

Chapter 16

Licensing of Personnel

Section 1. Definitions.

(a) As used in these Rules, the following definitions apply:

(i) “Abuse” means inappropriate or offensive physical, sexual or verbal contact or interaction with another person. Abuse includes, but is not limited to, the following:

(A) Physical abuse, which includes conduct by a licensee which causes, by physical contact, physical injury, or serious or protracted impairment of the physical, mental, or emotional condition of a patient, or which causes the likelihood of such injury or impairment. Such conduct includes, but is not limited to, slapping, hitting, kicking, biting, choking, smothering, shoving, dragging, pinching, punching, shaking, sitting upon, burning, cutting, strangling, striking, using corporal punishment, or throwing objects at a patient. Physical abuse does not include reasonable emergency interventions necessary to protect the safety of any person.

(B) Psychological abuse, which includes verbal or non-verbal conduct by a licensee, directed to a patient, which insults, denigrates, humiliates, shocks, mocks, threatens, harasses, or alarms the patient. Psychological abuse does not include verbal or non-verbal conduct which has medical or therapeutic purpose or justification; and

(C) Offensive sexual contact or interaction, which may include, but is not limited to, engaging in, or facilitating sexual contact, exposure, performances, photography or any other form of sexual image collection or dissemination, irrespective of the patient’s consent or receptiveness to the conduct.

(ii) “Deceive the Division” means to withhold information in any form or provide false, inaccurate, or misleading information to the Division.

(iii) “Emergency,” in the context of an emergency license, means an event or circumstance exists that requires the presence of ambulance services, EMRs, EMTs, AEMTs, IEMTs, or Paramedics beyond the number of resources normally available to the area and beyond the control of the local area, such as a disaster, wildland fire, or public health emergency. The need for ambulance services on a routine basis does not constitute an emergency.

(iv) “Emergency Medical Services” or “EMS” means those organizations, people, and vehicles involved in the provision of medical care in a field environment. Generally, these services provide response to emergency calls for assistance for medical care and may provide medical care at the scene of the response, transport by ambulance to a hospital or other medical facility, and medical care during the transport. EMS primarily relies on the care provided by an EMR, EMT, AEMT, IEMT or Paramedic, but may involve care provided by other professions. This definition shall not be construed as limiting the EMR, EMT, AEMT,

IEMT or Paramedic from providing care within their scope of practice in any setting or place of employment.

(v) “Incompetence” means a lack of, or loss of, skill or knowledge to practice the profession or practicing with negligence, as negligence is defined in this part, on one or more occasions while treating a patient.

(vi) “Negligence” means a failure to perform, as an ordinary, reasonable, similarly situated license holder licensed at the same level would, as delineated in controlling protocols, curricula, and policies and as demonstrated by an ordinary, reasonable license holder’s prevailing standards of practice.

(vii) “Non-criminal offense” means a finding of inappropriate conduct or misconduct not constituting a criminal offense in any jurisdiction, including, but not limited to, a finding by either a designated governmental authority or a court of law of patient abuse, neglect, mistreatment, or misappropriation of patient property; spousal or intimate partner violence; unpermitted sexual contact; child abuse, neglect or abandonment; abuse, neglect or abandonment of the elderly or other vulnerable persons; vehicle and traffic findings involving reckless or aggressive driving; findings by any governmental entity of diversion of controlled substances from any health care facility, health care provider, or pharmacy; findings involving dishonesty or other unethical conduct; and other abusive acts which compromise the public trust in the profession, regardless of the circumstances, including whether the licensee is acting in the capacity of an EMS provider or “on-duty.”

(viii) “Patient abandonment” means the termination of patient care prior to delivering the patient for medical evaluation or treatment or securing a proper refusal of medical attention in accordance with applicable protocol. Patient abandonment may be effected through means including, but not limited to, leaving a patient unattended after establishing patient contact or leaving a patient to the care of a person licensed at a lower level when the licensee knew or should have known that the patient required a higher level of care.

