

WYOMING 2009 GENERAL LEGISLATIVE SESSION

HEALTH CARE ISSUES

FINAL REPORT

3/17/09

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The Governor has taken action on the remaining bills of interest. This will be the final report.

The Governor signed H.B. 298 Medical Practice Act Revision. It updates the Medical Practice Act addressing various issues such as licensure, reciprocity, penalties, etc. <http://legisweb.state.wy.us/2009/Enroll/HB0298.pdf> .

The Governor signed S.F. 93 which authorizes a study on Wyoming dental health. It provides \$50,000 to conduct a survey about who is receiving dental care and who is not, pinpointing areas that are underserved. <http://legisweb.state.wy.us/2009/Enroll/SF0093.pdf>

The Governor signed S.F. 35 which allows minors to receive counseling on tobacco use cessation, but only obtain products with a physician's prescription. In the past counselors could not provide services to minors. <http://legisweb.state.wy.us/2009/Enroll/SF0035.pdf>

H.B. 281 Telemedicine State System has been signed by the Governor. It creates a public private partnership to develop a statewide system for electronic health records. <http://legisweb.state.wy.us/2009/Enroll/HB0281.pdf>

**BILLS OF INTEREST SIGNED BY THE GOVERNOR**

H.B. No. 0054      Workers' compensation amendments <http://legisweb.state.wy.us/2009/Enroll/HB0054.pdf>

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

AN ACT relating to the Wyoming Worker's Compensation Act; providing that the state's subrogation recovery be reduced for recovery fees and costs; authorizing elective coverage for corporate officers, limited liability company members, partners and sole proprietors as specified; increasing dependent children's, death and permanent impairment benefits; providing a minimum and extending the duration of temporary total disability benefit; extending the maximum duration of vocational rehabilitation benefits; providing a time limit for the recovery of overpayments as specified; providing for redetermination in the case of missed deadlines as specified; providing an appropriation and authorizing additional positions to the office of administrative hearings; and providing for an effective date. SIGNED BY THE GOVERNOR

H.B. No. 0067      Tobacco excise tax <http://legisweb.state.wy.us/2009/Enroll/HB0067.pdf>

Sponsored by: Joint Revenue Interim Committee

AN ACT relating to taxation of tobacco; providing that moist snuff tobacco will be taxed based upon net weight; conforming related provisions; and providing for an effective date. SIGNED BY THE GOVERNOR

H.B. No. 0119 Genetic and metabolic disease programs <http://legisweb.state.wy.us/2009/Enroll/HB0119.pdf>

Sponsored by: ZWONITZ, DN

AN ACT relating to genetic and metabolic diseases; providing for testing of newborn children for phenylketonuria and such additional diseases as prescribed by the department of health; and providing for effective dates. SIGNED BY THE GOVERNOR

H.B. No. 0146 Emergency medical services sustainability trust  
<http://legisweb.state.wy.us/2009/Enroll/HB0146.pdf>

Sponsored by: STEWARD

AN ACT relating to emergency medical services; creating an emergency medical services sustainability trust account and income account; providing for needs analysis grants as specified; providing for emergency medical services master plan implementation grants as specified; providing for a local match as specified; requiring reports; providing for statewide and regional trauma coordinators; authorizing positions; providing appropriations; and providing for an effective date. SIGNED BY THE GOVERNOR

H.B. No. 0152 Athletic trainers-licensing, <http://legisweb.state.wy.us/2009/Enroll/HB0152.pdf>

Sponsored by: HARSHMAN

AN ACT relating to professions and occupations; providing for the licensure of athletic trainers; creating a board of athletic training; granting the board powers and duties including rulemaking authority; providing for licensing fees; restricting the practice of athletic training; providing exceptions to licensure requirements; imposing penalties; specifying legislative findings; providing an appropriation; and providing for an effective date. SIGNED BY THE GOVERNOR

H.B. No. 0164 Prescription drug fraud-felony <http://legisweb.state.wy.us/2009/Enroll/HB0164.pdf>

