

SENATE FILE NO. SF0066

Volunteer health care.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to public health and safety; authorizing
2 the department of health to contract for volunteer health
3 care services for low income persons; providing that claims
4 against volunteering medical facilities and health care
5 providers are subject to the Wyoming governmental claims
6 act; authorizing licensing boards to provide continuing
7 education credit as specified; amending definitions under
8 the Wyoming Governmental Claims Act; providing for coverage
9 under the state self insurance program; and providing for
10 an effective date.

11

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

13

14 **Section 1.** W.S. 35-31-101 through 35-31-103 are
15 created to read:

16

1

CHAPTER 31

2

VOLUNTEER HEALTH SERVICES PROGRAM

3

4

35-31-101. Definitions.

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6

(a) As used in this act:

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(i) "Contract" means an agreement executed in compliance with this act between:

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(A) A medical facility and the department that authorizes the medical facility to deliver volunteer health care services to low income persons in consideration for being deemed a medical facility of the state under the Wyoming Governmental Claims Act when performing duties under the contract; or

(B) A health care provider and the department that authorizes the health care provider to deliver volunteer health care services to low income persons in consideration for being deemed a public employee of the state under the Wyoming Governmental Claims Act when performing duties under the contract.

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2 (ii) "Department" means the department of
3 health;

4

5 (iii) "Health care provider" means any person
6 licensed, certified or otherwise authorized by the law of
7 this state to cure, treat or prevent impairments of the
8 normal state of the mind and body, including but not
9 limited to physicians, physician assistants, nurses,
10 pharmacists, optometrists, dentists, psychiatrists,
11 psychologists and social workers;

12

13 (iv) "Low income person" means a person with an
14 income not greater than two hundred percent (200%) of the
15 current poverty line as specified by the poverty guidelines
16 updated periodically in the Federal Register by the United
17 States Department of Health and Human Services under the
18 authority of 42 U.S.C. 9902(2) and:

19

20 (A) The person is not a covered individual
21 under a health insurance or health care policy, contract or
22 plan; or

23

1 (B) The person is a covered individual
2 under a health insurance or health care policy, contract or
3 plan, but was denied coverage by the policy, contract or
4 plan.

5

6 (v) "Medical facility" means a hospital, clinic,
7 office, nursing home, or other facility where a health care
8 provider provides health care to patients;

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10 (vi) "Patient" includes clients of health care
11 providers as defined by paragraph (iii) of this subsection;

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13 (vii) "This act" means W.S. 35-31-101 through
14 35-31-103.

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16 **35-31-102. Contract conditions for volunteer health**
17 **services.**

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19 (a) The department may execute contracts with health
20 care providers and medical facilities to deliver volunteer
21 health care services to low income persons as a deemed
22 public employee or medical facility of the state. A
23 contract shall provide as follows:

1

2 (i) The health care provider who delivers
3 volunteer health care services to a low income person
4 pursuant to a contract that complies with the requirements
5 of this act, and regardless of whether the low income
6 person who is treated is later found to be ineligible,
7 shall be considered a public employee of the state while
8 acting within the scope of duties under the contract, but
9 only for the purposes of the applicability of the Wyoming
10 Governmental Claims Act, including W.S. 1-39-110;

11

12 (ii) The medical facility while providing
13 volunteer health care services to a low income person
14 pursuant to a contract that complies with the requirements
15 of this act, and regardless of whether the low income
16 person who is treated is later found to be ineligible,
17 shall be considered a medical facility of the state, but
18 only for purposes of the applicability of the Wyoming
19 Governmental Claims Act, including W.S. 1-39-109(b);

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21 (iii) Only volunteer health care services
22 delivered by the health care provider or medical facility

1 to low income persons eligible to receive those services
2 are covered under the contract.

3

4 (b) Volunteer health care providers and medical
5 facilities shall determine patient eligibility using
6 patient self-attestation.

