

SENATE FILE NO. SF0096

Repeal-hospital records and information statutes.

Sponsored by: Senator(s) Kinskey, Baldwin and Nethercott and
Representative(s) Kinner and Western

A BILL

for

1 AN ACT relating to public health and safety; repealing
2 provisions related to hospital record confidentiality and
3 disclosure; recreating provisions related to medical staff
4 committees as specified; amending references to repealed
5 sections; and providing for an effective date.

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

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9 **Section 1.** W.S. 35-2-618 is created to read:

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11 **35-2-618. Medical staff committees; record**
12 **confidentiality.**

13

14 (a) All reports, findings, proceedings and data of
15 medical staff committees shall be confidential and

1 privileged. No claim or action shall accrue against any
2 hospital, medical staff member or any employee of either
3 arising out of the denial of staff privileges to any applicant
4 or out of the suspension of, expulsion of or any other
5 restrictive or disciplinary action against any medical staff
6 member or hospital employee unless the action is arbitrary,
7 capricious and without foundation in fact.

8

9 (b) For the purpose of subsection (a) of this section,
10 "medical staff committee" means any committee within a
11 hospital, consisting of medical staff members or hospital
12 personnel, which is engaged in supervision, discipline,
13 admission, privileges or control of members of the hospital's
14 medical staff, evaluation and review of medical care,
15 utilization of the hospital facilities or professional
16 training.

17

18 **Section 2.** W.S. 7-13-1607(c), 7-13-1610, 9-2-125(a),
19 9-2-1035(a)(v)(A), 25-5-131(b)(vi) and 26-34-108(c) are
20 amended to read:

21

22 **7-13-1607. Participation in court supervised treatment**
23 **program; conditions; extended probation.**

1

2 (c) Participation in a program shall only be with the
3 consent of the referring judge, the participant and the
4 prosecuting attorney, and acceptance of the participant by
5 the program team in accordance with a written agreement
6 between the participant and the program team. The agreement
7 shall include the participant's consent to release of medical
8 and other records relevant to his treatment history and
9 assessment that meets the requirements of 42 U.S.C.
10 290dd-2(b), or 42 C.F.R. part 2.31, ~~or W.S. 35-2-607(c)~~, as
11 applicable. Prior to a participant's entry into a written
12 agreement, the participating judge shall inform the
13 participant that he may be subject to a term of probation
14 that exceeds the maximum term of imprisonment established for
15 the particular offense charged, as provided in W.S. 5-9-134
16 and 7-13-1614.

17

18 **7-13-1610. Confidentiality of treatment records.**

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20 Program staff shall be provided with access to all records of
21 any state or local government relevant to the participant's
22 treatment. The records and reports shall be maintained in a
23 confidential file not available to the public and the contents

1 thereof shall not be disclosed to any person outside the
2 program without a court order. Program staff shall comply
3 with the confidentiality rules contained in 42 U.S.C.
4 290dd-2~~7~~ or 42 C.F.R. part 2~~1~~ and ~~W.S. 35-2-606,~~ as
5 applicable.

6

7 **9-2-125. Client treatment records; confidentiality;**
8 **limited disclosure permitted; definitions.**

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10 (a) Client registration records and treatment records
11 relating to persons receiving mental health or substance
12 abuse treatment at a treatment facility under contract with
13 the department shall remain confidential, except as provided
14 in this section, W.S. 7-4-201(f), 28-8-107, 28-8-108~~7~~ and
15 28-8-111~~1~~ and ~~35-2-605 through 35-2-617.~~

16

17 **9-2-1035. Definitions.**

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19 (a) As used in this act:

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21 (v) "Public financial information" means official
22 public records as defined in W.S. 16-4-201(a)(vi)(A) that are
23 required to be made available on the Wyoming public finance

1 and expenditure of funds website as required by this act, but
2 shall not include any information:

3

4 (A) Provided pursuant to W.S. 26-34-129,
5 26-34-130, 28-8-108, ~~35-2-605 through 35-2-617,~~ 35-2-910 or
6 35-17-105;

7

8 **25-5-131. Confidentiality of records; exceptions;**
9 **penalties for violations.**

10

11 (b) The administrator may provide access to the records
12 of a client, former client or proposed client by:

13

14 (vi) A person as required by law, including ~~the~~
15 ~~Wyoming Hospital Records and Information Act,~~ the Health
16 Insurance Portability and Accountability Act and the Medicaid
17 program.

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19 **26-34-108. Quality assurance program.**

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21 (c) The organization shall record proceedings of formal
22 quality assurance program activities and maintain
23 documentation in a confidential manner. Quality assurance

1 program minutes shall be available to the administrator.
2 Contents of the minutes shall be confidential to the extent
3 confidentiality is provided under the provisions of W.S.
4 16-4-203(d)(i) and (vii), 26-34-129, 26-34-130, ~~35-2-605~~
5 ~~through 35-2-617,~~ 35-2-910 or 35-17-105.

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7 **Section 3.** W.S. 35-2-605 through 35-2-617 are repealed.

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9 **Section 4.** This act is effective July 1, 2019.

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(END)