



*Synopsis of House Committee Amendments**

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Legislative Service Commission

Sub. S.B. 86

125th General Assembly
(H. Civil and Commercial Law)

The House Committee made the following changes to the Senate-passed version of the bill:

(1) It expanded the requirements with which a health care professional must comply prior to providing diagnosis, care, or treatment in order for the qualified immunity for volunteer professionals to apply, to include a notice to an indigent and uninsured person that by giving informed consent to the diagnosis, care, or treatment the person cannot hold the health care professional liable for damages in a tort or other civil action unless the professional's action or omission constitutes willful or wanton misconduct. It also added the requirement that the written and signed waiver of an indigent and uninsured person giving informed consent to the provision of diagnosis, care, or treatment state clearly and in conspicuous type that the person or other individual who signs the waiver is signing it with full knowledge that, by giving such informed consent, the person cannot bring a tort or other civil action against the health care professional unless the action or omission of that professional constitutes willful or wanton misconduct. (R.C. 2305.234(B)(2).)

(2) It added provisions in the Nurses Law specifying the following types of nurses in specialty practice who may refer to themselves as advanced practice nurses and who may use the initials A.P.N.: certified registered nurse anesthetists, clinical nurse specialists, certified nurse-midwives, and certified nurse practitioners. It added a prohibition against any person representing the person as being an advanced practice nurse or using any title or initials implying that the person is an advanced practice nurse, unless the person holds a current, valid certificate of authority to practice nursing in any of the above specialties issued by the Board of Nursing. (R.C. 4723.01(O), 4723.03(C)(7), and 4723.44(A)(4) and (5).) The Committee also made conforming changes in laws that define or refer to advanced practice nurses and in other laws.

* This synopsis does not address amendments that may have been adopted on the House floor.

(3) It added the following duties to the existing Ohio Medical Malpractice Commission: (a) to study the affordability and availability of medical malpractice insurance for health care professionals and workers who are volunteers and for nonprofit health care referral organizations, (b) to study the feasibility of whether the state of Ohio should provide catastrophic claims coverage, or an insurance pool of any kind, for health care professionals and workers to utilize as volunteers in providing health-related diagnosis, care, or treatment to indigent and uninsured persons, (c) to study the feasibility of whether the state of Ohio should create a fund to provide compensation to indigent and uninsured persons who receive health-related diagnosis, care, or treatment from health care professionals or workers who are volunteers, for any injury, death, or loss to person or property as a result of the negligence or other misconduct by those professionals or workers, and (d) to study whether the Good Samaritan laws of other states offer approaches that are materially different from the Ohio Good Samaritan Law as amended by the act.

The Commission must submit a report of its findings regarding the above matters to the members of the General Assembly not later than two years after the effective date of the act. (Section 3.)

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