

CHAPTER 217

Original Senate File No. 193

HEALTH CARE DATA AUTHORITY

AN ACT to create W.S. 35-2-801 through 35-2-807 relating to health care; establishing a state health care data authority and requiring the state health planning and development agency to serve as the authority; providing that the statewide health coordinating council shall serve as advisory council to the authority; providing definitions; providing for the collection and compilation of financial, utilization, charge and other data from health care facilities, third party payors and other sources; providing for reporting by data sources; providing for reports on health care costs and the dissemination of collected data; authorizing the authority to contract for the collection, compilation or distribution of data; providing for data verification by data sources; granting rulemaking authority; requiring the council to study state health care and to annually report recommendations to the governor and the legislature; providing for confidentiality of specified information; providing for penalties; terminating the requirements of the act on January 1, 1989; providing for an appropriation; and providing for an effective date.

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

Section 1. W.S. 35-2-801 through 35-2-807 are created to read:

ARTICLE 8

STATE HEALTH CARE DATA AUTHORITY

35-2-801. Definitions.

(a) As used in this act:

(i) "Advisory council" means the statewide health coordinating council appointed by the governor under Public Law 93-641 to develop a comprehensive statewide health plan and is referred to as the council;

(ii) "Ambulatory center" means a facility independent of a hospital and providing diagnostic or surgical procedures and other treatment to patients not requiring hospitalization;

(iii) "Health care facility" means any:

(A) Hospital;

(B) Nursing care or supervised personal care facility;

(C) Freestanding ambulatory center offering treatment, rehabilitation and other outpatient health services;

(D) Health maintenance organization; and

(E) Other provider of alternative health care.

(iv) "Health maintenance organization" means any person that undertakes to provide or arrange for basic health care services to enrollees on a prepaid basis and may include providing or arranging for:

(A) Physician services directly through physician employees or under arrangements with individual physicians or groups of physicians;

(B) Other health care services on a prepayment or other financial basis.

(v) "Health services" means clinically related diagnostic, treatment or rehabilitative services including alcohol, drug and substance abuse, psychiatric and mental health services;

(vi) "Hospital" means any institution licensed under W.S. 35-2-101 through 35-2-112, 35-2-119 and 35-2-120;

(vii) "Nursing care facility" means a facility providing skilled or intermediate nursing care services;

(viii) "Physician" means a doctor of medicine or osteopathy licensed to practice medicine or surgery under state law;

(ix) "State health care data authority" means the state health planning and development agency within the division of health and medical services, department of health and social services, responsible for comprehensive statewide health planning and development under Public Law 93-641 and is referred to as the authority;

(x) "Supervised personal care facility" means a facility providing personal care and service on a regular basis to aged, infirm or disabled persons dependent on others to carry out their normal daily activities, regulate their living habits and to protect them from environmental hazards;

(xi) "This act" means W.S. 35-2-801 through 35-2-807.

35-2-802. State health care data authority; established; purpose; advisory council established; meetings; reimbursement; cooperation of specified state agencies.

(a) The state health planning and development agency within the division of health and medical services, department of health and social services is the state health care data authority. As the authority, the agency shall serve as a statewide health care data clearinghouse for the acquisition, compilation, analysis, correlation and dissemination of data from health care facilities, state programs, third party payors and other appropriate sources in carrying out the purposes of this act.

(b) The statewide health coordinating council appointed by the governor under Public Law 93-641 shall serve as an advisory council to the authority and shall review health care data compiled and disseminated by the authority and shall make recommendations and report as required by this act. The council shall meet at least once every three (3) months and council members shall receive reimbursement for expenses incurred in the performance of their duties in the amount and manner provided state employees.

(c) The director of the department of health and social services and the state insurance commissioner shall cooperate with the authority and the council and provide any information and assistance the authority and council may require to carry out the purposes of this act.

35-2-803. State health care data authority; duties with respect to collection and compilation of information; reporting by data sources; use of existing data sources; authority to contract; reporting of health care costs; submission to public.

