

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: Am. Sub. H.B. 612 DATE: March 26, 1998

STATUS: As Recommended by Senate Civil Justice Subcommittee SPONSOR: Rep. Metzger

LOCAL IMPACT STATEMENT REQUIRED: No — No local cost

CONTENTS: Prospectively exempts from civil liability damages dentists who volunteer as athletic team dentists and provide emergency care or first aid treatment to athletic event participants, unless their actions constitute willful or wanton misconduct.

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
School Districts			
Revenues	-0-	-0-	-0-
Expenditures	Potential negligible decrease	Potential negligible decrease	Potential negligible decrease

- By limiting the liability of dentists who volunteer their services at athletic events, school districts, could experience a negligible decrease in their expenditures for liability insurance.

Detailed Fiscal Analysis

This bill is an extension of Ohio's Good Samaritan Law. Under the existing law (ORC 2305.231) medical practitioners and registered nurses who volunteer as athletic team physicians, podiatrists, or nurses are exempt from liability in damages in a civil action for administering emergency medical care or first aid treatment in an athletic event involving the school, either at the scene or during transport to a medical facility. This exemption from liability does not apply if the emergency medical care or first aid treatment is rendered for or with the expectation of remuneration. This bill prospectively extends these terms to dentists.

School districts regularly employ school physicians, dentists, and nurses to provide professional services. Along with other political subdivisions, as specified by ORC 2744.07, school districts are required to provide for the defense of an employee, in any state or local court, in any civil action or proceeding to recover damages for injury, death, or loss to persons or property, allegedly caused by an act or omission of the employee in connection with a governmental or proprietary function, if the act or omission occurred or is alleged to have occurred while the employee was acting in good faith and not manifestly outside the scope of his



employment or official responsibilities. Amounts expended by a political subdivision in the defense of its employees shall be from funds appropriated for this purpose or proceeds of insurance. The obligation of school districts extends to those school physicians, dentists, and nurses who volunteer at athletic events.

By exempting dentists, as described above, from civil liability, this bill could potentially reduce insurance premiums or the need for self-insurance. However, the impact of this change is very likely to be negligible. Research on this subject has not found any instance in Ohio where dentists have been involved in such civil actions.

□ *LBO staff: Steve Mansfield, Budget/Policy Analyst*

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