Sponsored by: SIMPSON

AN ACT relating to controlled substances; amending the Wyoming Controlled Substances Act of 1971 to provide a penalty for the alteration of a prescription or written order; and providing for an effective date. SIGNED BY THE GOVERNOR

H.B. No. 0281 Telemedicine-state system <http://legisweb.state.wy.us/2009/Enroll/HB0281.pdf>

Sponsored by: LANDON

AN ACT relating to the administration of government; providing that the duties of the office of rural health include implementation of telemedicine facilities and the creation of a statewide electronic health information exchange as specified; and providing for an effective date. SIGNED BY THE GOVERNOR

H.B. No. 0298 Medical Practice Act revisions <http://legisweb.state.wy.us/2009/Enroll/HB0298.pdf>

Sponsored by: HALLINAN

AN ACT relating to the Medical Practice Act; correcting and updating definitions; amending the composition, powers, duties and operations of the board of medicine; providing for criminal background checks; amending compensation and reimbursement of expenses of board of medicine members; amending licensure provisions of physicians and physician assistants; authorizing emeritus physician and physician assistant licenses as specified;

providing for the regulation of the practice of medicine by physicians and physician assistants; providing processes and procedures for discipline of physicians and physician assistants; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0017      Mental health and substance abuse appropriations  
<http://legisweb.state.wy.us/2009/Enroll/SF0017.pdf>

Sponsored by: Select Committee on Mental Health and Substance Abuse Services

AN ACT relating to mental health and substance abuse services; providing appropriations; specifying conditions; authorizing a competitive bid process as specified; identifying the regions designated by the department of health for purposes of certain appropriations; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0023      Accelerated nursing degree loan repayment program <http://legisweb.state.wy.us/2009/Enroll/SF0023.pdf>

Sponsored by: MASSIE

AN ACT relating to the education loan repayment program; establishing an education loan repayment program for students with baccalaureate degrees who pursue the accelerated program for baccalaureate degrees in nursing; specifying requirements; providing for loan forgiveness as specified; requiring reports; providing an appropriation; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0035      Youth access to tobacco cessation programs  
<http://legisweb.state.wy.us/2009/Enroll/SF0035.pdf>

Sponsored by: SESSIONS

AN ACT relating to the age of majority and health care; providing that certain minor children may consent to health care for purposes of tobacco cessation programs; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0049      Psychologist licensure <http://legisweb.state.wy.us/2009/Enroll/SF0049.pdf>

Sponsored by: MASSIE

AN ACT relating to the Wyoming state board of psychology; amending the psychologists licensing act; providing for application of licensing act; removing separate licensing requirements related to school psychologists; revising the composition of the state board of psychology as specified; providing for issuance of temporary licenses to practice psychology as specified; revising the grounds and evidentiary standard for disciplinary actions as specified; authorizing the state board to employ specified personnel; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0054      Physical therapist licensure <http://legisweb.state.wy.us/2009/Enroll/SF0054.pdf>

Sponsored by: MASSIE

AN ACT relating to physical therapists; providing for criminal background checks of physical therapist applicants; amending the physical therapist practice act; providing exemptions to licensing requirements; amending qualifications for board membership and board powers as specified; amending application requirements for physical therapists, physical therapist assistants and foreign trained applicants; providing for licensure or certification by endorsement; amending the types of discipline and grounds for discipline as specified; providing civil immunity for board members and board investigations as specified; revising and providing definitions; authorizing injunctive relief; granting rulemaking authority; repealing obsolete provisions; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0062      Discretionary Clause Prohibition Act <http://legisweb.state.wy.us/2009/Enroll/SF0062.pdf>

Sponsored by: ROSS

AN ACT relating to insurance; creating the Discretionary Clause Prohibition Act; providing definitions; specifying the purpose and intent of the act; prohibiting discretionary clauses in health insurance and disability income protection contracts; providing penalties for violations of the act; providing for severability; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0072 Corporations act-amendments <http://legisweb.state.wy.us/2009/Enroll/SF0072.pdf>

