

SENATE FILE NO. SF1005

Medical damages-structured payments-2.

Sponsored by: Joint Judiciary Interim Committee and 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 certain medical injury or
3 death cases as specified; providing for modification of
4 orders; providing definitions; and providing for an
5 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. 1-1-130 is created to read:

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11 **1-1-130. Medical injury actions; periodic payments of**
12 **awards for future damages.**

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

1 provision of, or failure to provide, health care services,
2 the court in which the action is brought may enter a
3 judgment ordering future damages of the judgment creditor
4 to be paid in whole or in part by periodic payments
5 equivalent in present value to a lump-sum current payment,
6 rather than by a lump-sum payment if the award equals or
7 exceeds two hundred thousand dollars (\$200,000.00) in
8 future damages. In entering a judgment ordering the
9 payment of future damages by periodic payments, the court
10 shall make a specific finding as to the dollar amount of
11 periodic payments which will compensate the judgment
12 creditor for the future damages. As a condition to
13 authorizing periodic payments of future damages, the court
14 shall require that the payments be made through the
15 establishment of a trust fund or the purchase of an annuity
16 for the life of the judgment creditor or during the
17 continuance of the compensable injury or disability of the
18 judgment creditor.

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

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2 (c) In the event that the court finds that the
3 judgment debtor has exhibited a continuing pattern of
4 failing to make the payments specified in subsection (a) of
5 this section, the court shall find the judgment debtor in
6 contempt of court and, in addition to the required periodic
7 payments, shall order the judgment debtor to pay the
8 judgment creditor all damages caused by the failure to make
9 the periodic payments, including court costs and attorney's
10 fees.

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12 (d) As used in this section:

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

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19 (ii) "Health care provider" means as defined in
20 W.S. 26-40-102(a)(i);

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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 the 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 entered 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.

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

22

23 (END)