



OHIO LEGISLATIVE SERVICE COMMISSION

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Fiscal Note & Local Impact Statement

Bill: S.B. 177 of the 132nd G.A.

Status: As Introduced

Sponsor: Sen. Lehner

Local Impact Statement Procedure Required: No

Subject: Volunteer health professional immunity

State & Local Fiscal Highlights

- The Ohio Department of Health could experience an increase in costs to prepare the required annual report on the provision of volunteer health care services and to adopt related rules.
- The bill could reduce the number of civil cases brought forward, which could result in savings to local court systems.

Detailed Fiscal Analysis

Qualified immunity

The bill establishes qualified immunity from civil liability related to performance of an operation or delivery of a baby by a volunteer health professional for a person who is indigent and uninsured, as well as immunity for providing samples of medicine or other medical products. It also extends qualified immunity from civil liability to students enrolled in health care professional education programs who volunteer health care services to indigent and uninsured persons.

In addition, the bill continues indefinitely an existing immunity that is currently to end June 30, 2019 that applies to volunteer health care services provided to Medicaid recipients in free clinics. The bill removes the restriction that services must be provided in a free clinic, thereby making the immunity apply to volunteer health care services provided anywhere.

The bill also extends immunity to volunteer services provided at any alternate or temporary location that is used by a nonprofit shelter or health care facility that has registered with the Ohio Department of Health (ODH), including vehicles or other units used as part of a mobile health care program.

The bill could reduce the number of related civil cases brought forward, which may result in savings for local court systems. The total impact will depend on the number of cases that are immune from liability as a result of the bill.

ODH report

Under the bill, ODH is required to prepare an annual report regarding the provision of volunteer health care services to indigent and uninsured persons. The report must include information regarding the efficacy of access and treatment outcomes of the health care services provided. ODH is required to submit a copy of each report to the General Assembly.

Under the bill, all persons designated by ODH are required to submit information requested by ODH for the report. All health care facilities or locations, health care professionals, health care workers, and nonprofit health care referral organizations must grant ODH access to all records related to volunteer health care services provided to indigent and uninsured persons. The bill specifies that, in the absence of willful and wanton misconduct, a person is not liable for furnishing to ODH information regarding any patient the person examined or treated, and is not subject to professional disciplinary action for betrayal of a professional confidence.

The bill requires the Director of Health to adopt rules to implement these provisions, including rules establishing standards and procedures for submitting the required information. ODH could experience an increase in costs to prepare the required annual report on the provision of volunteer health care services and to adopt related rules.

Medical Liability Insurance Reimbursement Program

Current law that establishes the Medical Liability Insurance Reimbursement Program is repealed under the bill. The law requires ODH to reimburse participating free clinics and federally qualified health center look-alikes up to 80% of the premiums the clinics pay for medical liability insurance coverage for clinic staff and volunteer health care professionals and workers, up to \$20,000. The law provides that appropriations may be made to ODH from the General Revenue Fund for the program. However, since the program is not in operation there will be no fiscal impact.