

SENATE FILE NO. SF0033

Medical damages-structured payments.

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

A BILL

for

1 AN ACT relating to civil actions; permitting the court to
2 order structured payments in medical injury or death cases
3 as specified; providing for modification of orders;
4 providing definitions; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 1-1-129 is created to read:

9

10 **1-1-129. Medical injury actions; periodic payments of**
11 **awards for future damages.**

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13 (a) In any action for damages for injury or death
14 against any health care provider, whether based on tort,
15 breach of contract or otherwise, arising out of the
16 provision of, or failure to provide, health care services,

1 the court in which the action is brought may enter a
2 judgment ordering future damages of the judgment creditor
3 to be paid in whole or in part by periodic payments rather
4 than by a lump-sum payment if the award equals or exceeds
5 one hundred thousand dollars (\$100,000.00) in future
6 damages. In entering a judgment ordering the payment of
7 future damages by periodic payments, the court shall make a
8 specific finding as to the dollar amount of periodic
9 payments which will compensate the judgment creditor for
10 the future damages. As a condition to authorizing periodic
11 payments of future damages, the court shall require that
12 the payments be made through the establishment of a trust
13 fund or the purchase of an annuity for the life of the
14 judgment creditor or during the continuance of the
15 compensable injury or disability of the judgment creditor.

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17 (b) The judgment ordering the payment of future
18 damages by periodic payments shall specify each recipient
19 of the payments, the dollar amount of the payments, the
20 interval between payments, and the number of payments or
21 the period of time over which payments shall be made.

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23 (c) In the event that the court finds that the
24 judgment debtor has exhibited a continuing pattern of

1 failing to make the payments specified in subsection (a) of
2 this section, the court shall find the judgment debtor in
3 contempt of court and, in addition to the required periodic
4 payments, shall order the judgment debtor to pay the
5 judgment creditor all damages caused by the failure to make
6 the periodic payments, including court costs and attorney's
7 fees.

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9 (d) As used in this section:

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11 (i) "Future damages" includes damages for future
12 medical treatment, care or custody, loss of future
13 earnings, loss of bodily function or future pain and
14 suffering of the judgment creditor;

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16 (ii) "Health care provider" means any doctor of
17 medicine, doctor of osteopathy or hospital licensed by this
18 state to provide health care services and an officer,
19 employee or agent of the provider acting in the course and
20 scope of employment;

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22 (iii) "Health care services" means acts of
23 diagnosis, treatment, medical evaluation or advice or other

1 acts permissible under the health care licensing statutes
2 of this state;

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4 (iv) "Judgment creditor" means a person who has
5 obtained a judgment against a health care provider for
6 injury or death, arising out of the provision of or failure
7 to provide health care services;

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9 (v) "Judgment debtor" means a health care
10 provider against whom a judgment has been recovered or any
11 successors in interest of the person, where the judgment is
12 unsatisfied;

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14 (vi) "Periodic payments" means the payment of
15 money or delivery of other property to the judgment
16 creditor at regular intervals.

17

18 **Section 2.** This act is effective July 1, 2003.

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(END)