

SENATE FILE NO. SF0160

Emergency medical torts-standard of proof.

Sponsored by: Senator(s) Barrasso and Jennings and
Representative(s) Walsh

A BILL

for

1 AN ACT relating to civil actions; providing that civil
2 actions arising from emergency medical care be proven by
3 clear and convincing evidence as specified; providing
4 definitions; and providing for an effective date.

5

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

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8 **Section 1.** W.S. 1-12-602 is created to read:

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10 **1-12-602. Injury by emergency health care providers;**
11 **standard of proof.**

12

13 (a) In an action involving a claim of liability
14 against a health care provider or facility arising out of
15 the provision of emergency medical care in a hospital
16 emergency department or in a surgical suite immediately

1 following the evaluation or treatment of a patient in a
2 hospital emergency department, no health care provider or
3 facility shall be found liable unless all elements of the
4 claim are proven by clear and convincing evidence.

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6 (b) For purposes of this section:

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8 (i) "Emergency medical care" means bona fide
9 emergency services provided after the onset of a medical or
10 traumatic condition manifesting itself by acute symptoms of
11 a sufficient severity, including severe pain, that the
12 absence of immediate medical attention could reasonably be
13 expected to result in placing the patient's health in
14 serious jeopardy, serious impairment to bodily functions,
15 or serious dysfunction of any bodily organ or part.
16 "Emergency medical care" does not include medical care or
17 treatment that occurs after the patient is stabilized or is
18 capable of receiving medical treatment as a nonemergency
19 patient or care that is unrelated to the original medical
20 emergency;

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22 (ii) "Health care facility" means as defined in
23 W.S. 35-2-901(a)(x);

24

1 (iii) "Health care provider" means as defined in
2 W.S. 35-2-605(a) (viii).

3

4 **Section 2.** This act is effective July 1, 2007.

5

6 (END)