

ENROLLED ACT NO. 40, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2004 BUDGET SESSION

AN ACT relating to medical assistance and services; providing an additional payment for obstetric services under the Wyoming Medical Assistance and Services Act; providing for an appropriation; and providing for an effective date.

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

Section 1.

(a) For the period beginning July 1, 2004 through June 30, 2005 for the first ten (10) deliveries performed by each physician who averages fewer than fifty (50) deliveries per year for calendar years 2001 through 2003 and which were paid for under the Wyoming Medical Assistance and Services Act, there may be an additional malpractice insurance compensation payment of two thousand five hundred dollars (\$2,500.00) per delivery. No physician shall be eligible for an additional malpractice insurance compensation payment under this section unless the physician is located in an area of this state which is more than thirty (30) miles from not more than one (1) other physician providing obstetric services as determined by the department of health. For calendar year 2004 only deliveries performed on or after the effective date of this act may be so compensated. Deliveries before the effective date may not be counted.

(b) If in any year the funds appropriated for the purposes of this act are expended and there are additional deliveries that would otherwise be eligible for compensation under subsection (a) of this section, no payments in excess of appropriated funds shall be made, however the joint appropriations interim committee shall be informed that the funds are expended and shall be given an

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estimate of the supplemental appropriation that would be required to pay for the additional eligible deliveries.

(c) The department of health may make the payments on behalf of the state and may utilize a fiscal agent to do so. The department of health may structure the payments in any way to capture any federal share available under the Medicaid program, provided the payment structure makes the full payment authorized to each physician participating for the first ten (10) eligible deliveries.

(d) If a community is without obstetric services and the physicians who had previously provided obstetric services have purchased the insurance coverage known as tail coverage to provide coverage for incidents occurring but not discovered while they were providing obstetric services, the health department may contract to purchase any such additional coverage that may be required at the end of this program if the physicians will return to provide obstetric services for recipients eligible for services under the Wyoming Medical Assistance and Services Act for the duration of this program.

(e) The Wyoming legislature finds that the payment authorized by this act is necessary to assure the continued availability of obstetric services for recipients eligible for services under the Wyoming Medical Assistance and Services Act and thus constitutes a necessary support of the poor as permitted by Article 16, Section 6 of the Wyoming Constitution.

Section 2. There is appropriated from the general fund to the department of health for the purposes of this act three million two hundred thousand dollars (\$3,200,000.00) of which two hundred thousand dollars (\$200,000.00) is reserved for the purchase of tail coverage

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and shall remain available for expenditure until June 30,
2006.

Section 3. This act is effective April 1, 2004.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk