

SENATE FILE NO. SF0028

Medical errors commission-implementation study.

Sponsored by: Joint Labor, Health and Social Services
Interim Committee

A BILL

for

1 AN ACT relating to health care; authorizing a study of
2 avoidable medical errors and the creation of a system to
3 compensate victims of medical errors; specifying duties of
4 the Wyoming health care commission in conducting the study;
5 requiring reports and recommendations; providing an
6 appropriation; and providing for an effective date.

7

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

9

10 **Section 1.**

11

12 (a) The Wyoming health care commission shall study
13 the feasibility, costs and benefits of a new system of
14 dealing with health care errors and health care malpractice
15 which has the following characteristics:

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1 (i) Identification of health care errors;

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3 (ii) Identification of medical malpractice;

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5 (iii) Identification of general causes of health
6 care errors;

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8 (iv) Identification of systematic causes of
9 health care errors;

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11 (v) Prevention of future errors and malpractice
12 through systems improvement;

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14 (vi) Improvement in the delivery of health care
15 services through enhanced patient safety;

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17 (vii) A system to compensate individuals, as
18 their exclusive remedy, for damages resulting from
19 avoidable health care error, including payment for:

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21 (A) All health care expenses arising from
22 the error as they occur; and

23

1 (B) Other expenses and lost opportunities,
2 including loss of earnings, loss of earnings potential,
3 increased living expenses, and other compensation as
4 appropriate and as provided on a schedule or formula.

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6 (b) To the extent feasible, the study shall consider:

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8 (i) The probable costs of the system including
9 but not limited to the costs of administration, the costs
10 of improvements to the health care system needed to prevent
11 future errors and the cost of compensating people injured
12 by avoidable errors;

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14 (ii) The estimated percentage of system costs
15 payable to injured victims under the proposed system
16 compared to the percentage of gross settlements or verdicts
17 actually received by victims of health care errors and
18 malpractice under the current tort liability system;

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20 (iii) The size of the health care errors
21 commission and the appropriate mix of health care
22 professionals, attorneys, nonhealth care professionals and
23 public representatives on the commission;

24

1 (iv) The administration and management of the
2 commission including staffing, procedures for handling
3 claims, use of subordinate commissions or other techniques
4 to keep the burden on the full commission within reasonable
5 limits for a citizen commission whose members are otherwise
6 employed;

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8 (v) The schedules or formulas necessary to
9 determine the compensation of people injured by avoidable
10 health care error;

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12 (vi) The funding necessary for the system and
13 the appropriate means of obtaining that funding;

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15 (vii) The appropriate means for a person
16 aggrieved by an action of the commission to appeal to the
17 courts without giving the courts the opportunity to
18 recreate the existing tort liability system as the appeal
19 mechanism;

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21 (viii) Any provisions needed for a successful
22 transition between the current system and the proposed new
23 system including but not limited to provision for those

1 avoidable health care injuries occurring before but not
2 compensated before the effective date of the new system;

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4 (ix) Any other factors the health care
5 commission deems important to study relevant to the general
6 topic.

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8 (c) To the extent practical, the health care
9 commission shall exchange information and ideas with the
10 similar study in the state of Massachusetts and any other
11 state found to be studying similar concepts.

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13 (d) The completed study shall be submitted to the
14 joint labor, health and social services interim committee
15 by October 15, 2004, unless the committee and the
16 commission agree to extend the due date. The committee and
17 the commission may agree to divide the study into one or
18 more phases and set different dates for the completion of
19 each phase. No extension shall delay the submission of the
20 report beyond October 1, 2005.

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22 **Section 2.** There is appropriated from the general
23 fund to the Wyoming health care commission for the purpose

1 of this act three hundred fifty thousand dollars
2 (\$350,000.00).

3

4 **Section 3.** This act is effective immediately upon
5 completion of all acts necessary for a bill to become law
6 as provided by Article 4, Section 8 of the Wyoming
7 Constitution.

8

9

(END)