



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: S.B. 86 of the 128th G.A.

Date: June 10, 2009

Status: As Introduced

Sponsor: Sen. Buehrer

Local Impact Statement Procedure Required: No — No local cost

Contents: Qualified immunity for emergency physicians

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT

FY 2009 – FUTURE YEARS

Counties and Municipalities (courts of common pleas, municipal courts, and county courts)

Revenues	Potential loss in court cost and filing fees, likely to be offset by potential savings effect
Expenditures	Potential savings effect on court operations, magnitude may be no more than minimal annually

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- **Court operations.** A possible consequence of the bill might be to reduce the filing of civil actions alleging damages related to the provision of emergency professional care under certain circumstances, or, if filed, such civil actions might be more promptly adjudicated than might otherwise have been the case under current law and practice. Either outcome, in theory, generates some form of operational savings realized in various involved courts resulting from a decrease in judicial dockets and the workload of court personnel. If the impact on courts is not significant, as some have noted, then arguably the potential magnitude of the ongoing savings effect may be no more than "minimal." For the purposes of this fiscal analysis, minimal means an estimated savings of no more than \$5,000 for any affected court per year.
- **Court filing and court cost fees.** If, as a result of the bill, the number of civil actions filed were reduced or curtailed, then the courts may experience a loss in court cost and filing fees. However, the savings realized by those courts in terms of their personnel and related administrative costs associated with the processing of cases would likely offset any possible loss of court cost and filing fee revenues.

Detailed Fiscal Analysis

Overview

For the purposes of this fiscal analysis, the bill most notably grants qualified civil immunity to a physician who provides emergency medical services, first-aid treatment, or other emergency professional care in compliance with the federal Emergency Medical Treatment and Active Labor Act or as a result of a disaster.

Local fiscal effects

Based on conversations with representatives of the State Medical Board of Ohio and the Judicial Conference of Ohio, it appears unlikely that the bill's effect on courts of common pleas, municipal courts, or county courts, if any, will be significant.

From LSC fiscal staff's perspective, a possible consequence of the bill might be to reduce the filing of civil actions alleging damages incurred in the provision of emergency professional care, or, if filed, such civil actions might be more promptly adjudicated than might otherwise have been the case under current law and practice. Either outcome, in theory, generates some form of operational savings realized in various involved courts resulting from a decrease in judicial dockets and in the related workload of other court personnel.

However, the information at hand is largely anecdotal and not easily quantifiable in terms of dollars and cents. However, if, as others have noted in our conversations regarding the bill's fiscal effects, the impact on courts is not significant, then arguably the potential magnitude of the ongoing savings effect may be no more than what LSC fiscal staff refers to as "minimal." For the purposes of this fiscal analysis, minimal means an estimated savings of no more than \$5,000 for any affected court per year.

If the number of civil actions filed were reduced or curtailed, then the courts may experience a loss in court cost and filing fees. However, the savings realized by those courts in terms of their personnel and related administrative costs associated with the processing of cases would likely offset any possible loss of court cost and filing fee revenues.

State fiscal effects

The bill's qualified immunity provision will have no direct effect on state revenues and expenditures.