

SENATE FILE NO. SF0029

Liability for governmental healthcare providers-amendment.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to the Wyoming Governmental Claims Act;  
2 amending liability for government healthcare providers to  
3 cover only medical malpractice; making conforming  
4 amendments; specifying applicability; 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. 1-39-110(a) and 35-31-102(b) are  
10 amended to read:

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12 **1-39-110. Liability; health care providers.**

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14 (a) A governmental entity is liable for damages  
15 resulting from bodily injury, wrongful death or property  
16 damage caused by the ~~negligence~~medical malpractice of

1 health care providers who are employees of the governmental  
2 entity, including contract physicians, physician  
3 assistants, nurses, optometrists and dentists who are  
4 providing a service for state institutions or county jails,  
5 while acting within the scope of their duties.

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7 **35-31-102. Volunteer health services; application of**  
8 **claims act; exclusiveness of remedy; contract requirements.**

9

10 (b) A health care provider who delivers volunteer  
11 health care services to a low income person pursuant to a  
12 contract that complies with the requirements of this act,  
13 and regardless of whether the low income person who is  
14 treated is later found to be ineligible, shall be  
15 considered a public employee of the state while acting  
16 within the scope of duties under the contract, but only for  
17 the purposes of the applicability of the Wyoming  
18 Governmental Claims Act, including W.S. 1-39-110. The state  
19 of Wyoming shall have the duty to defend a health care  
20 provider alleged to have been negligent or alleged to have  
21 committed medical malpractice in the provision of volunteer  
22 health care pursuant to a contract under subsection (a) of

1 this section provided the health care provider cooperates  
2 as described in W.S. 1-41-103(e)(iv).

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4 **Section 2.** The provisions of this act shall apply to  
5 all causes of action that accrue on or after July 1, 2022.

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7 **Section 3.** This act is effective July 1, 2022.

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9

(END)