

SENATE JOINT RESOLUTION NO. SJ1004

Health care errors commission-constitutional amendment.

Sponsored by: Senator(s) Scott

A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming
2 Constitution to authorize the legislature to create a
3 health care errors commission; to allow the commission to
4 compensate persons, or the families or estates of persons,
5 injured by avoidable health care error; to create a fund
6 from premiums or general appropriations for the payment of
7 compensation to persons, or the families and estates of
8 persons, injured by avoidable health care error; to provide
9 that compensation from the fund is the exclusive remedy for
10 avoidable health care error, except as provided by law; to
11 provide for appeal to the courts from decisions of the
12 health care commission; and to authorize the commission to
13 use the fund to purchase health care provider insurance for
14 prior acts or for other remedies authorized by law.

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1 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*
2 *two-thirds of all the members of the two houses, voting*
3 *separately, concurring therein:*

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5 **Section 1.** The following proposal to amend Wyoming
6 Constitution, Article 10, by creating a new Section 20, is
7 proposed for submission to the electors of the State of
8 Wyoming at the next general election for approval or
9 rejection to become valid as a part of the Constitution if
10 ratified by a majority of the electors at the election:

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12 **Article 10, Section 20. Commission on health care**
13 **errors.**

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15 Any section of this constitution to the contrary
16 notwithstanding, the legislature shall have the right to
17 create a health care errors commission which may be
18 empowered to take actions necessary to reduce health care
19 errors, improve patient safety, and compensate any patient
20 injured by avoidable health care error or his family or
21 estate. The commission shall be supported by a fund whose
22 sources shall be prescribed by law and may include provider
23 premiums and general appropriations. The right to
24 compensation from the fund shall be in lieu of and shall

1 take the place of any and all rights of action against any
2 health care provider contributing to the fund as required
3 by law except to the extent the legislature by law
4 specifically provides other remedies. The legislature shall
5 provide for an appeal to the courts of any final action of
6 the commission. The legislature may empower the commission
7 to use the fund to provide insurance coverage for health
8 care providers for acts prior to their coverage by the fund
9 and for payments and expenses resulting from the other
10 remedies authorized by this section.

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12 **Section 2.** That the Secretary of State shall endorse
13 the following statement on the proposed amendment:

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1 This amendment would allow the Wyoming legislature to
2 create a commission on health care errors to reduce health
3 care errors, improve patient safety and compensate persons
4 injured, or the families or estates of persons injured, by
5 avoidable health care error. Upon application by an
6 injured party, the commission rather than a court of law
7 would determine the amount of compensation for injury or
8 death caused by avoidable health care error. Compensation
9 would be from a fund established by law from health care
10 provider premiums or general appropriations. Compensation
11 from the fund would take the place of the right to sue
12 health care providers contributing to the fund as required
13 by law, except to the extent provided by the legislature,
14 and subject to appeal. The legislature would be authorized
15 to provide insurance coverage for prior acts, known as
16 "tail" coverage, and for remedies, including lawsuits,
17 permitted under the exception provision.

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19 (END)