

HOUSE BILL NO. HB0174

Volunteer health care professionals.

Sponsored by: Representative(s) Johnson, L., Law and Ross
and Senator(s) Barrasso

A BILL

for

1 AN ACT relating to civil actions; amending immunity
2 provisions relating to volunteer health care professionals
3 and nonprofit health care facilities; amending requirements
4 for nonprofit health care facilities to be insured as
5 specified; making clarifying and conforming amendments; and
6 providing for an effective date.

7

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

9

10 **Section 1.** W.S. 1-1-129(c) (intro) and (d) through (f)
11 is amended to read:

12

13 **1-1-129. Immunity from liability for volunteer health**
14 **care professionals; insurance required of nonprofit health**
15 **care facility.**

16

1 (c) To qualify for immunity under subsection (b) of
2 this section, a volunteer health care professional shall do
3 all of the following prior to the initial diagnosis, care
4 or treatment:

5
6 (d) Except as provided in this subsection, the
7 immunities provided by subsection (b) of this section are
8 not available to a volunteer health care professional, if
9 at the time of an alleged injury, death or loss to person
10 or property, the volunteer health care professional
11 involved was performing an operation or delivering a baby.
12 This subsection does not apply to a volunteer health care
13 professional who provides diagnosis, care or treatment or
14 performs an operation or delivers a baby when necessary to
15 preserve the life of a person in a medical emergency.

16
17 (e) In order for the immunity under subsection (b) of
18 this section to apply and before the rendering of any
19 services by the volunteer health care professional at the
20 nonprofit health care facility, there must be a written
21 agreement between the volunteer health care professional
22 and the facility pursuant to which the volunteer health
23 care professional will provide medical, dental or health

1 care related diagnosis, care or treatment under the control
2 of the facility to patients of the facility.

3

4 (f) A nonprofit health care facility entering into a
5 written agreement under subsection (e) of this section
6 shall maintain liability coverage of not less than one
7 million dollars (\$1,000,000.00) per occurrence, except that
8 no such coverage shall be required to be maintained by the
9 facility if such coverage is maintained by all volunteer
10 health care professionals rendering services at the
11 facility. A nonprofit health care facility shall be liable
12 for the negligent acts of a volunteer health care
13 professional providing diagnosis, care or treatment at the
14 facility only in the circumstances and to the extent the
15 facility is required to maintain liability coverage under
16 this subsection.

17

18 **Section 2.** This act is effective immediately upon
19 completion of all acts necessary for a bill to become law
20 as provided by Article 4, Section 8 of the Wyoming
21 Constitution.

22

23

(END)