(a) In consultation with the advisory council, the authority may require the department of health and social services, health care facilities operating in the state and other appropriate sources to assist in the collection and submission of facility-specific information. This information may include:

- (i) Financial information including but not limited to costs of operation, revenues, assets, liabilities, fund balances, other income, rates, charges, units of service and wage and salary data;
- (ii) Scope and volume of service information including but not limited to inpatient services, outpatient services and ancillary services by type of service provided;
- (iii) Utilization information;
- (iv) New services and programs proposed for the forthcoming fiscal year;
- (v) Patient abstract and charge data;
- (vi) Cost of malpractice insurance, malpractice claims and associated legal and litigation costs; and
- (vii) Any other information the authority may require.

(b) Definitions of data elements, other definitions required under subsection (a) of this section, specific provider and data source categories and the data sources shall be developed by rule and regulation of the authority in consultation with the council.

(c) Data authorized to be collected under subsection (a) of this section shall be reported to the authority on a health care facility-specific basis. The data shall not be released by the authority until it has been reviewed by the council.

(d) Information required by this section shall be submitted to the authority by each health care facility or other appropriate data source in accordance with rules and regulations of the authority except as otherwise prohibited by law, and shall be certified in writing by the chief executive officer of each facility.

(e) To the extent possible, the authority shall obtain data from current established data sources. After consultation with the council, the authority may contract for the collection, compilation or distribution of available data from those sources.

(f) At least annually, the authority shall prepare reports on aggregate health care cost trends including comparative information on average charges, total and ancillary charge components, length of stay on diagnosis specific and procedure specific cases and the number of discharges. The information shall be compiled in aggregate by health care facility, diagnosis and by primary payor category.

(g) The reports prepared by the authority pursuant to this section shall be provided to the public upon request.

35-2-804. State health care data authority; compilation, analysis and distribution of data; verification of information by data sources; rulemaking authority.

(a) The authority may collect, analyze, compile and distribute or make available data to health care facilities, health care providers, health care subscribers, third party payors, government and the general public, subject to confidentiality requirements of this act.

(b) Before the release or dissemination of data compilations, the authority shall permit data sources subject to reporting requirements of this act an opportunity to verify the accuracy of any information pertaining thereto. The data source may submit any corrections or errors in the data compilation to the authority together with any supporting evidence and documents within thirty (30) days after receipt of the information. The authority shall correct any data found to be in error and shall include in its published reports any evidence, compilations and explanations of the data source which are relevant to the data in question.

(c) The authority shall develop and adopt necessary rules and regulations to implement duties under this act. Rules and regulations shall be adopted in accordance with the Wyoming Administrative Procedure Act and are subject to review under W.S. 28-9-101 through 28-9-108.

35-2-805. Advisory council; duties; study of state health care; report to governor and legislature.

(a) The council shall study the state health care system and based upon data collected and compiled by the authority, shall make recommendations to the governor and the legislature on the issues of accessibility, quality and cost effectiveness of health care for the state. In its study, the council shall also consider the establishment of a phased hospital rate regulation model for the state based upon threshold levels for increases in total hospital expenses and gross patient revenues and minimizing cost shifting between payors.

(b) Not later than January 1 of each year, the council shall report available findings and recommendations on the state health care system pursuant to subsection (a) of this section to the governor and the legislature.

35-2-806. Confidentiality. The authority and council shall protect patient confidentiality to prevent the identification of individual patient records in carrying out the requirements of this act.

35-2-807. Penalty for violation of act; injunction of operations.

(a) Any person knowingly violating this act or failing to correct violations within thirty (30) days after receipt of written notice by the authority is guilty of a misdemeanor and shall be fined not more than one thousand dollars (\$1,000.00), imprisoned not more than thirty (30) days, or both. Each day of operation in violation of this act is a separate offense.

(b) Upon request of the authority or the council, the state attorney general shall initiate an action for an injunction against any health care facility violating this act.

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Section 2. Effective January 1, 1989, this act shall terminate. If the date for termination is not extended by the legislature, the authority and council shall submit a final report on aggregate health care cost trends in the state to the legislature by January 1, 1989.

Section 3. Twenty-four thousand dollars (\$24,000.00) is appropriated to the state health planning and development agency program within the department of health and social services to carry out this act. The amount appropriated under this section shall not be spent until available federal funding is secured under the federal Public Health Services Act. A separate budget will be established for this program. The department of health and social services shall transfer a qualified person in a department level position to the division of health and medical services for the purposes of this act.

Section 4. This act is effective May 23, 1985.

Approved March 4, 1985.