

SENATE FILE NO. SF0032

Workers' compensation amendments.

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

A BILL

for

1 AN ACT relating to workers' compensation; authorizing the
2 medical commission to report suspected substandard or
3 inappropriate medical or hospital care to appropriate
4 licensing authorities; providing that false reporting shall
5 be a misdemeanor; clarifying that members of the workers'
6 compensation medical commission shall be considered public
7 employees for purposes of the Wyoming Governmental Claims
8 Act; providing that confidentiality does not prohibit
9 authorized reports to professional licensing authorities;
10 and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 27-14-616(b)(iii), (iv), by creating
15 a new paragraph (v), (c) and by creating a new subsection
16 (f), 27-14-801(e) by creating a new paragraph (iii) and

1 27-14-805(a) by creating a new paragraph (iv) are amended
2 to read:

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4 **27-14-616. Medical commission; hearing panels;**
5 **creation; membership; duties; rulemaking.**

6

7 (b) One (1) member shall be elected by commission
8 members as chairman and one (1) as vice-chairman. The
9 division shall designate an employee to serve as executive
10 secretary of the commission or contract with an individual
11 to provide executive secretary services to the commission.
12 The governor may appoint no more than eleven (11)
13 additional health care providers as associate members of
14 the commission whose function is limited to serving as
15 members of individual medical hearing panels. Except for
16 initial members, the terms of commission members and
17 associate members shall be three (3) years. Three (3)
18 members of the initial commission and three (3) initial
19 associate members shall be appointed to a one (1) year term
20 and four (4) initial commission members and four (4)
21 initial associate members shall be appointed to a two (2)
22 year term. The duties of the commission shall be:

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1 (iii) To advise the division, upon request, on
2 the usefulness of medical cost containment measures;~~and~~

3
4 (iv) To furnish three (3) members of the
5 commission to serve as a medical hearing panel to hear
6 cases referred for hearing. The division shall refer
7 medically contested cases to the commission for hearing by
8 a medical hearing panel. The decision to refer a contested
9 case to the office of administrative hearings or a medical
10 hearing panel established under this section shall not be
11 subject to further administrative review. Following
12 referral by the division, the hearing examiner or medical
13 hearing panel shall have jurisdiction to hear and decide
14 all issues related to the written notice of objection filed
15 pursuant to W.S. 27-14-601(k). Different medical hearing
16 panels with different membership may be selected to hear
17 different cases, but a panel may hear more than one (1)
18 case. Individual medical hearing panels shall be selected
19 by the executive secretary under the supervision and
20 guidance of the chairman of the medical commission. At
21 least one (1) member of each panel shall be a physician.
22 One (1) member shall be designated by the executive
23 secretary to serve as chairman of the panel. When hearing a
24 medically contested case, the panel shall serve as the

1 hearing examiner and shall have exclusive jurisdiction to
2 make the final administrative determination of the validity
3 and amount of compensation payable under this act. For
4 cases referred to the medical commission as small claims
5 hearings under W.S. 27-14-602(b), the medical hearing panel
6 may consist of one (1) physician who shall serve as the
7 hearing examiner and shall have exclusive jurisdiction to
8 make the final administrative determination of the validity
9 and amount of compensation payable under this act;~~;~~ and

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11 (v) To advise the division regarding any
12 suspected substandard or inappropriate medical or hospital
13 care provided to an injured worker by a health care
14 provider or hospital.

15
16 (c) The members of the commission and of medical
17 hearing panels when serving shall be deemed public
18 employees for purposes of the Wyoming Governmental Claims
19 Act, and shall be immune from liability ~~and shall be~~
20 ~~defended by the attorney general if sued and indemnified~~
21 ~~against loss from legal action in the same manner as state~~
22 ~~employees~~ pursuant to W.S. 1-39-104.

1 (f) Any member of the commission who knows or has
2 reasonable cause to believe or suspect that a health care
3 provider or hospital has provided substandard or
4 inappropriate medical or hospital care shall immediately
5 report it to the appropriate professional or facility
6 licensing authority and to the division. Any member who
7 knowingly and intentionally makes a false report of
8 substandard or inappropriate care, or who encourages or
9 coerces another person to make a false report of
10 substandard or inappropriate care, is guilty of a
11 misdemeanor punishable by imprisonment for not more than
12 six (6) months, a fine of not more than seven hundred fifty
13 dollars (\$750.00), or both.

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15 **27-14-801. Duties of director.**

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17 (e) The director shall:

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19 (iii) Report to the appropriate professional or
20 facility licensing authority any suspected substandard or
21 inappropriate medical or hospital care provided to an
22 injured worker by the provider or hospital.

1 **27-14-805. Confidentiality of information; unlawful**
2 **disclosure; exception.**

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4 (a) Except as otherwise provided by this act,
5 information obtained from any employer or covered employee
6 pursuant to reporting requirements under this act or
7 investigations conducted under W.S. 27-14-803 shall not be
8 disclosed in a manner which reveals the identity of the
9 employer or employee except to the employer, the employee,
10 legal counsel for an employer, legal counsel for an
11 employee or in situations necessary for the division to
12 enforce any of the provisions of this act. The
13 confidentiality limitations of this section do not apply to
14 transfers of information between the divisions of the
15 department of employment so long as the transfer of
16 information is not restricted by federal law, rule or
17 contract. In addition, nothing in this section shall
18 prohibit the division from:

19
20 (iv) Reporting to the appropriate professional
21 or facility licensing authority any suspected substandard
22 or inappropriate medical care provided to an injured worker
23 by a health care provider or hospital.

