

HOUSE BILL NO. HB0026

Medical review panel.

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

A BILL

for

1 AN ACT relating to the administration of government;
2 amending the time for a claimant to file an expert's
3 statement; providing for the inadmissibility in court of
4 proceedings filed with and decisions by the medical review
5 panel; requiring that litigation results be reported to the
6 panel; providing for the assessment of costs as specified;
7 and providing for an effective date.

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

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11 **Section 1.** W.S. 9-2-1519(b), 9-2-1522(c) and 9-2-1523
12 by creating new subsections (c) through (e) are amended to
13 read:

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15 **9-2-1519. Claim review procedure; contents of claim;**
16 **service of claim on provider; answer.**

1

2 (b) The claimant shall submit, within ~~sixty (60)~~
3 fifteen (15) days following ~~the submission of the claim~~
4 receipt of the health care provider's answer as required by
5 subsection (e) of this section, a statement prepared and
6 signed by an expert in the specialty or subspecialty of
7 medical practice at issue, setting forth the basis for the
8 expert's belief that the conduct is believed to constitute
9 a malpractice claim and the evidence currently available to
10 support the expert's opinion.

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12 **9-2-1522. Panel deliberations and decision; decision**
13 **not binding.**

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15 (c) The final decision shall be in writing and
16 forwarded to the director who shall serve copies on the
17 parties. The panel's decision is not binding upon any
18 party. ~~The decision of the panel and any materials~~
19 ~~submitted by the parties thereto may be admissible in whole~~
20 ~~or in part in any subsequent trial of the matter, subject~~
21 ~~to the discretion of the trial court, in accordance with~~
22 ~~the Wyoming Rules of Evidence.~~

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1 9-2-1523. Confidentiality of panel proceedings;
2 privilege; proceedings and decision inadmissible;
3 assessment of costs.

4
5 (c) The claim, answer, decision and any other
6 pleadings served under this act shall not be admissible in
7 any subsequent civil action brought by the claimant against
8 the health care provider for alleged malpractice.

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10 (d) If the claimant files a complaint in court
11 following a panel decision, the plaintiff shall submit to
12 the panel a written statement of the outcome of the
13 litigation within sixty (60) days of the final disposition
14 of the litigation.

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16 (e) Following the final decision of the panel, the
17 director shall determine the state's total costs for the
18 review proceeding pursuant to W.S. 9-2-1517(c), which shall
19 be assessed as follows:

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21 (i) If no complaint is filed in any court within
22 the applicable limitations period concerning the alleged
23 malpractice that was the subject of the claim, or if the
24 matter is settled by the parties before trial, the panel

1 shall pay all of the state's costs of the review
2 proceedings;

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4 (ii) If the health care provider prevails in the
5 panel's decision and the claimant files a complaint in
6 court concerning the alleged malpractice that was the
7 subject of the claim, the claimant and the claimant's
8 attorney shall be jointly liable for the costs to the state
9 of the review proceedings if the claimant does not prevail
10 in the litigation;

11
12 (iii) If the health care provider prevails in
13 the panel's decision and the claimant files a complaint in
14 court concerning the alleged malpractice that was the
15 subject of the claim, neither the claimant or the health
16 care provider shall be liable for the costs to the state of
17 the review proceedings if the claimant prevails in the
18 litigation;

19
20 (iv) If the claimant prevails in the panel's
21 decision and the claimant files a complaint in court
22 concerning the alleged malpractice that was the subject of
23 the claim, the health care provider shall be liable for the

1 costs to the state of the review proceedings if the
2 claimant prevails in the litigation;

3
4 (v) If the claimant prevails in the panel's
5 decision and the claimant files a complaint in court
6 concerning the alleged malpractice that was the subject of
7 the claim, neither the claimant or health care provider
8 shall be liable for the costs to the state of the review
9 proceedings if the health care provider prevails in the
10 litigation;

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12 (vi) The director shall notify the parties in
13 writing of the assessment of costs within fifteen (15) days
14 of the report required by subsection (d) of this section.
15 Any costs assessed to any party or attorney shall be paid
16 to the director within thirty (30) days of the notice of
17 assessment. Costs collected pursuant to this paragraph
18 shall be deposited with the state treasurer and credited to
19 a separate account and are continuously appropriated to the
20 medical review panel to be expended for the actual direct
21 and indirect costs of providing services pursuant to this
22 article.

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