

HOUSE JOINT RESOLUTION NO. HJ0002

Board of medicine-improper enforcement actions.

Sponsored by: Representative(s) Bear, Fortner, Gray, Knapp,
Laursen, Neiman, Styvar and Wharff and
Senator(s) French and McKeown

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION disapproving of the board of medicine's
2 statement on COVID-19 prescribing and conservation of health
3 resources and requesting its withdrawal and rescission.

4

5 WHEREAS, in December 2019, a novel coronavirus known as severe
6 acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was
7 first detected in Wuhan, Hubei Province, People's Republic of
8 China, leading to outbreaks of novel coronavirus disease
9 (COVID-19) that have now spread globally; and

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11 WHEREAS, the president of the United States declared a
12 national emergency over the coronavirus outbreak amid growing
13 case numbers nationwide; and

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1 WHEREAS, on March 13, 2020, the governor declared a state of
2 emergency in Wyoming in anticipation of the spread of COVID-19
3 to the state; and

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5 WHEREAS, the governor, the state health officer and local
6 health officers responded with swift and unprecedented
7 measures to respond to COVID-19, including measures that have
8 been unduly burdensome for Wyoming residents and physicians;
9 and

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11 WHEREAS, physicians and medical experts around the country
12 explored possible methods and treatments for mitigating the
13 symptoms and effects of COVID-19, including the use of
14 hydroxychloroquine, in order to save lives and reduce the
15 broad societal impacts of COVID-19; and

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17 WHEREAS, on March 26, 2020, the Wyoming board of medicine
18 adopted a statement calling for a stop to inappropriate
19 prescribing of medications, including hydroxychloroquine, in
20 response to COVID-19. The board's statement made clear that
21 it expected Wyoming physicians and physician assistants to
22 adhere to the standard of care at all times and cautioned
23 Wyoming physicians and physician assistants that it would

1 aggressively investigate any reports of inappropriate
2 prescribing related to COVID-19 and any reports of
3 misallocation of scarce health resources. The board described
4 these failures as potential violations of the Wyoming Medical
5 Practice Act and stated that they would not be tolerated by
6 the board; and

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8 WHEREAS, Article 1, Section 38 of the Wyoming Constitution
9 provides that each competent adult has the right to make his
10 own health care decisions, and that each parent or guardian
11 has the right to make health care decisions for the person
12 under their care; and

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14 WHEREAS, Article 1, Section 38 further provides that the state
15 of Wyoming shall act to preserve these rights from undue
16 governmental infringement; and

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18 WHEREAS, the people of Wyoming enacted Article 1, Section 38
19 in response to federal laws that served as an overreach into
20 the health care and health care decisions of Wyoming residents
21 and United States citizens; and

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1 WHEREAS, the Wyoming board of medicine's March 26, 2020
2 statement precludes physicians from exploring and utilizing
3 all possible options for treating Wyoming residents for
4 COVID-19 based on the wishes and decisions of Wyoming
5 residents; and

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7 WHEREAS, the Wyoming board of medicine's March 26, 2020
8 statement unduly burdens Wyoming residents seeking medical
9 care related to COVID-19 and unduly infringes on the right of
10 Wyoming residents to make their own health care decisions.

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12 NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE
13 LEGISLATURE OF THE STATE OF WYOMING:

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15 **Section 1.** That the legislature strongly condemns the
16 Wyoming board of medicine's statement on March 26, 2020 that
17 limits Wyoming physicians from exploring possible
18 prescription options for the treatment of COVID-19, threatens
19 physicians who work with Wyoming residents who make their own
20 health care decisions, a right enshrined in the Wyoming
21 Constitution, and that infringes on the rights of Wyoming
22 residents to make their own health care decisions.

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1 **Section 2.**

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3 (a) That the legislature finds that the Wyoming board
4 of medicine's March 26, 2020 statement violated the Wyoming
5 constitution by:

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7 (i) Improperly banning or prohibiting an otherwise
8 legal medical treatment, as the ability to proscribe any form
9 of medical care is expressly reserved to the legislature in
10 the Wyoming constitution;

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12 (ii) Improperly limiting Wyoming physicians from
13 exploring possible prescription options for the treatment of
14 COVID-19, thereby violating the right-to-try provisions of
15 the Wyoming constitution that allow Wyoming residents to make
16 their own health care decisions;

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18 (iii) Failing, as an agency of the state of
19 Wyoming, in its affirmative duty to defend the health care
20 freedom of Wyoming citizens as required by the Wyoming
21 constitution.

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1 **Section 3.** That the legislature strongly recommends
2 that without delay the Wyoming board of medicine rescind its
3 statement on March 26, 2020 in order to preserve the rights
4 and the freedom of Wyoming residents to make their own health
5 care decisions as enshrined in the Wyoming Constitution.

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7 **Section 4.** If the Wyoming board of medicine fails to
8 reverse its unconstitutional action, that the legislature
9 authorizes and requires the speaker of the house and the
10 president of the senate to take any and all actions necessary
11 to cure the unconstitutional action and to preserve the rights
12 and duties of the Wyoming legislature and the rights of
13 Wyoming residents.

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15 **Section 5.** That the Secretary of State of Wyoming
16 transmit copies of this resolution to the governor, the state
17 health officer and the Wyoming board of medicine.

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(END)