

SENATE FILE NO. SF0042

Obstetric subsidy.

Sponsored by: Senator(s) Scott and Townsend and  
Representative(s) Osborn and Semlek

A BILL

for

1 AN ACT relating to medical assistance and services;  
2 providing an additional payment for obstetric services  
3 under the Wyoming Medical Assistance and Services Act; and  
4 providing for an effective date.

5

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

7

8 **Section 1.**

9

10 (a) For calendar years 2004 and 2005 for the first  
11 ten (10) deliveries performed by each physician who  
12 averages fewer than fifty (50) deliveries per year for  
13 calendar years 2001 through 2003 and which were paid for  
14 under the Wyoming Medical Assistance and Services Act,  
15 there may be an additional malpractice insurance  
16 compensation payment of two thousand five hundred dollars

1 (\$2,500.00) per delivery. No physician shall be eligible  
2 for an additional malpractice insurance compensation  
3 payment under this section unless the physician is located  
4 in an area of this state which is more than forty (40)  
5 miles from not more than one (1) other physician providing  
6 obstetric services as determined by the department of  
7 health. For calendar year 2004 only deliveries performed on  
8 or after the effective date of this act may be so  
9 compensated. Deliveries before the effective date may not  
10 be counted.

11

12 (b) If in any year the funds appropriated for the  
13 purposes of this act are expended and there are additional  
14 deliveries that would otherwise be eligible for  
15 compensation under subsection (a) of this section, no  
16 payments in excess of appropriated funds shall be made,  
17 however the joint appropriations interim committee shall be  
18 informed that the funds are expended and shall be given an  
19 estimate of the supplemental appropriation that would be  
20 required to pay for the additional eligible deliveries.

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22 (c) The department of health may make the payments on  
23 behalf of the state and may utilize a fiscal agent to do  
24 so. The department of health may structure the payments in

1 any way to capture any federal share available under the  
2 Medicaid program, provided the payment structure makes the  
3 full payment authorized to each physician participating for  
4 the first ten (10) eligible deliveries.

5

6 (d) If a community is without obstetric services and  
7 the physicians who had previously provided obstetric  
8 services have purchased the insurance coverage known as  
9 tail coverage to provide coverage for incidents occurring  
10 but not discovered while they were providing obstetric  
11 services, the health department may contract to purchase  
12 any such additional coverage that may be required at the  
13 end of this program if the physicians will return to  
14 provide obstetric services for recipients eligible for  
15 services under the Wyoming Medical Assistance and Services  
16 Act for the duration of this program.

17

18 (e) The Wyoming legislature finds that the payment  
19 authorized by this act is necessary to assure the continued  
20 availability of obstetric services for recipients eligible  
21 for services under the Wyoming Medical Assistance and  
22 Services Act and thus constitutes a necessary support of  
23 the poor as permitted by Article 16, Section 6 of the  
24 Wyoming Constitution.

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2       **Section 2.** This act is effective April 1, 2004.

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(END)