

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) members
9 appointed by the governor, the director of the department
10 of health or the director's designee and the insurance
11 commissioner or the commissioner's designee. Members not
12 appointed by the governor shall be ex officio members of
13 the commission.

14
15 (c) Appointed commission members shall serve ~~until~~
16 ~~completion of duties delegated to the commission under this~~
17 article three year terms. For the eleven (11) appointed
18 members of the commission on July 1, 2006, the governor
19 shall select three members who will serve one year terms,
20 four members who will serve two year terms and four members
21 who will serve three year terms. The governor may re-
22 appoint members. If a vacancy occurs on the commission,
23 the governor shall appoint a new member to fill the vacancy
24 for the remainder of the term. The governor may remove

1 members as provided in W.S. 9-1-202. Commission members who
2 are not state employees shall receive a salary equal to the
3 per diem paid members of the Wyoming legislature under W.S.
4 28-5-101 for each day of actual service and when engaged in
5 necessary travel plus necessary expenses.

6

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

10

11 **9-2-2802. Director; appointment; duties; additional**
12 **staff; qualifications.**

13

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

21

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

1

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

14

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

1

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

11

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

17

18 **9-2-2804. Termination of article.**

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

22

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

1

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

12

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

17

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

21

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

24

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;

8

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;

23

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;

4
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.

8
9 **Section 4.** The health care commission shall conduct a
10 study of the redesign of the Medicaid benefit structure as
11 recommended by the final report of the joint legislative
12 executive committee reviewing the health department in
13 response to chapter 182, 2005 Session Laws of Wyoming. The
14 commission shall study benefit changes to improve the cost
15 effectiveness of the Wyoming Medicaid program. The study
16 shall also consider changes to the management and operation
17 of the program if indicated to improve cost effectiveness.
18 The study may consider benefit changes that would require
19 waivers from the United States centers for Medicare and
20 Medicaid services for implementation. The commission shall
21 submit a preliminary report to the joint labor, health and
22 social services interim committee by November 1, 2006 and a
23 final report by October 1, 2008. The final report shall

1 include recommended legislation necessary to implement the
2 conclusions of the report.

3

4 **Section 5.** This act is effective July 1, 2006.

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(END)