Sponsored by: Joint Corporations, Elections and Political Subdivisions Interim Committee

AN ACT relating to corporations; generally updating and modifying statutes to comply with the model corporations act of 2007; making conforming amendments; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0086 Revised Uniform Anatomical Gift Act <http://legisweb.state.wy.us/2009/Enroll/SF0086.pdf>

Sponsored by: PERKINS

AN ACT relating to anatomical gifts; repealing the Uniform Anatomical Gift Act and adopting the Revised Uniform Anatomical Gift Act; making conforming amendments; providing for the effectiveness of prior gifts; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0093 Oral health initiative <http://legisweb.state.wy.us/2009/Enroll/SF0093.pdf>

Sponsored by: LANDEN

AN ACT relating to health and safety; providing for education and a statistical study related to oral health concerns; providing an appropriation; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0095 Medical necessity review procedures <http://legisweb.state.wy.us/2009/Enroll/SF0095.pdf>

Sponsored by: ROSS

AN ACT relating to insurance; defining medical necessity; setting requirements for analyzing insurance coverage and benefit payments under a medical necessity standard; setting requirements for denying payment or coverage; establishing review procedures; modifying unfair claims settlement practices accordingly; allocating costs; and providing for effective dates. SIGNED BY THE GOVERNOR

S.F. No. 0106 Medication disposal program <http://legisweb.state.wy.us/2009/Enroll/SF0106.pdf>

Sponsored by: HASTERT

AN ACT relating to public health and safety; amending the drug donation program; providing for drop off and disposal of unused and expired prescription drugs; providing an appropriation; authorizing positions; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0108 Long-term care facilities <http://legisweb.state.wy.us/2009/Enroll/SF0108.pdf>

Sponsored by: BEBOUT

AN ACT relating to the Wyoming business council; providing an appropriation for grants under the community development block grant program; restricting appropriated funds to grants to long-term care facilities; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0117 Wyoming Health Insurance Pool Act-eligibility <http://legisweb.state.wy.us/2009/Enroll/SF0117.pdf>

Sponsored by: SCOTT

AN ACT relating to the Wyoming Health Insurance Pool Act; providing for coverage under the pool if group plan cost to insure an individual exceeds the rate for coverage under the pool; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0137 Health care-rehabilitation facility <http://legisweb.state.wy.us/2009/Enroll/SF0137.pdf>

Sponsored by: MASSIE

AN ACT relating to public health and safety; amending definition of rehabilitation facility; and providing for an effective date. SIGNED BY THE GOVERNOR

S.F. No. 0145 Hospital and health care districts-services to providers  
<http://legisweb.state.wy.us/2009/Enroll/SF0145.pdf>

Sponsored by: NICHOLAS

AN ACT relating to memorial hospitals, special hospital districts and rural health care districts; authorizing sales of health care services to health care providers; authorizing sales of services for nonhealth care purposes; and providing for an effective date. SIGNED BY THE GOVERNOR

#### **BILLS THAT FAILED**

[H.B. No. 0031](#) [Smoking in enclosed public places.](#)

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

AN ACT relating to public health and safety; prohibiting smoking in enclosed public places as specified; requiring posting of public notices; providing definitions; providing exceptions; granting rulemaking authority; providing penalties; authorizing local regulation; and providing for an effective date. FAILED TO BE ASSIGNED TO A SENATE COMMITTEE

[H.B. No. 0053](#) [Unfair employment practices.](#)

Sponsored by: MILLIN

AN ACT relating to fair employment practices; providing that discriminatory and unfair employment practices include retaliatory acts as specified; and providing for an effective date. FAILED IN HOUSE

[H.B. No. 0064](#) [Co-employee immunity.](#)

Sponsored by: STUBSON

AN ACT relating to workers' compensation; amending the standard for tort immunity for an injured worker's fellow employees; and providing for an effective date. FAILED IN HOUSE JUDICIARY COMMITTEE

[H.B. No. 0105](#) [Notification of blood borne pathogens.](#)

