

HOUSE JOINT RESOLUTION NO. HJ0011

Medical review panel-constitutional amendment.

Sponsored by: Representative(s) Simpson

A BILL

For

1 A JOINT RESOLUTION proposing to amend the Wyoming
 2 Constitution to authorize the Wyoming legislature to
 3 mandate alternative dispute or review by a medical review
 4 panel before the filing of a civil action against the
 5 health care provider.

6

7 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
 8 *two-thirds of all the members of the two houses, voting*
 9 *separately, concurring therein:*

10

11 **Section 1.** The following proposal to amend Wyoming
 12 Constitution, Article 10, Section 4 is proposed for
 13 submission to the electors of the State of Wyoming at the
 14 next general election for approval or rejection to become
 15 valid as a part of the Constitution if ratified by a
 16 majority of the electors at the election:

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1 **Article 10, Section 4. Damages for personal injuries**
2 **or death; worker's compensation.**

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4 (a) No law shall be enacted limiting the amount of
5 damages to be recovered for causing the injury or death of
6 any person.

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8 (b) Any section of this constitution to the contrary
9 notwithstanding, for any civil action where a person
10 alleges that a health care provider's act or omission in
11 the provision of health care resulted in death or injury,
12 the legislature may by general law:

13
14 (i) Mandate alternative dispute resolution or
15 review by a medical review panel before the filing of a
16 civil action against the health care provider.

17
18 (c) Any contract or agreement with any employee
19 waiving any right to recover damages for causing the death
20 or injury of any employee shall be void. As to all
21 extrahazardous employments the legislature shall provide by
22 law for the accumulation and maintenance of a fund or funds
23 out of which shall be paid compensation as may be fixed by
24 law according to proper classifications to each person

1 injured in such employment or to the dependent families of
2 such as die as the result of such injuries, except in case
3 of injuries due solely to the culpable negligence of the
4 injured employee. The fund or funds shall be accumulated,
5 paid into the state treasury and maintained in such manner
6 as may be provided by law. Monies in the fund shall be
7 expended only for compensation authorized by this section,
8 for administration and management of the Worker's
9 Compensation Act, debt service related to the fund and for
10 workplace safety programs conducted by the state as
11 authorized by law. The right of each employee to
12 compensation from the fund shall be in lieu of and shall
13 take the place of any and all rights of action against any
14 employer contributing as required by law to the fund in
15 favor of any person or persons by reason of the injuries or
16 death. Subject to conditions specified by law, the
17 legislature may allow employments not designated
18 extrahazardous to be covered by the state fund at the
19 option of the employer. To the extent an employer elects
20 to be covered by the state fund and contributes to the fund
21 as required by law, the employer shall enjoy the same
22 immunity as provided for extrahazardous employments.

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1 **Section 2.** That the Secretary of State shall endorse
2 the following statement on the proposed amendment:

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4 This amendment would allow the Wyoming legislature to enact
5 laws requiring alternative dispute resolution or medical
6 panel review before a person files a lawsuit against a
7 health care provider for injury or death.

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9

(END)