

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Health care commission amendments.

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

A BILL

for

1 AN ACT relating to the Wyoming health care commission;  
2 expanding commission membership, as specified; providing  
3 for staggered terms; removing limitation on staff for the  
4 commission; amending the commission's duties, as specified;  
5 repealing obsolete provisions; authorizing fees for  
6 commission reports and data; granting subpoena authority;  
7 amending reporting dates; repealing sunset date; requiring  
8 a report and plan for demonstration alternate compensation  
9 systems, as specified; requiring a study and report for  
10 redesign of the Medicaid benefit system as specified; and  
11 providing for an effective date.

12

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

14

1           **Section 1.** W.S. 9-2-2801(b), (c) and (e), 2802(b),  
2 9-2-2803(a)(intro), (d) and by creating new subsections (f)  
3 and (g) are amended to read:

4  
5           **9-2-2801. Health care commission created; membership;**  
6 **salary; meetings; advisory committees.**

7  
8           (b) The commission shall consist of eleven (11)  
9 members appointed by the governor, the director of the  
10 department of health or the director's designee and the  
11 insurance commissioner or the commissioner's designee.

12  
13           (c) Appointed commission members shall serve ~~until~~  
14 ~~completion of duties delegated to the commission under this~~  
15 ~~article~~ three year terms. For the eleven (11) appointed  
16 members of the commission on July 1, 2006, the governor  
17 shall select three members who will serve one year terms,  
18 four members who will serve two year terms and four members  
19 who will serve three year terms. The governor may re-  
20 appoint members. If a vacancy occurs on the commission,  
21 the governor shall appoint a new member to fill the vacancy  
22 for the remainder of the term. The governor may remove  
23 members as provided in W.S. 9-1-202. Commission members who  
24 are not state employees shall receive a salary equal to the

1 per diem paid members of the Wyoming legislature under W.S.  
2 28-5-101 for each day of actual service and when engaged in  
3 necessary travel plus necessary expenses.

4

5 (e) The commission shall meet at the call of the  
6 chairman. ~~Six (6)~~ Seven (7) members shall constitute a  
7 quorum.

8

9 **9-2-2802. Director; appointment; duties; additional**  
10 **staff; qualifications.**

11

12 (b) Subject to approval by the commission, the  
13 director may employ ~~one (1)~~ staff ~~member~~ members to assist  
14 the commission in performing its duties. ~~The staff member~~  
15 Staff members shall possess those administrative,  
16 technical, professional and clerical qualifications  
17 determined necessary by the commission. All staff to the  
18 commission shall serve at the pleasure of the director.

19

20 **9-2-2803. Health care commission duties; report; open**  
21 **meetings; attorney general to represent; rulemaking;**  
22 **administrative subpoenas.**

23

1           (a) The commission shall develop strategies to  
2 improve health care and reduce health care ~~and medical~~  
3 ~~liability insurance~~ costs for Wyoming citizens by holding  
4 public meetings throughout the state, hearing from experts  
5 and other interested parties, studying and researching  
6 other states' actions on health care ~~and medical liability~~  
7 ~~insurance~~ reform, studying and utilizing Wyoming data, and  
8 considering past efforts, ~~including, but not limited to,~~  
9 ~~the report issued by the Wyoming health reform commission~~  
10 ~~on December 1, 1994,~~ and future possibilities that can be  
11 useful in decision making by addressing ~~the following:~~  
12 issues related to healthcare access, quality and cost.

13  
14           (d) Every ~~two (2)~~ six (6) months the commission shall  
15 submit a written progress report to the joint labor, health  
16 and social services interim committee. ~~The committee shall~~  
17 ~~create a subcommittee to meet jointly with the commission,~~  
18 ~~as appropriate and subject to the agreement of the chairman~~  
19 ~~of the commission, and prepare legislation necessary to~~  
20 ~~implement commission recommendations.~~ The subcommittee  
21 commission shall submit recommended draft legislation to  
22 the joint labor, health and social services interim  
23 committee for consideration.

24

1       (f) The commission may maintain a system of health  
2 care information and issue reports and disseminate  
3 information by other means related to health care access,  
4 quality and costs. The commission may assess a fee for  
5 reports and the use of its health care information system.  
6 Reports to and use of the information database by public  
7 agencies and subdivisions of the state shall be free of  
8 charge. Any revenue generated by the fees shall be  
9 deposited in the general fund.

10  
11       (g) In carrying out the commission's duties, the  
12 director may apply to the office of administrative hearings  
13 for an administrative subpoena for the production of any  
14 books, papers or other documents relevant or material to  
15 the commission's inquiry.

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17       **9-2-2804. Termination of article.**

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19       W.S. 9-2-2801 through 9-2-2803 are repealed effective  
20 June 30, ~~2006~~2009.

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22       **Section 2.** W.S. 9-2-2803(a)(i) through (xi), (b) and  
23 (c) are repealed.

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1           **Section 3.** The health care commission shall develop  
2 and submit to the joint labor, health and social services  
3 interim committee by November 10, 2006 a detailed plan for  
4 one or more demonstration projects of patient safety and  
5 alternate compensation systems as recommended by the  
6 October 1, 2005 health care commission report on medical  
7 errors and medical injury compensation. The plan shall  
8 include a plan of operation for the demonstration and a  
9 draft of legislation necessary authorizing the  
10 demonstrations. The plan shall:

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12           (a) Assume the objective of the demonstration project  
13 is to determine if an alternate compensation system will,  
14 at a cost that does not exceed the cost of the current  
15 system:

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17           (i) Facilitate the identification and prevention  
18 of medical error and other avoidable adverse medical  
19 events;

20

21           (ii) Provide better compensation for those  
22 injured by avoidable adverse medical events; and

23

1           (iii) Provide a more favorable professional  
2 environment for attracting skilled medical professionals  
3 now in short supply in Wyoming.

4

5           (b) Consider making an alternative compensation  
6 system available to governmental hospitals and their  
7 employees;

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9           (c) Provide that relevant professional liability  
10 coverage for the participating governmental entities be  
11 provided through a separate and financially independent  
12 subaccount of the local government insurance account  
13 created by W.S. 1-42-103;

14

15           (d) Identify the size of the appropriation needed to  
16 appropriately capitalize a special alternative compensation  
17 system fund account;

18

19           (e) Assume that for the duration of the demonstration  
20 the state will protect the local governments involved from  
21 medical liability costs in excess of those expected under  
22 the current system;

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1           (f) Be consistent with the provisions of the Wyoming  
2 Constitution as it exists as of 2005 and not be dependent  
3 on any constitutional changes;

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5           (g) Provide for periodic evaluation of the progress  
6 of the demonstration and provide opportunity for  
7 modifications of the demonstration based on experience.

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9           **Section 5.**

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11           (a) The health care commission shall support a  
12 redesign of the Medicaid benefit structure as recommended  
13 by the final report of the joint legislative executive  
14 committee reviewing the health department in response to  
15 chapter 182, 2005 Session Laws of Wyoming. The joint  
16 labor, health and social services interim committee shall  
17 undertake the redesign with the support of the commission  
18 and the governor's office. The objective of the redesign  
19 shall be to improve the cost effectiveness of the Wyoming  
20 Medicaid program. The redesign shall include changes to  
21 the benefit structure and to the management and operation  
22 of the program as needed. The redesign shall be done  
23 without reference to the traditional federal constraints on  
24 the Medicaid program on the assumption that waivers will be



1 sought and obtained as needed to implement changes. A  
2 preliminary report shall be submitted to the legislature by  
3 the joint labor, health and social services interim  
4 committee before the 2007 general session and a final  
5 report by the 2008 budget session along with legislation  
6 necessary to implement the conclusions of the report. To  
7 the extent practical the redesign effort shall:

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9 (i) Use the same database that is developed for  
10 the health care commission's study of a system to improve  
11 the cost effectiveness of private insurance and reduce the  
12 number of uninsured pursuant to section 3 of this act;

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14 (ii) Utilize the same or similar cost control  
15 techniques as are developed pursuant to the study required  
16 by section 3 of this act; and

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18 (iii) Be coordinated with that study so that the  
19 proposed systems have as smooth and simple a transition as  
20 possible for people moving from the Medicaid system to the  
21 Wyocare system developed pursuant to section 3 of this act.

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23 **Section 4.** This act is effective July 1, 2006.

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(END)