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8 (c) The department, health care provider or medical
9 facility retains the right to terminate the contract upon
10 written notice of its intent to terminate the contract at
11 least five (5) business days before the contract
12 termination date unless the department determines that
13 immediate termination is necessary to protect the safety of
14 patients.

15

16 **35-31-103. Disclosure; continuing education credit;**
17 **rulemaking.**

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19 (a) Before a low income person receives volunteer
20 health care services pursuant to this act, he or his legal
21 representative shall sign a disclosure statement that
22 informs the low income person of the following:

23

1 (i) The health care provider shall be considered
2 a public employee of the state under the Wyoming
3 Governmental Claims Act while providing volunteer health
4 care under this act;

5
6 (ii) The medical facility shall be considered a
7 facility of the state and any health care provider employee
8 of the medical facility shall be considered a public
9 employee of the state under the Wyoming Governmental Claims
10 Act while providing volunteer health care under this act;

11
12 (iii) Commencement of an action pursuant to the
13 Wyoming Governmental Claims Act shall be the exclusive
14 remedy for any injury or damage suffered as the result of
15 any negligence of the health care provider or any employee
16 of the medical facility while acting within the scope of a
17 contract that exists between the department and the health
18 care provider or medical facility;

19
20 (iv) The low income person may elect to decline
21 treatment under the provisions of this act.

22

1 (b) Licensing boards may grant continuing education
2 credit to health care providers for the performance of
3 volunteer health care services to low income persons
4 pursuant to this act.

5

6 (c) The department shall adopt rules necessary to
7 implement this act.

8

9 **Section 2.** W.S. 1-39-103(a)(iv) by creating a new
10 subparagraph (G), 1-39-109, 1-39-110(b) and 1-41-102(a)(v)
11 by creating a new subparagraph (E) are amended to read:

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13 **1-39-103. Definitions.**

14

15 (a) As used in this act:

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17 (iv) "Public employee":

18

19 (G) Includes any health care provider, as
20 defined by W.S. 35-31-101(a)(iii), under a contract with
21 the state to deliver volunteer health care services to low
22 income persons under W.S. 35-31-101 through 35-31-103 while
23 providing the contracted services.

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2 **1-39-109. Liability; medical facilities.**

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4 (a) Except as provided in subsection (b) of this
5 section, a governmental entity is liable for damages
6 resulting from bodily injury, wrongful death or property
7 damage caused by the negligence of public employees while
8 acting within the scope of their duties in the operation of
9 any public hospital or in providing public outpatient
10 health care.

11

12 (b) The state of Wyoming is liable for damages
13 resulting from bodily injury or wrongful death to a patient
14 treated under the provisions of W.S. 35-31-101 through
15 35-31-103 caused by the negligence of a health care
16 provider or a medical facility while performing health care
17 services pursuant to a contract to deliver volunteer health
18 services under W.S. 35-31-101 through 35-31-103.

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20 **1-39-110. Liability; health care providers.**

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22 (b) Notwithstanding W.S. 1-39-118(a), for claims
23 under this section against a physician, physician

1 assistant, nurse, optometrist or dentist who is employed by
2 a governmental entity or who is deemed to be a public
3 employee of the state by virtue of a contract pursuant to
4 W.S. 35-31-101 through 35-31-103, based upon an act, error
5 or omission occurring on or after May 1, 1988, the
6 liability of a governmental entity shall not exceed the sum
7 of one million dollars (\$1,000,000.00) to any claimant for
8 any number of claims arising out of a single transaction or
9 occurrence nor exceed the sum of one million dollars
10 (\$1,000,000.00) for all claims of all claimants arising out
11 of a single transaction or occurrence.

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13 **1-41-102. Definitions.**

14

15 (a) As used in this act:

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17 (v) "Public employee" means any officer,
18 employee or servant of the state, provided the term:

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20 (E) Includes health care providers
21 delivering volunteer health care services to low income
22 individuals under a contract pursuant to W.S. 35-31-101
23 through 35-31-103.

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2 **Section 3.** This act is effective July 1, 2018.

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(END)