

SENATE FILE NO. SF0073

Health care facility access.

Sponsored by: Senator(s) Sessions, Dockstader, Hastert,  
Hunnicutt and Landen and Representative(s)  
Davison and Esquibel, K.

A BILL

for

1 AN ACT relating to public health and safety; providing that  
2 specified health care facilities and providers shall not  
3 discriminate against patients based on ability to pay or  
4 source of payment; providing for notices, reporting and  
5 recordkeeping; granting investigative authority; providing  
6 penalties; and providing for an effective date.

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

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10 **Section 1.** W.S. 35-2-913 is created to read:

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12 **35-2-913. Community service required.**

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14 (a) After June 30, 2011, any health care facility or  
15 health care provider as defined in W.S. 1-1-130(b)(i) that  
16 receives any funds appropriated by the legislature from

1 nonfederal sources or funds from a local government as  
2 defined in W.S. 1-39-103(a)(ii) shall, as part of its  
3 application for an initial or renewal license under this  
4 article, submit assurance that the facility is available to  
5 any person residing in the facility's or provider's service  
6 area without discrimination on the basis of the person's  
7 ability to pay or source of payment.

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9 (b) For purposes of this section, a facility or  
10 provider is out of compliance with its community service  
11 assurance if it uses an admission policy that has the  
12 effect of excluding a person on the basis of the person's  
13 ability to pay or the fact that the person's source of  
14 payment is a particular private or public third party  
15 payor.

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17 (c) Facilities and providers subject to this section  
18 shall post notices prominently in appropriate areas of the  
19 facility to inform patients that the facility or provider  
20 does not discriminate based on a person's ability to pay or  
21 the source of payment for a person's medical bills.  
22 Notices shall be supplied by or in a manner approved by the  
23 department.

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1           (d) The department may periodically require a  
2 facility or provider to submit a report to the department  
3 to substantiate compliance with this section. The  
4 department shall prescribe the contents and maximum  
5 frequency of the report in its rules and regulations.

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7           (e) A facility or provider subject to this section  
8 shall maintain, consistent with privacy requirements under  
9 federal and state law, records necessary to document its  
10 compliance with this section in any licensing year, and  
11 shall maintain the records for one (1) year after the close  
12 of a licensing year.

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14           (f) The department shall have the authority to  
15 investigate complaints of violations of this section,  
16 including access upon reasonable notice to records and  
17 persons relevant to the complaint.

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19           (g) If the department finds, based on its  
20 investigation that a facility or provider has limited the  
21 availability of its services in a manner proscribed by this  
22 section, the department may take any one (1) or more of the  
23 following actions:

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1           (i) Require the facility or provider to  
2 establish an effective affirmative action plan that is  
3 designed to insure that the facility's or provider's  
4 services are made available in accordance with the  
5 requirements of this section;

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7           (ii) Require the facility or provider to refund  
8 to the department for transfer to the state treasurer and  
9 deposit into the general fund an amount equal to all funds  
10 received by the facility or provider from state  
11 appropriated nonfederal or local government sources during  
12 the three (3) month period immediately preceding the  
13 violation.

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15           **Section 2.** This act is effective July 1, 2010.

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(END)