



# Ohio Legislative Service Commission

*Jacquelyn Schroeder and other LSC staff*

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## Fiscal Note & Local Impact Statement

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**Bill:** [Sub. H.B. 320 of the 130th G.A.](#)

**Date:** December 4, 2014

**Status:** As Enacted

**Sponsor:** Rep. Young

**Local Impact Statement Procedure Required:** No

**Contents:** To extend qualified immunity from civil liability for certain volunteer health care services provided to individuals eligible for or receiving Medicaid; to make changes to the state's physician and dentist loan repayment programs regarding free clinics; to create a volunteer's certificate for retired nurses; and to designate December as "Free Clinic Appreciation Month"

### State Fiscal Highlights

- The bill may increase administrative costs for the Ohio Department of Health to create an online directory of free clinics and provide information about free clinics on its website. Additional costs may include the review of candidates to be named "Free Clinic Volunteer of the Year" and clinics to be named "Free Clinic of the Year."
- The bill may increase costs for the Ohio Board of Nursing to issue professional volunteer's certificates to registered nurses, licensed practical nurses, and advanced practice registered nurses.

### Local Fiscal Highlights

- The bill has no apparent direct fiscal impact on municipalities, townships, school districts, or counties.

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## **Detailed Fiscal Analysis**

The bill makes changes to the physician and dentist loan repayment programs administered by the Ohio Department of Health (ODH) and requires ODH to promote free health clinics. The bill makes other changes to certain laws pertaining to free health clinics. In addition, the bill creates volunteer certificates for retired nurses and extends qualified immunity from civil liability for certain volunteer health care services.

### **Loan repayment programs**

The bill expands the physician and dentist loan repayment programs by designating all free clinics as health and dental health resource shortage areas, regardless of whether the clinic is located in a geographic area that is considered a health or dental health resource shortage area.

### **Promotion of free clinics**

The bill requires ODH to provide information on its website regarding a description of what constitutes a free clinic, the benefits of free clinics, a directory of free clinics, and a notice each time a new free clinic is opened. As a result, ODH may experience an increase in administrative costs related to creating an online directory of free clinics and providing information about free clinics on its website.

The bill designates December as "Free Clinic Appreciation Month." ODH must promote this designation by selecting a free clinic to be named "Free Clinic of the Year" and by selecting a physician, nurse, and dentist to be named "Free Clinic Volunteer of the Year" in each respective profession. ODH may realize an increase in administrative costs related to promoting "Free Clinic Appreciation Month," including the review of candidates to be selected as the "Free Clinic Volunteer of the Year" and clinics to be selected as the "Free Clinic of the Year."

The bill also requires free clinics to compile and display information on Medicaid eligibility and application requirements in a prominent location for the benefit of persons who seek or receive services from the clinic.

### **Volunteer certificates for retired nurses**

The bill extends the existing retired health care professional volunteer's certificate to registered nurses (RNs) (including advanced practice RNs) and licensed practical nurses (LPNs); the certificate is currently available to physicians, dentists, and dental hygienists. The bill specifies what is to be included in applications for certificates and establishes procedures to be followed by the Ohio Board of Nursing in issuing volunteer's certificates to retired RNs, APRNs, and LPNs. These are substantially the same as those to be followed by the State Medical Board and State Dental Board in issuing volunteer's certificates to retired physicians, dentists, and dental hygienists. The Board must maintain a record of all nurses holding volunteer's certificates.

There would be an increase in costs for the Board of Nursing to receive and process applications, issue certificates, and maintain a record. There would also be costs for the Board to adopt rules. Since the bill prohibits the Board from charging an issuance or renewal fee for certificates, there would be no increase in revenue. Therefore, any increase in costs will be absorbed within the Board's existing resources.

### **Qualified immunity**

Under existing law, a health care professional who provides health care services as a volunteer to a person who is indigent and uninsured is not liable in damages for injury, death, or loss to person or property that allegedly arises from an action or omission of the volunteer, unless the action or omission constitutes willful or wanton misconduct. The bill revises the definition of "indigent and uninsured person" for purposes of the immunity provision by providing that it includes a person who is eligible for the Medicaid Program or is a Medicaid recipient. As a result, the qualified immunity extends to health care professionals who treat Medicaid-eligible persons or Medicaid recipients, as long as no compensation is received or expected and is provided in a free clinic. This provision expires June 30, 2019.

According to the Ohio Judicial Conference, the bill is not anticipated to have a fiscal impact on local courts. However, if the bill results in a reduction in the filing of civil actions alleging damages incurred in the provision of health care in the circumstances listed above, then courts may experience operational savings from a reduced workload as well as a loss of revenue from filing fees.