  
14 hundred fifty dollars (\$750.00), imprisonment for not more  
15 than six (6) months, or both. Each violation shall  
16 constitute a separate offense.

17  
18       **33-33-103. Persons and practices affected.**

19  
20       (b) No person shall practice or represent himself as  
21 a speech-language pathologist or audiologist unless  
22 licensed pursuant to this act or providing telehealth  
23 services pursuant to W.S. 33-1-121.

1

2           **33-33-202. Functions of the board.**

3

4           (b) The board shall adopt rules and regulations to  
5 implement and enforce the provisions of this act and W.S.  
6 33-1-121.

7

8           **33-38-102. Definitions.**

9

10           (a) As used in this act:

11

12                   (x) Certified addictions practitioner (CAP)  
13 means a person certified under this act to practice  
14 addictions treatment, prevention, intervention, diagnosis,  
15 referral and follow up under the supervision of a qualified  
16 clinical supervisor licensed in the state of Wyoming or  
17 providing telehealth services under W.S. 33-1-121;

18

19                   (xi) Certified social worker (CSW) means a  
20 person certified under this act to perform social work  
21 treatment, prevention, intervention, case management,  
22 referral and follow up with individuals diagnosed with  
23 mental illnesses or mental disorders under the supervision

1 of a qualified clinical supervisor licensed in the state of  
2 Wyoming or a person providing telehealth services under  
3 W.S. 33-1-121;

4  
5 (xii) Certified mental health worker (CMHW)  
6 means a person certified under this act to perform the  
7 application of human services or psychological theory and  
8 methods to the assessment, treatment or prevention of  
9 psychosocial dysfunction, disability or impairment,  
10 including emotional or mental disorders, under the  
11 supervision of a qualified clinical supervisor licensed in  
12 the state of Wyoming or a person providing telehealth  
13 services under W.S. 33-1-121. The practice of a CMHW shall  
14 not include assigning a diagnosis or acting as a primary  
15 treatment provider;

16  
17 (xvi) "Certified addictions practitioner  
18 assistant" means a person certified under this act to  
19 assist in the practice of addictions treatment, prevention,  
20 intervention, referral and followup under the supervision  
21 of a qualified clinical supervisor licensed in the state of  
22 Wyoming or a person providing telehealth services under  
23 W.S. 33-1-121;

1

2           **33-38-103. Exemptions.**

3

4           (g) Nothing in this act shall prevent a person from  
5 providing telehealth services under W.S. 33-1-121.

6

7           **33-40-102. Definitions.**

8

9           (a) As used in this act:

10

11                   (ii) "Occupational therapy assistant" or "OTA"  
12 means a person licensed under this act to assist in the  
13 practice of occupational therapy and who works under the  
14 supervision of an occupational therapist to perform tasks  
15 requiring occupational therapy professional knowledge or  
16 judgment or a person providing telehealth services under  
17 W.S. 33-1-121;

18

19                   (iv) "Occupational therapist" means a person  
20 licensed to practice occupational therapy under this act or  
21 a person providing telehealth services under W.S. 33-1-121;

22

23           **33-40-103. License required.**



1

2 (a) No person shall hold himself out as an  
3 occupational therapist, an occupational therapy assistant  
4 or as being able to practice occupational therapy in  
5 Wyoming unless he is licensed under this act, providing  
6 telehealth services under W.S. 33-1-121 or is otherwise  
7 authorized under the Occupational Therapy Licensure Compact  
8 under W.S. 33-40-202 through 33-40-216. An unlicensed  
9 person holding himself out as an occupational therapist or  
10 occupational therapist assistant by using additional or  
11 modifying words in his title, printed materials,  
12 advertisements or otherwise shall be deemed to be holding  
13 himself out as an occupational therapist or occupational  
14 therapist assistant.

15

16 **33-40-115. Board of occupational therapy practice;**  
17 **powers and duties.**

18

19 (b) The board shall establish rules and regulations  
20 according to the Wyoming Administrative Procedure Act to  
21 carry out the purpose of this act and W.S. 33-1-121,  
22 including establishing rules for professional conduct, for  
23 professional licensure and to establish ethical standards

1 of practice for persons licensed to practice occupational  
2 therapy in Wyoming.

3

4 (d) The board may, with the approval and assistance  
5 of the attorney general, petition the district court in the  
6 name of the state of Wyoming to enjoin:

7

8 (ii) Any person or other entity from advertising  
9 or claiming to provide occupational therapy services in  
10 this state when the services are not or will not be  
11 provided by a person licensed under this act, providing  
12 telehealth services under W.S. 33-1-121 or is otherwise  
13 authorized under the Occupational Therapy Licensure Compact  
14 under W.S. 33-40-202 through 33-40-216.

15

16 **33-46-105. Prohibited acts and exceptions.**

17

18 (a) Unless licensed pursuant to this act or  
19 practicing under W.S. 33-1-121, no person shall practice  
20 midwifery or hold himself out to be a midwife, a licensed  
21 midwife or a certified professional midwife except that a  
22 certified nurse midwife may hold himself out to be a  
23 midwife.

1

2           **33-49-102. Definitions.**

3

4           (a) As used in this chapter:

5

6                   (iii) "Acupuncturist" means any person to whom a  
7 license to practice acupuncture in this state has been  
8 issued under this chapter or who is providing telehealth  
9 services under W.S. 33-1-121;

10

11           **33-49-106. Board responsibilities and duties.**

12

13           (a) The board shall:

14

15                   (x) Promulgate rules and regulations as  
16 necessary to carry out this chapter or W.S. 33-1-121.

17

18           **33-49-107. Licensure required; components;**  
19 **exemptions; other licensed health care professionals.**

20

21           (a) Beginning January 1, 2018, unless the person is  
22 licensed to practice acupuncture in compliance with this  
23 chapter, is providing telehealth services under W.S.

1 33-1-121 and the rules and regulations adopted pursuant  
2 thereto, no person shall:

3

4 (e) Nothing in this chapter shall be construed to  
5 prohibit or restrict any other licensed health care  
6 provider in this state from practicing acupuncture within  
7 their statutory scope of practice. However, no person may  
8 represent themselves as an acupuncturist in any manner  
9 unless licensed in accordance with this chapter or  
10 providing telehealth services under W.S. 33-1-121.

11

12 **Section 3.** The state board of nursing, the state  
13 board of medicine, the state board of psychology, the state  
14 board of registration in podiatry, the board of  
15 chiropractic examiners, the board of physical therapy, the  
16 mental health professionals licensing board, the board of  
17 examiners for speech-language pathology and audiology, the  
18 board of dental examiners, the board of examiners of  
19 optometry, the board of occupational therapy, the board of  
20 acupuncture and the board of midwifery shall promulgate all  
21 rules necessary to implement this act.

22

1           **Section 4.**

2

3           (a) Except as provided in subsection (b) of this  
4 section, this act is effective July 1, 2025.

5

6           (b) Sections 3 and 4 of this act are effective  
7 immediately upon completion of all acts necessary for a  
8 bill to become law as provided by Article 4, Section 8 of  
9 the Wyoming Constitution.

10

11

(END)