

WORKING DRAFT

HOUSE BILL NO. _____

Medical injury actions-collateral source payments.

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

A BILL

for

1 AN ACT relating to civil actions; requiring a separate
2 court hearing to determine if collateral source payments
3 have been received in medical liability cases as specified;
4 providing definitions; and providing for an effective
5 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. 1-1-129 is created to read:

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11 **1-1-129. Medical liability; collateral source**
12 **payments; definitions.**

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14 (a) In any action for damages for injury or death
15 against a health care provider, whether based upon tort,

1 breach of contract, or otherwise, where the liability of a
2 defendant is admitted or established, a separate hearing
3 shall be held before the court at which evidence shall be
4 admissible for consideration on the question of whether any
5 cost or expense incurred by the plaintiff for medical care,
6 custodial care, rehabilitation services, loss of earned
7 income or other economic loss has been replaced or
8 indemnified, in whole or in part, by governmental, employee
9 or service benefit programs, insurance of any kind except
10 life insurance, and excluding the assets of the plaintiff
11 or the plaintiff's immediate family.

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13 (b) If the court determines that any cost or expense
14 incurred by the plaintiff for medical care, custodial care,
15 rehabilitation services, loss of earned income or other
16 economic loss was replaced or indemnified from any
17 collateral source specified in subsection (a) of this
18 section, in whole or in part, the court shall reduce the
19 amount of the plaintiff's award by an amount equal to the
20 difference between the total amounts received from
21 collateral sources, in whole or in part, and the amount of
22 the award.

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24 (c) As used in this section:

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2 (i) "Health care provider" means any doctor of
3 medicine, doctor of osteopathy or hospital licensed by the
4 state to provide health care services, or an officer,
5 employee or agent thereof acting in the course and scope of
6 employment;

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8 (ii) "Health care services" means the acts of
9 diagnosis, treatment, medical evaluation or advice or other
10 acts as may be permissible under the health care licensing
11 statutes of the state.

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13 **Section 2.** This act is effective July 1, 2003.

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(END)