



# OHIO LEGISLATIVE SERVICE COMMISSION

Robert Meeker

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 7 of the 132nd G.A.

**Status:** As Passed by the Senate

**Sponsor:** Rep. Cupp

**Local Impact Statement Procedure Required:** No

**Subject:** Health care immunities and Medical Malpractice Law

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### State & Local Fiscal Highlights

- Courts of common pleas may see some form of operational savings resulting from a decrease in their judicial dockets and the workload of court personnel. The savings on the courts is not expected to be significant, and is not readily measurable in terms of dollars and cents.
- The bill has no direct fiscal effect on the state.

### Detailed Fiscal Analysis

#### Health care immunities

The bill grants civil immunity to certain specified healthcare professionals (and hospitals) who: (1) provide emergency medical services, first-aid treatment, or other emergency professional care during or resulting from a disaster, or (2) fail to discharge a patient whom the professional believes to have a mental condition that threatens the safety of the patient or others, or discharges a patient whom the professional does not believe has a mental condition that threatens the safety of the patient or others.

These health care immunities may make it less likely that a person will file a civil action against a healthcare professional or one of Ohio's 18 public hospitals related to a disaster, mass hazard, or patient discharge, or if an action is filed, the court may dispose of the matter more promptly than otherwise might have been the case under current law. Either outcome creates a savings effect by lightening the court's docket and permitting judicial personnel to work on other matters. The savings effect is not likely to be significant, and is not readily measurable in terms of dollars and cents. Given the potential monetary value of the damages, such matters probably fall under the subject matter jurisdiction of a court of common pleas.

#### Medical Malpractice Law

The bill defines the admissibility of certain documents as evidence in a civil action based on a medical claim, specifies the manner of sending a notice when such an action is filed, requires that certain documents remain confidential, establishes a 180-day

discovery period<sup>1</sup> for additional claims to be added to an action, and requires a plaintiff in a medical claims case to establish that the defendant was the direct and proximate cause of injury if damages are to be awarded. These provisions are not expected to have a fiscal impact on the courts of common pleas with jurisdiction over such matters.

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<sup>1</sup> If a claim is filed within the one-year period of limitation applicable to medical claims under R.C. 2305.113, the 180-day discovery period is augmented by the balance of any days remaining from the filing of the complaint to the expiration of the one-year period of limitation.