(ix) “Prevailing standards of practice” means those clinical or operational standards usually applied in the emergency medical services.

(x) “Public trust in the profession” means the reasonable trust and confidence held by the public that persons licensed by the Division are competent in the provision of medical care and do not present a threat to the public’s person or property.

(xi) “Reasonable request by the Division” means any request for information or action from the Division to a person or entity in the course of the Division performing its duties.

Section 2. License Required.

(a) Unless appropriately licensed by the Division or as otherwise provided by law, a person may not:

(i) Profess or represent himself to be an Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (AEMT), Intermediate Emergency Medical Technician (IEMT), or Paramedic; or

(ii) Practice as or assume the duties incident to an EMR, EMT, AEMT, IEMT, or Paramedic.

(iii) Act in the capacity of an attendant or represent that they are licensed to do so without obtaining a license as specified under Subsection (a) of this Section and affiliating with an ambulance service licensed under Chapter 2, of these Rules. As used in this section, “attendant” means a person licensed under this Chapter who is employed by or a member of a licensed ambulance service, and is responsible for the provision of care to a patient.

Section 3. Eligibility for Licensure.

(a) An applicant is eligible to be licensed as an EMR, EMT, AEMT, IEMT, or Paramedic if the applicant:

(i) Is at least sixteen (16) years of age when applying to be licensed as an EMR or is at least eighteen (18) years of age when applying to be licensed as an EMT, AEMT, IEMT, or Paramedic;

(ii) Has completed the appropriate course of education under Section 5 of this Chapter;

(iii) Has passed the appropriate examination under Section 6 of this Chapter;

(iv) Has not been convicted of a felony nor has a pending felony charge;

(v) Has not been convicted of, nor has a pending charge involving a misdemeanor that impacts the public trust in the profession or the ability to practice as a licensee;

(vi) Has not had the applicant’s right to practice in a health care profession limited, suspended, terminated, or voluntarily surrendered in any jurisdiction.

(b) An applicant may request the Division to waive the eligibility requirements under Sections 3(a)(iv) and (v) of this Chapter by submitting to the Division a request for waiver in the format prescribed by the Division.

(i) A request for waiver must be submitted concurrent with the applicant’s application for licensure.

(ii) A request for waiver must address the following factors:

(A) The nature and seriousness of the convicted crime;

- (B) The length of time since the crime was committed;
- (C) Additional arrests, charges, or convictions since the crime was committed;
- (D) Compliance with court orders related to the conviction; and
- (E) Other information the Division may determine is necessary to establish the applicant's character and fitness to provide emergency medical services.

(iii) A request for waiver may not address whether the applicant was duly convicted.

(c) The Division may grant a request for waiver submitted under Section 2(b) of this Chapter if:

- (i) The applicant submitted a timely and complete request for waiver; and
- (ii) The Division finds that the applicant does not present a potential danger to the health, safety, and welfare of the citizens of Wyoming nor threaten the public trust in the profession if the applicant is licensed as an EMR, EMT, AEMT, IEMT, or Paramedic.

Section 4. Application for Licensure.

(a) To be licensed as an EMR, EMT, AEMT, IEMT, or Paramedic, an applicant shall submit to the Division an application for licensure in the format prescribed by the Division.

(b) If an applicant desires to be licensed as an EMT, AEMT, IEMT, or Paramedic, the applicant shall complete and submit to a criminal check as part of the application process.

- (i) The criminal background check must:
 - (A) Be in the format prescribed by the Division; and
 - (B) Contain federal and state criminal information.
- (ii) The applicant shall pay all costs for the criminal background check.

Section 5. Education Requirements.

(a) Except as otherwise provided in these rules, the standards for the course of education for an EMR, EMT, AEMT, Paramedic, and, to the extent that is practicable, IEMT, are those described in the United States Department of Transportation, National Highway Traffic and Safety Administration (NHTSA), DOT HS 811 077A, National Emergency Medical Services Education Standards (Jan. 2009), available at <https://www.ems.gov/pdf/education/EMS->

Education-for-the-Future-A-Systems-Approach/National_EMS_Education_Standards.pdf (“NHTSA National EMS Education Standards”).

