SENATE FILE NO. SF0048

Health care commission amendments.

Sponsored by: Joint Labor, Health and Social Services Interim Committee

A BILL

for

AN ACT relating to the Wyoming health care commission; expanding commission membership, as specified; providing for staggered terms; removing limitation on staff for the commission; amending the commission's duties, as specified; repealing obsolete provisions; authorizing fees for commission reports and data; granting subpoena authority; amending reporting dates; extending sunset date; requiring a task force and report on reducing private health insurance costs and the number of uninsured; requiring a report and plan for demonstration of alternate compensation systems, as specified; requiring a study and report for redesign of the Medicaid benefit system as specified; and providing for an effective date.

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

Section 1. W.S. 9-2-2801(b) and (c), 9-2-2802(b), 9-2-2803(a)(intro), (d) and by creating new subsections (f) and (g) and 9-2-2804 are amended to read:

9-2-2801. Health care commission created; membership; salary; meetings; advisory committees.

(b) The commission shall consist of eleven (11) members appointed by the governor. In addition, the director of the department of health or the director's designee and the insurance commissioner or the commissioner's designee shall be ex officio members of the commission.

(c) Appointed commission members shall serve ~~until completion of duties delegated to the commission under this article~~ three (3) year terms. For the eleven (11) appointed members of the commission on July 1, 2006, the governor shall select three (3) members who will serve one (1) year terms, four (4) members who will serve two (2) year terms and four (4) members who will serve three (3) year terms. The governor may reappoint members. If a vacancy occurs on the commission, the governor shall appoint a new member to fill the vacancy for the remainder of the term. The

governor may remove members as provided in W.S. 9-1-202. Commission members who are not state employees shall receive a salary equal to the per diem paid members of the Wyoming legislature under W.S. 28-5-101 for each day of actual service and when engaged in necessary travel plus necessary expenses.

9-2-2802. Director; appointment; duties; additional staff; qualifications.

(b) Subject to approval by the commission, the director may employ ~~one (1)~~ staff ~~member~~ members to assist the commission in performing its duties. ~~The staff member~~ Staff members shall possess those administrative, technical, professional and clerical qualifications determined necessary by the commission. All staff to the commission shall serve at the pleasure of the director.

9-2-2803. Health care commission duties; report; open meetings; attorney general to represent; rulemaking; administrative subpoenas.

(a) The commission shall develop strategies to improve health care and reduce health care ~~and medical~~

~~liability insurance~~ costs for Wyoming citizens by holding public meetings throughout the state, hearing from experts and other interested parties, studying and researching other states' actions on health care ~~and medical liability insurance~~ reform, studying and utilizing Wyoming data~~,~~ and considering past efforts~~, including, but not limited to, the report issued by the Wyoming health reform commission on December 1, 1994,~~ and future possibilities that can be useful in decision making by addressing ~~the following:~~ issues related to health care access, quality and cost.

(d) Every ~~two (2)~~ six (6) months the commission shall submit a written progress report to the joint labor, health and social services interim committee. ~~The committee shall create a subcommittee to meet jointly with the commission, as appropriate and subject to the agreement of the chairman of the commission, and prepare legislation necessary to implement commission recommendations.~~ The ~~subcommittee~~ commission shall submit recommended draft legislation to the joint labor, health and social services interim committee for consideration.

(f) The commission may maintain a system of health care information and issue reports and disseminate

information by other means related to health care access, quality and costs. The commission may assess a fee for reports and the use of its health care information system. Any revenue generated by the fees shall be deposited in the general fund. Reports to and use of the information database by public agencies and political subdivisions of the state shall be free of charge.

(g) In carrying out the commission's duties, the director may apply to the office of administrative hearings for an administrative subpoena for the production of any books, papers or other documents relevant or material to the commission's inquiry.

9-2-2804. Termination of article.

W.S. 9-2-2801 through 9-2-2803 are repealed effective June 30, ~~2006~~ 2009.

Section 2. W.S. 9-2-2803(a)(i) through (xi), (b) and (c) is repealed.

Section 3.

(a) The health care commission shall develop and submit to the joint labor, health and social services interim committee by November 10, 2006 a detailed plan for one (1) or more demonstration projects of patient safety and alternate compensation systems as recommended by the October 1, 2005 health care commission report on medical errors and medical injury compensation. The plan shall include a plan of operation for the demonstration and a draft of legislation necessary to authorize the demonstrations. The plan shall:

(i) Assume the objective of the demonstration project is to determine if an alternate compensation system will, at a cost that does not exceed the cost of the current system:

(A) Facilitate the identification and prevention of medical error and other avoidable adverse medical events;

(B) Provide better compensation for those injured by avoidable adverse medical events; and

(C) Provide a more favorable professional environment for attracting skilled medical professionals now in short supply in Wyoming.

(ii) Consider making an alternative compensation system available to governmental hospitals and their employees;

(iii) Provide that relevant professional liability coverage for the participating governmental entities be provided through a separate and financially independent subaccount of the local government insurance account created by W.S. 1-42-202;

(iv) Identify the size of the appropriation needed to appropriately capitalize a special alternative compensation system fund account;

(v) Assume that for the duration of the demonstration the state will protect the local governments involved from medical liability costs in excess of those expected under the current system;

(vi) Be consistent with the provisions of the Wyoming constitution as it exists as of 2005 and not be dependent on any constitutional changes;

(vii) Provide for periodic evaluation of the progress of the demonstration and provide opportunity for modifications of the demonstration based on experience.

Section 4. The governor shall appoint a task force to examine proposals for reducing the percentage of Wyoming citizens without health insurance and reducing the cost of private health insurance. The task force shall consist of at least two (2) but not more than five (5) members of the health care commission and at least five (5) but not more than (9) members of the public. Task force members shall be appointed by the governor. The task force shall report to the commission, which shall make a preliminary report to the joint labor, health and social services interim committee by November 10, 2006 and a final report by October 1, 2007.

Section 5. The health care commission shall conduct a study of the redesign of the Medicaid benefit structure as recommended by the final report of the joint legislative

executive committee reviewing the health department in response to chapter 182, 2005 Session Laws of Wyoming. The commission shall study benefit changes to improve the cost effectiveness of the Wyoming Medicaid program. The study shall also consider changes to the management and operation of the program if indicated to improve cost effectiveness. The study may consider benefit changes that would require waivers from the United States Centers for Medicare and Medicaid Services for implementation. The commission shall submit a preliminary report to the joint labor, health and social services interim committee by October 1, 2006 and a final report by October 1, 2008. The final report shall include recommended legislation necessary to implement the conclusions of the report.

Section 6. This act is effective July 1, 2006.

(END)