Sponsored by: LUBNAU

AN ACT relating to emergency medical services; providing that the department of health supply and require ambulances to carry blood borne pathogen disinfectant and information packets; providing an appropriation; and providing for an effective date. FAILED IN HOUSE

[H.B. No. 0120](#) [Assisted suicide.](#)

Sponsored by: DAVISON

AN ACT relating to crimes and offenses; creating the crime of assisting suicide; providing a penalty; providing exceptions; and providing for an effective date. FAILED IN HOUSE LABOR COMMITTEE

[H.B. No. 0123](#) [Homicide during pregnancy.](#)

Sponsored by: DAVISON

AN ACT relating to crimes and offenses; establishing the offense of involuntary termination of pregnancy; imposing a penalty; and providing for an effective date. FAILED TO BE INTRODUCED

[H.B. No. 0128](#) [WYIN-nurse repayment.](#)

Sponsored by: LUBNAU

AN ACT relating to nursing; providing that certain Wyoming investment in nursing loans may be repaid by practicing as a nurse in Wyoming; and providing for an effective date. FAILED TO BE CONSIDERED BY HOUSE

[H.B. No. 0141](#) [Impaired driving prevention amendments.](#)

Sponsored by: GINGERY

AN ACT relating to driving under the influence; amending and creating definitions; eliminating the requirement that "driving or in actual physical control of a motor vehicle" shall apply only if it occurs upon a public street or highway; amending the time for acceptable results from tests of blood alcohol concentration; creating a crime for failure to submit or complete a chemical test as specified; creating a crime of aggravated driving under the influence; amending penalties; repealing a provision relating to the reduction or dismissal of charges; repealing evidentiary presumptions relating to blood alcohol concentration; clarifying factors relating to penalties for subsequent convictions; requiring the use of an ignition interlock system when specified conditions have occurred; eliminating the voluntary ignition interlock program; and providing for an effective date. FAILED IN SENATE JUDICAIY COMMITTEE

[H.B. No. 0151](#) [Ultrasound requirement for abortions.](#)

Sponsored by: BRECHTEL

AN ACT relating to public health and safety; requiring physicians to perform ultrasound examinations prior to obtaining a pregnant woman's consent to an abortion; providing exceptions; providing penalties; providing for a civil remedy and injunctive relief; providing for physician license suspension or revocation; providing definitions; and providing for an effective date. FAILED IN HOUSE LABOR COMMITTEE

[H.B. No. 0154](#) [Abortion-reporting requirements.](#)

Sponsored by: BRECHTEL

AN ACT relating to public health and safety; amending reporting requirements relating to abortions; providing a penalty; and providing for an effective date. FAILED IN HOUSE LABOR COMMITTEE

[H.B. No. 0163](#) [Physician assistant school.](#)

Sponsored by: HARSHMAN

AN ACT relating to education; establishing a task force to review the feasibility of a physician assistant school in Wyoming; providing appropriations; requiring a report; and providing for an effective date. FAILED TO BE CONSIDERED IN HOUSE

[H.B. No. 0178](#) [Tanning salons-minors.](#)

Sponsored by: MILLIN

AN ACT relating to ultraviolet tanning devices; prohibiting allowing the use of ultraviolet tanning devices by minors under fifteen (15) years of age as specified; requiring parental consent for use of ultraviolet tanning devices by minors between fifteen (15) and eighteen (18) years of age; providing a definition; providing criminal penalties; and providing for an effective date. FAILED IN HOUSE LABOR COMMITTEE

[H.B. No. 0224](#) [Cigarette tax.](#)

Sponsored by: MILLIN

AN ACT relating to taxation and revenue; increasing the taxation of cigarettes as provided; providing for the distribution of the tax as specified; and providing for an effective date. FAILED IN HOUSE REVENUE COMMITTEE

[H.B. No. 0244](#) [Uncompensated trauma care.](#)

Sponsored by: COHEE

AN ACT relating to medical care; creating an uncompensated trauma care account; increasing fuel taxes to fund the account; providing a swap of mineral severance tax; providing standards for distribution of funds to acute care hospitals; requiring rulemaking; providing definitions; and providing for an effective date. FAILED IN SENATE REVENUE COMMITTEE

