

SENATE FILE NO. SF0104

Volunteer health care.

Sponsored by: Senator(s) Christensen, Anderson, Barnard, Boner, Emerich, Geis, Kinskey, Meier, Peterson and Von Flatern and Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blake, Clem, Edwards, Halverson, Kasperik, Kinner, Kroeker, Krone, Laursen, Lindholm, McKim, Miller, Petroff, Pownall, Steinmetz, Stubson, Wilson and Zwonitzer, Dn.

A BILL

for

1 AN ACT relating to public health and safety; authorizing
2 the department of health to contract for volunteer health
3 care services; providing immunity to medical professionals
4 and health care providers who provide volunteer health care
5 under contract as agents of the state; authorizing
6 licensing boards to provide continuing education credit as
7 specified; amending definitions for the Wyoming
8 Governmental Claims Act; and providing for an effective
9 date.

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

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1 **Section 1.** W.S. 35-30-101 through 35-30-103 are
2 created to read:

3

4

CHAPTER 30

5

VOLUNTEER HEALTH SERVICES PROGRAM

6

7

35-30-101. Definitions.

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9

(a) As used in this chapter:

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(i) "Contract" means an agreement executed in compliance with this section between a health care provider and the department which authorizes the health care provider to deliver health care services to low income recipients as an agent of the state;

(ii) "Health care provider" means any ambulatory surgical center, birthing center, hospital, medical assistance facility, nursing care facility, an office maintained by a medical professional or any other medical facility the primary purpose of which is to deliver human medical services or treatment;

1 (iii) "Low income person" means:

2

3 (A) A low income uninsured person as
4 defined in W.S. 33-15-131(a)(i); or

5

6 (B) A person eligible for Medicaid under
7 state law.

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9 (iv) "Medical professional" means a person
10 licensed under title 33 to provide medical or dental
11 diagnosis, care or treatment;

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13 (v) "This act" means W.S. 35-30-101 through
14 35-30-103.

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16 **35-30-102. Contract conditions for volunteer health**
17 **services.**

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19 (a) The department may enter into contracts with
20 health care providers or medical professionals to deliver
21 health care services as an agent of the state. A contract
22 shall provide:

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1 (i) The health care provider that delivers
2 volunteer health care services to eligible low income
3 persons shall be considered a governmental entity for
4 purposes of the Wyoming Governmental Claims Act while
5 acting within the scope of duties under the contract so
6 long as the contract complies with the requirements of this
7 section and regardless of whether a low income person who
8 is treated is later found to be ineligible;

9
10 (ii) The medical professional and any employee
11 of a medical professional or health care provider that
12 delivers volunteer health care services to eligible low
13 income persons shall be considered an employee of the state
14 for purposes of the Wyoming Governmental Claims Act while
15 acting within the scope of duties under the contract
16 provided the contract complies with the requirements of
17 this section and regardless of whether a low income person
18 who is treated is later found to be ineligible;

19
20 (iii) The health care provider and the medical
21 professional under contract with the department may not be
22 named as a defendant in any action arising out of medical
23 care or treatment provided under the terms of the contract;

1

2 (iv) Only volunteer health care services
3 delivered by the health care provider or medical
4 professional to low income persons eligible to receive such
5 services are covered under the contract;

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7 (v) In the event a person treated by the health
8 care provider or a medical professional under the contract
9 is later found to be ineligible, the health care provider
10 or medical professional shall be immune from liability in
11 any action arising out of medical care or treatment
12 provided to the individual prior to a determination of
13 ineligibility;

14

15 (vi) The department shall reserve the right to
16 terminate the contract with the health care provider or
17 medical professional for good cause provided the department
18 shall provide the health care provider or individual
19 medical professional with written notice of its intent to
20 terminate the contract, and reasons for such decision, at
21 least five (5) business days prior to the contract
22 termination date;

23

1 (vii) Adverse incidents and information on
2 treatment outcomes shall be reported by the health care
3 provider or medical professional to the department if the
4 incidents and information pertain to a low income person
5 treated under the contract. If the incident involves a
6 licensed professional or facility, the incident report
7 shall also be submitted to the appropriate licensing body,
8 which shall review the incident to determine whether it
9 involves conduct by the licensee that is subject to
10 disciplinary action. All patient medical records and any
11 identifying information contained in adverse incident
12 reports and treatment outcomes which are obtained by the
13 department or licensing bodies under this paragraph are
14 confidential;

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16 (viii) Patient selection and initial referral
17 shall be made by the department, health care provider or
18 medical professional;

19
20 (ix) If emergency care is required, the patient
21 need not be referred before receiving treatment, but must
22 be referred within forty-eight (48) hours after treatment
23 is commenced or within forty-eight (48) hours after the

1 patient has the mental capacity to consent to treatment,
2 whichever occurs later;

3

4 (x) The health care provider or medical
5 professional is subject to supervision and regular
6 inspection by the department.

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8 **35-30-103. Disclosure; quality assurance; continuing**
9 **education credit; reporting.**

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11 (a) A disclosure statement shall be signed in advance
12 by any low income person or the person's legal
13 representative who is provided care pursuant to this
14 chapter. The disclosure statement shall inform the low
15 income person that the health care provider is a
16 governmental entity under the Wyoming Governmental Claims
17 Act and the medical professional and any employee of the
18 medical professional or the health care provider are public
19 employees under the Wyoming Governmental Claims Act and the
20 exclusive remedy for injury or damage suffered as the
21 result of any act or omission of the health care provider,
22 medical professional, or any employee thereof, acting
23 within the scope of duties pursuant to the contract is by

1 commencement of an action pursuant to the Wyoming
2 Governmental Claims Act.

3

4 (b) The department shall establish a quality
5 assurance program to monitor the services delivered under
6 any contract entered into pursuant to this chapter.

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8 (c) Licensing boards may grant continuing education
9 credit to health care professionals for the performance of
10 volunteer services to eligible low income persons as
11 provided in this chapter.

12

13 (d) The department shall adopt rules necessary to
14 implement this chapter.

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16 (e) The department shall report to the joint labor,
17 health and social services interim committee and the
18 governor not later than July 1 of each year. The report
19 shall summarize the efficacy of access and treatment
20 outcomes with respect to providing health care services for
21 low income persons pursuant to this chapter. The report
22 shall also include a listing of all health care providers
23 and medical professionals providing volunteer health care

1 services to low income persons under this chapter and shall
2 include the number of hours volunteered, the number of
3 patient visits and the value of health care related goods
4 and services provided.

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6 **Section 2.** W.S. 1-39-103(a)(i) and (iv) by creating a
7 new subparagraph (G) is amended to read:

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9 **1-39-103. Definitions.**

10

11 (a) As used in this act:

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13 (i) "Governmental entity" means the state,
14 University of Wyoming, ~~or~~ any local government and any
15 health care provider under contract with the department of
16 health to deliver health care services as an agent of the
17 state pursuant to W.S. 35-30-101 through 35-30-103;

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19 (iv) "Public employee":

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21 (G) Includes any medical professional
22 providing health care services to low income persons under
23 W.S. 35-30-101 through 35-30-103 and any employee of a

1 health care provider or a medical professional under
2 contract with the department of health to deliver health
3 care services as an agent of the state pursuant to W.S.
4 35-30-101 through 35-30-103.

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6 **Section 3.** This act is effective July 1, 2016.

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(END)