

HOUSE BILL NO. HB0072

Volunteer health care.

Sponsored by: Representative(s) Laursen, Blake and Lindholm
and Senator(s) Baldwin and Boner

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 under 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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13 **Section 1.** W.S. 35-31-101 through 35-31-103 are
14 created to read:

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CHAPTER 31

VOLUNTEER HEALTH SERVICES PROGRAM

35-31-101. Definitions.

(a) As used in this act:

(i) "Contract" means an agreement executed in compliance with this act between a health care provider and the department authorizing the health care provider to deliver volunteer health care services to low income persons as an agent of the state;

(ii) "Department" means the department of health;

(iii) "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 whose primary purpose is to deliver human medical services or treatment;

1 (iv) "Low income person" means any of the
2 following:

3
4 (A) A low income uninsured person as
5 defined in W.S. 1-1-129(a)(ii);

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

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10 (v) "Medical professional" means a person
11 licensed under title 33 of the Wyoming statutes to provide
12 medical or dental diagnosis, care or treatment;

13
14 (vi) "This act" means W.S. 35-31-101 through
15 35-31-103.

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17 **35-31-102. Contract conditions for volunteer health**
18 **services.**

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

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

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

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21 (iii) The health care provider and the medical
22 professional under contract with the department shall be
23 immune from liability in any action arising out of

1 volunteer health care services provided under the terms of
2 the contract;

3
4 (iv) If a low income person treated by the
5 health care provider or medical professional under the
6 contract is later found to be ineligible, the health care
7 provider or medical professional shall be immune from
8 liability in any action arising out of volunteer health
9 care services provided to the person under the terms of the
10 contract before a determination of ineligibility;

11
12 (v) Only volunteer health care services
13 delivered by the health care provider or medical
14 professional to low income persons eligible to receive
15 those services are covered under the contract.

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17 (b) The department may terminate the contract with
18 the health care provider or medical professional for good
19 cause if the department provides the health care provider
20 or medical professional with written notice of its intent
21 to terminate the contract, and the reasons for that
22 decision, at least five (5) business days before the
23 contract termination date.

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2 (c) The health care provider or medical professional
3 shall submit to the department adverse incidents and
4 information on treatment outcomes if the incidents and
5 information pertain to a low income person treated under
6 the contract. If the incident involves a licensed
7 professional or facility, the incident report shall also be
8 submitted to the appropriate licensing body, which shall
9 review the incident to determine whether it involves
10 conduct by the licensee who is subject to disciplinary
11 action.

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13 (d) All patient medical records and any identifying
14 information contained in adverse incident reports and
15 treatment outcomes submitted to the department or licensing
16 bodies pursuant to subsection (c) of this section are
17 confidential.

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19 (e) Patient selection and initial referral shall be
20 made by the department, health care provider or medical
21 professional.

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1 (f) If emergency care is required, the patient need
2 not be referred before receiving treatment, but shall be
3 referred not later than forty-eight (48) hours after
4 treatment begins or after the patient has the mental
5 capacity to consent to treatment, whichever is later.

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7 (g) The health care provider or medical professional
8 shall be subject to supervision and regular inspection by
9 the department.

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11 **35-31-103. Disclosure; quality assurance; continuing**
12 **education credit; reporting.**

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14 (a) Before a low income person receives volunteer
15 health care services pursuant to this act, he or his legal
16 representative shall sign a disclosure statement informing
17 the low income person of the following:

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19 (i) The health care provider shall be considered
20 a governmental entity under the Wyoming Governmental Claims
21 Act;

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1 (ii) The medical professional and any employee
2 of the medical professional or the health care provider
3 shall be considered public employees under the Wyoming
4 Governmental Claims Act;

5
6 (iii) Commencement of an action pursuant to the
7 Wyoming Governmental Claims Act shall be the exclusive
8 remedy for any injury or damage suffered as the result of
9 an act or omission of the health care provider, medical
10 professional or any employee thereof acting within the
11 scope of duties under the contract.

12
13 (b) The department shall establish a quality
14 assurance program to monitor the services delivered under
15 any contract entered into pursuant to this act.

16
17 (c) Licensing boards may grant continuing education
18 credit to medical professionals for the performance of
19 volunteer health care services to low income persons
20 pursuant to this act.

21
22 (d) The department shall adopt rules necessary to
23 implement this act.

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2 (e) The department shall submit a report to the joint
3 labor, health and social services interim committee and the
4 governor not later than July 1 of each year. The report
5 shall summarize the efficacy of access and treatment
6 outcomes with respect to volunteer health care services
7 provided to low income persons pursuant to this act. The
8 report shall include a list of all health care providers
9 and medical professionals providing volunteer health care
10 services to low income persons pursuant to this act and
11 shall include the number of hours volunteered, the number
12 of patient visits and the value of health care related
13 goods and services provided.

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

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18 **1-39-103. Definitions.**

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20 (a) As used in this act:

21

22 (i) "Governmental entity" means the state,
23 University of Wyoming, ~~or~~ any local government or any

1 health care provider delivering volunteer health care
 2 services as an agent of the state to low income persons
 3 pursuant to W.S. 35-31-101 through 35-31-103;

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5 (iv) "Public employee":

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7 (G) Includes any medical professional and
 8 any employee of a medical professional or health care
 9 provider delivering volunteer health care services as an
 10 agent of the state to low income persons pursuant to W.S.
 11 35-31-101 through 35-31-103.

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13 **Section 3.** This act is effective July 1, 2017.

14

15 (END)