



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: [H.B. 421 of the 129th G.A.](#) **Date:** May 23, 2012
Status: As Reported by House Criminal Justice **Sponsor:** Rep. Slaby

Local Impact Statement Procedure Required: No

Contents: Provides civil immunity to physicians who report a patient's use of a drug of abuse or other condition not involving such use to specified persons or entities

State Fiscal Highlights

- The bill would reduce the liability of the state by exempting physicians who work in state-operated medical facilities, such as state hospitals, from liability for damages in a civil action under specific circumstances.

Local Fiscal Highlights

- The bill would reduce the liability of local governments by exempting physicians who work in local government-operated medical facilities, such as county hospitals and local departments of health, from liability for damages in a civil action under specific circumstances.

Detailed Fiscal Analysis

The bill exempts a physician from liability for damages in a civil action for harm that allegedly is incurred by a patient as a result of the physician making a report of any of the following to the Registrar of Motor Vehicles or to another physician, a police or other law enforcement entity, a family member or other individual involved in the medical treatment of the patient, a court official, or any other governmental body that is reasonably able to prevent or lessen the potential risk of injury, death, or loss to person or property arising from the patient's operation of a motor vehicle: (1) The physician has determined that the patient is using a drug of abuse dispensed pursuant to a prescription and that the patient's use of the drug represents a potential risk of injury, death, or loss to person or property arising from the patient's operation of a motor vehicle; (2) The physician has determined that the patient is using a drug of abuse not obtained through a prescription; or (3) The physician has determined that the patient has a condition, other than one involving the use of a drug of abuse, that represents a potential risk of injury, death, or loss to person or property arising from the patient's operation of a motor vehicle.

The bill also expands the existing exemption of a physician for liability for damages in a civil action that allegedly is incurred by an employee as a result of the physician reporting any of the following to the employer so that it applies to damages caused as a result of a violation of a patient's privacy or confidentiality rights under state or federal law: (1) The physician has determined that the employee is using a drug of abuse dispensed pursuant to a prescription and that the employee's use of the drug represents a potential risk of injury, death, or loss to person or property of passengers on any aircraft, railroad train, school or other bus, taxicab, or other type of common carrier operated by the employee; (2) The physician has determined that the employee is using a drug of abuse not obtained through a prescription; or (3) The physician has determined that the employee has a condition, other than one involving the use of a drug of abuse, that represents a potential risk of injury, death, or loss to person or property of passengers on any aircraft, railroad train, school or other bus, taxicab, or other type of common carrier operated by the employee.

Furthermore, the bill does not require a physician to take any action. If a physician informs one of the entities specified by the bill, the State Medical Board cannot take action against the physician.

The provision of civil immunity would extend to physicians who work in state-operated or local government-operated medical facilities such as state and county hospitals and local departments of health. Therefore, the bill would reduce the liability of the state and local governments.