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Wyoming State Hospital v. Romine

Supreme Court of Wyoming - March 25, 2021 - P.3d - 2021 WL 1135510 - 2021 WY 47

Parents of patient who was sexually assaulted by certified nursing assistant brought action against state hospital asserting various claims of negligence under Wyoming Governmental Claims Act.

The District Court denied hospital's motion for summary judgment. Hospital filed a notice of appeal or, in the alternative, a petition for writ of review.

The Supreme Court held that:

- Appeal did not involve purely legal issue of whether the hospital was immune from suit under Act, and
- Act's waiver of liability for negligence of health care providers is not limited to medical malpractice claims.

State hospital's interlocutory appeal of district court's determination, which was that there were genuine disputes of material fact as to whether claims brought by parents of patient who was sexually assaulted by certified nursing assistant constituted a single transaction or occurrence under Wyoming Governmental Claims Act, did not involve purely legal issue of whether the hospital was immune from suit under the Act, as required for Supreme Court's jurisdiction over appeal, where section related to the State's liability, not its immunity from suit, as section capped the hospital's liability only if it was found to have waived its immunity from suit.

Wyoming Governmental Claims Act's waiver of liability for negligence of health care providers is not limited to medical malpractice claims.