[H.B. No. 0246](#) [Denturists.](#)

Sponsored by: QUARBERG

AN ACT relating to the licensure of denturists; creating a board of denturists; regulating the practice of denturism; providing for licensing, fees, examinations and other regulation of denturists; repealing prohibition on soliciting for denturism services; providing criminal penalties for violations of denturist act; providing definitions; and providing for an effective date. FAILED TO BE INTRODUCED

[H.B. No. 0266](#) [Cardiovascular disease and diabetes initiative.](#)

Sponsored by: ZWONITZ, DN

AN ACT relating to public health; creating the cardiovascular education and outreach initiative program; providing for a comprehensive diabetes and diabetes related cardiovascular disease education and control program; providing for screening and preventive treatment for diabetes and diabetes related cardiovascular disease as necessary support of the poor; authorizing positions; providing for the repeal of the program; requiring reports; providing an appropriation; and providing for an effective date. FAILED TO BE CONSIDERED ON HOUSE GENERAL FILE

[H.B. No. 0305](#) [Reduced cigarette ignition.](#)

Sponsored by: LUBNAU

AN ACT relating to fire safety and prevention; providing requirements for the sale of cigarettes; providing testing requirements; providing reporting requirements; providing for enforcement; providing definitions; providing penalties; and providing for an effective date. FAILED IN COMMITTEE

[H.B. No. 0311](#) [County smoking regulation.](#)

Sponsored by: HALLINAN

AN ACT relating to counties; providing for regulation of smoking in public places; authorizing local authority regulation as specified; and providing for an effective date. FAILED TO BE HEARD IN COMMITTEE

[S.F. No. 0018](#) [Mental injury-workers' compensation.](#)

Sponsored by: Select Committee on Mental Health and Substance Abuse Services

AN ACT relating to workers' compensation; amending the definition of injury to authorize coverage of a mental injury as specified; and providing for an effective date. FAILED TO BE HEARD IN HOUSE LABOR COMMITTEE

[S.F. No. 0024](#) [Health care reform demonstration project.](#)

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

AN ACT relating to health insurance; creating a health care reform demonstration project using the board and administrative structure of the Wyoming health insurance pool as specified; providing for a benefit design committee; authorizing payment of committee members' expenses as specified; providing for the design of the benefits package and plan of operation of the project; providing for eligibility; providing definitions; providing for evaluation of the project; providing for a repeal date; requiring reports; providing appropriations; and providing for an effective date. FAILED IN HOUSE

[S.F. No. 0039](#) [Child health insurance program.](#)

Sponsored by: MASSIE

AN ACT relating to the child health insurance program; increasing the maximum family income level for eligibility in the program; authorizing state funding for coverage as specified; removing the requirement of federal approval and federal funding for participation of parents and guardians in the program; authorizing families or guardians with higher incomes to buy program coverage for their children; providing appropriations; authorizing a position; and providing for an effective date. FAILED IN HOUSE

[S.F. No. 0050](#) [Small group insurance.](#)

Sponsored by: CASE

AN ACT relating to insurance; limiting applicability of Small Employer Health Insurance Availability Act; and providing for an effective date. FAILED IN SENATE

[S.F. No. 0066](#) [Medicaid-foot care.](#)

Sponsored by: ESQUIBEL,F

AN ACT relating to Medicaid; authorizing payment under the act for foot care, as specified; and providing for an effective date. FAILED IN HOUSE

[S.F. No. 0077](#) [Traditional birth care.](#)

Sponsored by: JOHNSON

AN ACT relating to the Medical Practice Act; providing an exemption from the Medical Practice Act for the practice of midwifery; and providing for an effective date. FAILED TO BE HEARD IN SENATE LABOR COMMITTEE

[S.F. No. 0079](#) [Medicaid-provider reimbursements.](#)

