

Fiscal Note & Local Impact Statement

122nd General Assembly of Ohio

BILL: Sub. H.B. 612 DATE: May 12, 1998

STATUS: As Reported by Senate Judiciary Committee SPONSOR: Rep. Metzger

LOCAL IMPACT STATEMENT REQUIRED: No — No local cost

CONTENTS: Confers qualified immunity from civil liability upon licensed dentists who volunteer as athletic "team dentists;" delays the qualified immunity sunset provisions for certain volunteer health care workers, professionals, and facilities; changes survey requirements for services provided to indigent and uninsured persons.

State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FY 2000
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Minimal decrease	Offsetting increase and decrease	Minimal increase

- Repeal of survey requirements of nonprofit shelters and health care facilities will result in a minimal decrease of expenditures for the Department of Health in FY 1998 and FY 1999.
- Requirement of a new survey of nonprofit shelters and health care facilities by the Department of Health will result in a minimal increase of expenditures in FY 1999 and FY2000. These costs are offsetting and simply shift the survey costs from FY 98/FY 99 to FY 99/2000.

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



Qualified immunity for “team dentists”

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.

Qualified immunity from civil liability for certain volunteer health care workers, professionals, and facilities

Under existing law (ORC 2305.234), a qualified immunity from civil liability exists for certain health care professionals and health care workers who volunteer at specified nonprofit shelters and healthcare facilities. Nonprofit shelters and health care facilities are required to register annually with the Department of Health (ORC 3701.071) in order to take advantage of the immunity provision.

Also under existing law, the qualified immunity provision has a “sunset” repeal date of November 15, 1998. This bill delays the sunset date to November 15, 2000.

Department of Health survey requirements

The bill repeals the requirement imposed by Sec. 5 of Am. Sub. H.B. 218 of the 121st General Assembly, as amended by Am. Sub. S.B. 259 of the 121st General Assembly, that the Department of Health conduct a second follow-up survey to determine the impact of the above cited qualified immunity provision. The survey was required to be commenced May 15, 1998 and concluded October 15, 1998.

The bill requires the Department of Health to conduct a new survey of nonprofit shelters and health care facilities to measure the amount, type, and quality of health care services

provided to indigent and uninsured persons under the qualified immunity provision described above. The findings of the new survey are required to be reported no later than July 15, 2000.

Officials of the Department of Health estimate the cost of the new survey to be minimal and offsetting to the reduced expenditures from the elimination of the requirement to conduct a survey in 1998. These costs will thus be shifted from FY 1998 and FY 1999 to FY 1999 and FY 2000.

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