Fiscal Note & Local Impact Statement

123 rd General Assembly of Ohio

BILL: **H.B. 261** DATE: **June 14, 1999**

STATUS: **As Passed by the House** SPONSOR: **Rep. Roman**

LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**

CONTENTS: **Repeals the scheduled repeal of laws establishing qualified immunity from civil liability for health care providers providing free health care services to indigent and uninsured persons.**

State Fiscal Highlights

STATE FUND	FY 2000	FY 2001	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Minimal increase	Minimal increase	Minimal increase
State Medical Board Fund (5C6)			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Minimal increase	Minimal increase	Minimal increase

Note: The state fiscal year is July 1 through June 30. For example, FY 2000 is July 1, 1999 – June 30, 2000.

- The State Medical Board (MED) may issue a volunteer's certificate to retired licensed physicians to provide medical services in a nonprofit shelter or health care facility only to indigent and uninsured persons. The volunteer physician may not accept payment for services and MED may not charge a fee for issuing or renewing a volunteer's certificate. This bill will eliminate the scheduled repeal of this section of the Revised Code.

- The Department of Health (DOH) may have a continued minimal increase in expenditures related to the requirement to register nonprofit shelters or health care facilities. This bill will eliminate the scheduled repeal of this section of the Revised Code.

Local Fiscal Highlights

- No direct fiscal effect upon local government.

Detailed Fiscal Analysis

This bill repeals the scheduled repeal of various sections of the Revised Code enacted in Am. Sub. H.B. 218 of the 121st General Assembly, as amended by Am. Sub. H.B. 612 of the 122nd General Assembly.

Department of Health

The bill will maintain the requirement that nonprofit shelters and health care facilities register with the Department of Health (DOH) on January 1 of each year, and also keep records of persons who received diagnosis, care, or treatment at the facility. The bill's immunity provisions would only apply to registered shelters or facilities. Since this section will not be repealed under this bill, the Department will continue with the minimal expenses of complying with this provision of the Revised Code.

State Medical Board

The State Medical Board (MED), under the section of the Revised Code currently set to repeal on November 15, 2000, may issue volunteer certificates to retired physicians that were formerly licensed in Ohio. Under the volunteer certificate, a physician may only provide medical services, without compensation, in a nonprofit shelter or health care facility for indigent or uninsured individuals. The Board is not allowed to charge a fee for issuing or renewing this certificate.

Qualified Immunity

The bill would maintain qualified immunity from civil liability to certain healthcare personnel, nonprofit shelters or healthcare facilities when providing certain free medical services to indigent or uninsured persons. The immunity does not apply to personnel or facilities acting outside of the scope of authority. Also, willful or wanton misconduct, through action or omission, would cause the individual or institution to lose this immunity.

Since the original bill's effective date, November 15, 1995, the State Medical Board has issued one volunteer certificate to a physician, and the Department of Health has registered 68 nonprofit shelters and healthcare facilities. Some of the facilities opened only under the protection offered by Am. Sub. H.B. 218. Originally, the potential existed that the provision of this immunity could slightly reduce court-related costs. However, the number of cases preempted or avoided by this provision appear to have been so few as to not have had any appreciable fiscal effect upon local government.

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