

## SENATE JOINT RESOLUTION NO. SJ0002

Medical errors commission-constitutional amendment.

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

## A BILL

for

1 A JOINT RESOLUTION proposing to amend the Wyoming  
2 Constitution; permitting the creation of a commission on  
3 health care errors; providing for and limiting compensation  
4 for health care errors; and conforming a constitutional  
5 provision.

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7 *BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF WYOMING,*  
8 *two-thirds of all the members of the two houses, voting*  
9 *separately, concurring therein:*

10

11 **Section 1.** The following proposal to amend the  
12 Wyoming Constitution by creating a new Article 10, Section  
13 20 is proposed for submission to the electors of the State  
14 of Wyoming at the next general election for approval or  
15 rejection to become valid as a part of the Constitution if  
16 ratified by a majority of the electors at the election:

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2       **Article 10, Section 20. Commission on health care**  
3 **errors.**

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5 Any section of this constitution to the contrary  
6 notwithstanding, the legislature shall have the right to  
7 create a health care errors commission which may be  
8 empowered to take actions necessary to reduce health care  
9 error, improve patient safety, and compensate, using a  
10 formula, any patient injured by avoidable health care  
11 error. The commission shall be supported by a fund whose  
12 sources shall be prescribed by law. The right to  
13 compensation from the fund shall be in lieu of and shall  
14 take the place of any and all rights of action against any  
15 health care provider contributing to the fund as required  
16 by law except to the extent the legislature by law  
17 specifically provides other remedies. The legislature  
18 shall provide for an appeal to the courts of any final  
19 action of the commission, which appeal shall be on the  
20 record of the final action.

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22       **Section 2.** That the Secretary of State shall endorse  
23 the following statement on the proposed amendment:

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1 This amendment would permit the Wyoming legislature to  
2 create a health care errors commission to reduce health  
3 care error, improve patient safety, and compensate patients  
4 injured by avoidable health care error. The commission  
5 would use a statutory formula to determine the amount of  
6 compensation for injury resulting from avoidable health  
7 care error. The commission's decision would be appealable  
8 to the courts. Compensation would be paid from a fund  
9 established by the legislature. All health care providers  
10 would be required to contribute to the fund. The right to  
11 compensation from the fund would take the place of the  
12 right to sue a health care provider who was contributing to  
13 the fund as required by law.

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(END)