(i) The Division incorporates the NHTSA National EMS Education Standards into these rules by this reference.

(ii) The Division has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of these rules.

(iii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date noted in subsection (a) of this section.

(iv) The incorporated standard is maintained at <https://health.wyo.gov/public-health/ems/> and is available for public inspection and copying at cost from the Division.

(b) To be eligible for licensure by the Division, an applicant shall complete the appropriate course of education for the level of licensure desired.

(i) For the EMR, EMT and AEMT levels, an appropriate course of education is based on the NHTSA National EMS Education Standards.

(ii) For the IEMT level, an appropriate course of education is based on the NHTSA National EMS Education Standards for the AEMT, and includes additional curricula developed by the Division.

(iii) For the Paramedic level, an appropriate course of instruction is based on the NHTSA National EMS Education Standards and is accredited by the Commission on Accreditation of Allied Health Programs (CAAHEP).

Section 6. Examination Requirements.

(a) To be eligible for licensure by the Division, an applicant shall pass the appropriate examination for the level of licensure desired.

(i) If applying for licensure as an EMR, the applicant shall pass the appropriate Division Licensure Exam. Applicants for licensure as an EMR may take the National Registry of Emergency Medical Technicians (NREMT) exam as an alternative to the Division Licensure Exam.

(ii) If applying for licensure as an IEMT, the applicant shall pass the appropriate Division Licensure Exam.

(iii) If applying for licensure as an EMT, AEMT, or Paramedic, the applicant shall pass the appropriate NREMT exam.

(b) The Division Licensure Exam is comprised of a practical skills demonstration and a written examination appropriate for the level of licensure desired. An applicant that fails only one of these two components will only be required to reattempt the failed component.

(i) An applicant may attempt to pass the appropriate Division Licensure Exam six times. A successive attempt must occur more than seven (7) days and less than thirty (30) days after the previous attempt, unless the applicant is required to complete a remedial course of instruction.

(ii) If an applicant has not passed the appropriate Division Licensure Exam after three attempts, the applicant must complete a remedial course of instruction prior to a fourth attempt. The remedial course of instruction must be equivalent to the National Continued Competency Program requirements as outlined by the NREMT and appropriate to the level of licensure. The applicant has 180 days from the date of the third attempt to complete the remedial instruction and make the fourth attempt.

(iii) If an applicant has not passed the appropriate Division Licensure Exam after six attempts, the applicant may not retake the exam until the applicant again completes an appropriate course of education for the level of licensure desired under Section 5 of this Chapter.

(iv) If an applicant has not passed the appropriate Division Licensure Exam, and fails to make a successive attempt within the required time frame, the applicant may not retake the exam until the applicant again completes an appropriate course of education for the level of licensure desired under Section 5 of this Chapter.

(c) An applicant is exempt from the examination requirements of this section if the applicant:

(i) Is licensed or certified in another state or through the NREMT; and

(ii) Satisfies all other requirements for licensure under this Chapter.

Section 7. Decision on Application.

(a) Upon the receipt of a complete application for licensure, the Division may take up to forty-five (45) days to issue or deny a license. An application is complete when the Division has received all required documentation, any requested supplemental information, and the results of a criminal background check indicating that there is no conviction or pending charge related to Section 3(a) of this chapter or a resolution has been reached with regard to any issues identified in the criminal background check.

(b) If the Division denies a license, the Division shall send written notice to the applicant. The written notice must state the reason for denial.

(c) The Division shall issue a license to an applicant if the Division finds the applicant:

- (i) Is eligible for licensure; and
- (ii) Has submitted a complete application for licensure.

(d) The Division may deny an applicant a license if the Division finds:

- (i) The applicant is ineligible for licensure;
- (ii) The applicant has failed to submit a complete application for licensure;
- (iii) Grounds for denial under Section 12 of this Chapter.

Section 8. License Terms.

(a) If the Division issues an initial license under Section 7 of this Chapter, the license is valid until a date determined by the Division, not to exceed three years and not to be less than two years from the date of issuance.

(b) If the Division upgrades or downgrades a license under Section 9 of this Chapter, the upgraded or downgraded license is valid until the expiration date of the previous license.

(c) If the Division renews a license under Section 10 or issues a recovered license under Section 11 of this Chapter, the renewed or recovered license is valid until a date determined by the Division, not to exceed two years and not to be less than one year from the date of issuance.

(d) If the Division reinstates a license revoked under Section 12 of this Chapter, the reinstated license retains the original expiration date. A reinstated licensee shall renew the license under Section 10 of this Chapter if the original expiration date occurs before the date of reinstatement.

Section 9. Application to Upgrade or Downgrade a License.

(a) A licensee is eligible for an upgraded or downgraded license if the licensee:

- (i) Is eligible to be licensed at the level of licensure desired; and
- (ii) Is not the subject of an ongoing investigation or other administrative action by the Division.

(b) To be issued an upgraded or downgraded license, a licensee shall submit to the Division a complete application to upgrade or downgrade a license in the format prescribed by the Division.

Section 10. Application to Renew a License.

(a) A licensee is eligible for the renewal of a license if the licensee has completed the appropriate continuing medical education requirements under Chapter 8 of these Rules.

(b) To be issued a renewed license, a licensee shall submit to the Division a renewal application in the format prescribed by the Division. The renewal application must be submitted to the Division not less than thirty (30) days but not more than ninety (90) days before the licensee's license expires.

Section 11. Criteria to Recover a License and Recovered License Terms.

(a) A former licensee is eligible to recover a license under the following conditions.

(i) If a license has been expired for less than or equal to one (1) year, the former licensee must be otherwise eligible for renewal under Section 10 of this Chapter.

(ii) If a license has been expired for more than one (1) year and less than or equal to four (4) years, the former licensee must:

(A) Complete a refresher course approved by the Division for the appropriate level of licensure; and

(B) Be otherwise eligible for renewal under Section 10 of this Chapter.

(iii) If a license has been expired for more than four (4) years, the former licensee must:

(A) Have a comparable license in another state or certification through the NREMT; and

(B) Be otherwise eligible for renewal under Section 10 of this Chapter.

(b) To recover a license, the former licensee shall submit to the Division an application in the format prescribed by the Division.

Section 12. Disciplinary Action.

(a) The Division may take disciplinary action against a licensee or refuse to issue a license for one (1) or more of the following acts or conduct:

(i) Inability to function with reasonable skill and safety as a licensee including, but not limited to, the following reasons:

(A) Physical or mental disability;

- (B) Negligence or incompetence;
 - (C) Substance abuse or dependency;
 - (D) Patient abandonment or abuse;
 - (E) Fraud or deceit;
 - (F) Violation of patient privacy or confidentiality; or
 - (G) Exceeding the authorized scope of practice or representing oneself to be licensed at a higher level of licensure;
- (ii) Misappropriation of money or property from any source while acting as a licensee;
 - (iii) Felony conviction;
 - (iv) Misdemeanor conviction that impacts the public trust in the profession or the ability to practice as a licensee;
 - (v) Drug diversion for self or others;
 - (vi) Distribution, sale, unauthorized use, illegal possession, or manufacturing of controlled or illicit drugs;
 - (vii) Failure to comply with a reasonable request from the Division including, but not limited to, the failure to:
 - (A) Respond to an administrative complaint or notice;
 - (B) Respond to a request for explanation or clarification;
 - (C) Cooperate in an investigation; or
 - (D) Comply with a term, condition, or obligation imposed by the Division;
 - (viii) Failure to conform to the standards of acceptable and prevailing emergency medical services practice, in which case actual injury need not be established;
 - (ix) Failure to comply with the requirements of these rules or the Act;
 - (x) Knowingly aiding or abetting another in the violation of these rules or the Act;

- (xi) Deceiving or attempting to deceive the Division; and
- (xii) Disciplinary action in any jurisdiction related to the right to practice in a health care profession;
- (xiii) Commission of a non-criminal offense as defined under Section 1 of this Chapter.