Sponsored by: LANDEN

AN ACT relating to Medicaid; providing for regular revision of provider reimbursement schedules as specified; providing for an increase in some reimbursements as specified; providing an appropriation; and providing for an effective date. FAILED IN SENATE COMMITTEE

[S.F. No. 0092](#) [Long term care access.](#)

Sponsored by: MARTIN

AN ACT relating to the Wyoming Long Term Care Choices Act; authorizing a statewide network of aging and disability resource centers as specified; granting rulemaking authority; authorizing amendments to the state Medicaid plan; providing an appropriation; and providing for an effective date. FAILED IN HOUSE

[S.F. No. 0097](#) [Unborn victims of violence act.](#)

Sponsored by: JENNINGS

AN ACT relating to crimes and offenses; defining "human being" and "person" to include unborn children for purposes of specified crimes; and providing for an effective date. FAILED IN SENATE JUDICIARY COMMITTEE

[S.F. No. 0099](#) [Career and technical training grants.](#)

Sponsored by: HASTERT

AN ACT relating to labor and employment; establishing a career and technical training scholarship program in the department of workforce services; providing definitions; providing for reimbursement of grants as specified; requiring rulemaking; providing appropriations; and providing for an effective date. FAILED TO BE CONSIDERED BY HOUSE

[S.F. No. 0100](#) [Public school nurse appropriation.](#)

Sponsored by: HASTERT

AN ACT relating to public education; appropriating funds to the department of education for an additional position to coordinate public school health programs; imposing reporting requirements; and providing for an effective date. FAILED TO BE HEARD ON SENATE GENERAL FILE

[S.F. No. 0113](#) [Wyoming health insurance pool.](#)

Sponsored by: MEIER

AN ACT relating to the Wyoming health insurance pool; providing for issuance of catastrophic health insurance coverage as specified; providing eligibility criteria; and providing for an effective date. FAILED IN SENATE LABOR COMMITTEE

[S.F. No. 0117](#) [Wyoming Health Insurance Pool Act-eligibility.](#)

Sponsored by: SCOTT

AN ACT relating to the Wyoming Health Insurance Pool Act; providing for coverage under the pool if group plan cost to insure an individual exceeds the rate for coverage under the pool; and providing for an effective date. FAILED IN SENATE LABOR COMMITTEE

[S.F. No. 0118](#) [Continuance of insurance coverage.](#)

Sponsored by: ESQUIBEL,F

AN ACT relating to insurance coverage; specifying the level of benefits required for continuance of coverage for a preexisting condition under a new plan by a succeeding carrier; and providing for an effective date. PASSED SENATE IN HOUSE CORPORATIONS COMMITTEE

[S.F. No. 0120](#) [Critical access hospitals-challenge program.](#)

Sponsored by: PETERSON

AN ACT relating to the Wyoming critical access or rural hospital endowment challenge program; authorizing use of certain endowment funds in specified situations; specifying conditions; and providing for an effective date. FAILED IN HOUSE

[S.F. No. 0141](#) [Midwives licensure.](#)

Sponsored by: JOHNSON

AN ACT relating to professions and occupations; creating a board of midwifery; specifying membership; specifying duties and powers; providing for licensure of midwives; specifying requirements for licensure; providing exceptions; granting rulemaking authority; providing definitions; specifying grounds for denial, suspension or revocation of license; providing for appeals; providing penalties; and providing for effective dates. FAILED IN HOUSE LABOR COMMITTEE

[S.F. No. 0138](#) [Health care professions database.](#)

Sponsored by: SCOTT

AN ACT relating to the Wyoming health care commission; providing that the department of health shall maintain the commission's health professions database; providing for publication of a health professions statistical handbook; providing appropriations; and providing for an effective date. FAILED IN HOUSE LABOR COMMITTEE

[S.J. No. 0003](#) [Freedom of choice in health care.](#)

Sponsored by: HINES

A JOINT RESOLUTION proposing to amend the Wyoming Constitution; providing for freedom of choice in health care; prohibiting laws interfering with freedom of choice in health care. FAILED IN SENATE JUDICIARY COMMITTEE