



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 7 of the 132nd G.A.  
(L\_132\_0199-2)

**Status:** In House Civil Justice

**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 judicial dockets and the workload of court personnel. The impact on courts is not expected to be significant, and, therefore, the potential magnitude of the ongoing savings effect will be no more than minimal.

### 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 make it even 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, for that person to prevail. There will be no discernible fiscal effect on the courts with jurisdiction over such matters, most likely courts 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

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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.

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.

## **Synopsis of Fiscal Effect Changes**

There is no discernible difference in the fiscal effects between the immediately preceding substitute version of the bill (L\_132\_0199-1) and the latest substitute version of the bill (L\_132\_0199-2).

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