(b) Disciplinary action may include a reprimand, conditions, restrictions, non-renewal, suspension, revocation, other appropriate action, or a combination thereof.

(c) The Division may initiate investigations or proceedings under this section on its own motion or on the written or oral complaint of any person. The identity of a complainant is confidential. The Division shall make reasonable efforts to protect the identity of a complainant. The Division shall not disclose identifying information related to a complainant except upon waiver by the complainant, court order, request of law enforcement, or request of the Attorney General's Office.

Section 13. Displaying of Licensure.

While on duty, a licensee shall display the licensee's level of licensure on the licensee's outer clothing by means of the Division-approved insignia or other means approved by the Division.

Section 14. Emergency Licensing.

(a) Pursuant to Wyoming Statute § 35-4-114(b), the Division may issue a license to an ambulance service or an individual in order to manage a declared public health emergency within the state in accordance with the following conditions:

(i) The Division may grant an emergency license to an ambulance service not licensed in this state, based on written or electronic confirmation that the ambulance service is licensed within another state; and

(ii) An emergency license for an ambulance service or an individual terminates upon the Governor's declaration that the public health emergency has ended.

(b) Pursuant to Wyoming Statute § 33-36-110(h), the Division may grant an Emergency License to an individual as an EMR, EMT, AEMT, IEMT or Paramedic based on written or electronic confirmation that the individual is currently licensed or was previously licensed at a comparable level in another state.

(i) An Emergency License expires upon whichever arise first of the following:

(A) Notification to the Division that the emergency no longer exists;

(B) Notification to the Division that the licensee's services are no longer required; or

(C) Ninety (90) days from the date of issuance.

(ii) An applicant for an Emergency License shall comply with one of the following:

(A) Submission via electronic means of a completed application for an Emergency License found at <https://health.wyo.gov/publichealth/ems/ems-forms/>;

(B) Submission via electronic means of a National Wildfire Coordinating Group Limited Request for Recognition found at https://www.nwccg.gov/sites/default/files/request_recognition.pdf or on the Division website: <https://health.wyo.gov/publichealth/ems/ems-forms/>.

(iii) The Division may deny approval of an application for an Emergency License if the Division determines:

(A) An emergency does not exist or that issuing the license is otherwise not warranted; or

(B) An applicant has submitted an incomplete or fraudulent application.

(c) The Division may issue an Emergency License equivalent to the level requested. The Division may also restrict or limit an Emergency License issued under this Section.

(d) An individual issued an Emergency License shall comply with the relevant scope of practice established under these rules.

(e) An individual issued an Emergency License is exempt from any other licensing requirements of this Chapter.

Section 15. Conditional Licensing.

(a) Pursuant to Wyoming Statute § 33-36-103(d), an applicant for licensure may request that the Division issue a conditional license while the results of a criminal background check are pending. To qualify for a conditional license, the applicant shall:

(i) Satisfy all eligibility requirements for the relevant level of licensure, except for those related to the criminal background check; and

(ii) Submit an attestation by notarized signature that the applicant has no prior criminal convictions nor pending criminal charges.

(b) If the Division grants a conditional license, the conditional licensee may provide care consistent with the scope of practice established for the relevant level of licensure. An entity that utilizes or employs a conditional licensee retains the right to limit the practice of the conditional licensee as a condition of employment.

(c) A conditional license expires ninety (90) days after the date of issuance. The Division may, at its sole discretion, grant a single ninety (90) day extension of a conditional license if the Division determines that circumstances beyond the conditional licensee's control prohibited the processing of the criminal background check.

(d) The Division shall immediately revoke a conditional license if the Division discovers any fact that would disqualify the conditional licensee from licensure. The Division may use the immediate revocation of a conditional license as grounds for the permanent denial of licensure.