

ORIGINAL SENATE
FILE NO. SF0029

ENROLLED ACT NO. 4, SENATE

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to the Wyoming Governmental Claims Act; amending liability for government healthcare providers to cover only medical malpractice; making conforming amendments; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 1-39-110(a) and 35-31-102(b) are amended to read:

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

(a) A governmental entity is liable for damages resulting from bodily injury, wrongful death or property damage caused by the ~~negligence~~medical malpractice of health care providers who are employees of the governmental entity, including contract physicians, physician assistants, nurses, optometrists and dentists who are providing a service for state institutions or county jails, while acting within the scope of their duties.

35-31-102. Volunteer health services; application of claims act; exclusiveness of remedy; contract requirements.

(b) A health care provider who delivers volunteer health care services to a low income person pursuant to a contract that complies with the requirements of this act, and regardless of whether the low income person who is treated is later found to be ineligible, shall be considered a public employee of the state while acting within the scope of duties under the contract, but only for the purposes of the applicability of the Wyoming Governmental Claims Act, including W.S. 1-39-110. The state of Wyoming shall have the duty to defend a health care

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provider alleged to have been negligent or alleged to have committed medical malpractice in the provision of volunteer health care pursuant to a contract under subsection (a) of this section provided the health care provider cooperates as described in W.S. 1-41-103(e)(iv).

Section 2. The provisions of this act shall apply to all causes of action that accrue on or after July 1, 2022.

Section 3. This act is effective July 1, 2022.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk