

SENATE FILE NO. SF1002

Medical errors and compensation commission study.

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

A BILL

for

1 AN ACT relating to medical care; authorizing a study of  
2 medical errors and the creation of a system to compensate  
3 victims of medical errors; specifying duties of the Wyoming  
4 health care commission in conducting the study; requiring  
5 reports and recommendations; providing an appropriation;  
6 and providing for an effective date.

7

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

9

10 **Section 1.**

11

12 (a) The Wyoming health care commission shall study  
13 the feasibility, costs and benefits of a new system of  
14 dealing with health care errors and health care malpractice  
15 which has the following characteristics:

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1           (i) Definition and identification of health care  
2 errors;

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4           (ii) Identification of general and systemic  
5 causes of health care errors;

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7           (iii) Reporting of health care errors to a  
8 health care errors commission;

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10           (iv) Prevention of health care errors through  
11 systemic improvements that enhance patient safety;

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13           (v) A system to compensate individuals, as their  
14 exclusive remedy, for damages resulting from health care  
15 errors, including payment for:

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17           (A) All health care expenses arising from  
18 the error; and

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20           (B) Other expenses and lost opportunities,  
21 including loss of actual and potential earnings, increased  
22 living expenses, decreased quality of life and other  
23 compensation as appropriate and as provided through a  
24 schedule or formula.

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2 (b) The study shall provide information about:

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4 (i) The characteristics identified in subsection  
5 (a) of this section;

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7 (ii) The probable costs of the system including  
8 but not limited to the costs of administration, the costs  
9 of improvements to the health care system needed to prevent  
10 future errors, the cost of compensating those persons  
11 injured by errors and the costs to health care  
12 professionals in providing the financial resources  
13 necessary to support the system;

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15 (iii) The size of the health care errors  
16 commission and the appropriate mix of health care  
17 professionals, attorneys and public representatives on the  
18 commission;

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20 (iv) The administration and management of the  
21 commission including staffing and procedures for handling  
22 claims;

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24 (v) The schedules or formulas necessary to

1 determine the compensation of people injured by health care  
2 errors;

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4 (vi) The appropriate means for a person  
5 aggrieved by an action of the commission to appeal to the  
6 courts;

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8 (vii) An analysis of this system's costs and  
9 benefits for health care professionals and the public  
10 compared to the present system of tort;

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12 (viii) Any other factors the health care  
13 commission deems relevant to the general topic.

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15 (c) The completed study shall be submitted to the  
16 joint labor, health and social services interim committee  
17 by October 15, 2005.

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19 **Section 2.** There is appropriated to the Wyoming  
20 health care commission up to two hundred forty thousand  
21 dollars (\$240,000.00) from the budget reserve account for  
22 the purposes of this act.

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1       **Section 3.**   This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

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(END)