

SENATE FILE NO. SF0048

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; extending sunset date; requiring
8 a task force and report on reducing private health
9 insurance costs and the number of uninsured; requiring a
10 report and plan for demonstration of alternate compensation
11 systems, as specified; requiring a study and report for
12 redesign of the Medicaid benefit system as specified; and
13 providing for an effective date.

14

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

16

1 **Section 1.** W.S. 9-2-2801(b) and (c), 9-2-2802(b),
2 9-2-2803(a)(intro), (d) and by creating new subsections (f)
3 and (g) and 9-2-2804 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. In addition, the
10 director of the department of health or the director's
11 designee and the insurance commissioner or the
12 commissioner's designee shall be ex officio members of the
13 commission.

14
15 (c) Appointed commission members shall serve ~~until~~
16 ~~completion of duties delegated to the commission under this~~
17 ~~article~~ three (3) year terms. For the eleven (11) appointed
18 members of the commission on July 1, 2006, the governor
19 shall select three (3) members who will serve one (1) year
20 terms, four (4) members who will serve two (2) year terms
21 and four (4) members who will serve three (3) year terms.
22 The governor may reappoint members. If a vacancy occurs on
23 the commission, the governor shall appoint a new member to
24 fill the vacancy for the remainder of the term. The

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

7

8 **9-2-2802. Director; appointment; duties; additional**
9 **staff; qualifications.**

10

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

18

19 **9-2-2803. Health care commission duties; report; open**
20 **meetings; attorney general to represent; rulemaking;**
21 **administrative subpoenas.**

22

23 (a) The commission shall develop strategies to
24 improve health care and reduce health care ~~and medical~~

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

11

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

22

23 (f) The commission may maintain a system of health
24 care information and issue reports and disseminate

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

8
9 (g) In carrying out the commission's duties, the
10 director may apply to the office of administrative hearings
11 for an administrative subpoena for the production of any
12 books, papers or other documents relevant or material to
13 the commission's inquiry.

14
15 **9-2-2804. Termination of article.**

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17 W.S. 9-2-2801 through 9-2-2803 are repealed effective June
18 30, ~~2006~~2009.

19
20 **Section 2.** W.S. 9-2-2803(a)(i) through (xi), (b) and
21 (c) is repealed.

22
23 **Section 3.**

24

1 (a) The health care commission shall develop and
2 submit to the joint labor, health and social services
3 interim committee by November 10, 2006 a detailed plan for
4 one (1) or more demonstration projects of patient safety
5 and 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 to authorize the
10 demonstrations. The plan shall:

11

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

16

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

20

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

23

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

4

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

8

9 (iii) Provide that relevant professional
10 liability coverage for the participating governmental
11 entities be provided through a separate and financially
12 independent subaccount of the local government insurance
13 account created by W.S. 1-42-202;

14

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

18

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

23

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

4
5 (vii) Provide for periodic evaluation of the
6 progress of the demonstration and provide opportunity for
7 modifications of the demonstration based on experience.

8
9 **Section 4.** The governor shall appoint a task force to
10 examine proposals for reducing the percentage of Wyoming
11 citizens without health insurance and reducing the cost of
12 private health insurance. The task force shall consist of
13 at least two (2) but not more than five (5) members of the
14 health care commission and at least five (5) but not more
15 than (9) members of the public. Task force members shall
16 be appointed by the governor. The task force shall report
17 to the commission, which shall make a preliminary report to
18 the joint labor, health and social services interim
19 committee by November 10, 2006 and a final report by
20 October 1, 2007.

21
22 **Section 5.** The health care commission shall conduct a
23 study of the redesign of the Medicaid benefit structure as
24 recommended by the final report of the joint legislative

1 executive committee reviewing the health department in
2 response to chapter 182, 2005 Session Laws of Wyoming. The
3 commission shall study benefit changes to improve the cost
4 effectiveness of the Wyoming Medicaid program. The study
5 shall also consider changes to the management and operation
6 of the program if indicated to improve cost effectiveness.
7 The study may consider benefit changes that would require
8 waivers from the United States Centers for Medicare and
9 Medicaid Services for implementation. The commission shall
10 submit a preliminary report to the joint labor, health and
11 social services interim committee by October 1, 2006 and a
12 final report by October 1, 2008. The final report shall
13 include recommended legislation necessary to implement the
14 conclusions of the report.

15

16 **Section 6.** This act is effective July 1, 2006.

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(END)