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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 606  
(1\_133\_2690-2)  
133<sup>rd</sup> General Assembly

## Fiscal Note & Local Impact Statement

[Click here for H.B. 606's Bill Analysis](#)

**Version:** In House Civil Justice

**Primary Sponsor:** Rep. Grendell

**Local Impact Statement Procedure Required:** No

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### Highlights

- The bill's civil immunity provisions may create an expenditure savings effect for local trial courts by reducing the time and effort that otherwise may have been required to adjudicate civil actions resulting from an emergency, a defined term in the bill.
- The bill may decrease investigation or disciplinary costs for certain state occupational licensing boards due to the expansion of immunity from professional discipline during an emergency.

### Detailed Analysis

The bill makes changes regarding qualified civil immunity for health care providers providing services during a disaster or emergency, grants qualified civil immunity regarding transmission of coronavirus infection, and declares an emergency.

#### Civil immunity for health care providers

The bill expands the existing qualified civil immunity granted to certain health care providers and emergency medical technicians who provide emergency services during a disaster as follows: applies the immunity to emergencies, extends the immunity to professional discipline, extends the immunity to health care services, grants immunity to additional health care providers and facilities, grants immunity for certain additional actions and omissions, and modifies an exception to immunity for conduct in reckless disregard of the consequences to instead exclude from immunity conduct that constitutes willful or wanton misconduct. The frequency with which these civil immunity provisions may apply is unpredictable; therefore, the timeframe and number of civil actions that may be affected is indeterminate.

## **Civil immunity for transmission of coronavirus infection**

Subject to exceptions based on certain conduct or misconduct, the bill generally precludes bringing a civil action for damages for injury, death, or loss to person or property if the cause of action is based on injury, death, or loss caused by the transmission of a coronavirus infection, and applied this provision from the date of the state of emergency due to COVID-19, Executive Order 2020-01D, issued on March 9, 2020. The potential number of civil actions affected by this provision is indeterminate.

## **Local trial courts**

The bill may affect the local trial courts, most likely the common pleas courts, by: (1) preventing certain civil actions from being filed, or (2) expediting their resolution subsequent to the finding of the court that such persons or entities in the circumstances at hand are protected from being sued for damages. The timing, frequency, and complexity of such cases being filed in any given local trial court is unpredictable. If the bill prevents the filing, or expedites the resolution, of certain civil actions, local trial courts generally may realize an expenditure savings relative to what their adjudication costs otherwise might have been under current law. If there is in fact a savings, its magnitude is unknown, and not likely to be easily measured in terms of dollars and cents.

## **State occupational licensing boards**

The bill may affect certain occupational licensing boards, such as the State Medical Board, the Dental Board, and the Board of Nursing. These boards may realize a decrease in the number of cases that require investigation or disciplinary action due to the expansion of civil immunity and immunity from professional discipline for health care providers during a declared emergency. As a result, impacted licensing boards may experience a decrease in related costs.

## **Synopsis of Fiscal Effect Changes**

There are two substantive differences of note between the fiscal effects of the substitute bill (I\_133\_2690-2) and the As Introduced version.

The first difference between the versions of the bill is with regard to who is granted civil immunity. In contrast to the As Introduced version granting immunity to a person providing “essential businesses and operations,” the substitute bill grants civil immunity for additional health care providers and facilities and certain defined service providers in the context of disasters. This change expands the number of persons and entities granted immunity, and therefore, potentially increases the number of civil actions that may not be filed, or adjudicated more quickly, by local trial courts than otherwise may have been the case under the As Introduced version.

The second difference is that the substitute bill adds provisions stating that during or in response to a disaster or emergency a health care provider is not subject to professional disciplinary action and is not liable in damages to any person or government agency in a tort action for injury, death, or loss to person or property. This provision has the potential: (1) to decrease investigation and disciplinary costs to state occupational licensing boards, and (2) to make it less likely for a plaintiff to file, or prevail, in a civil action.