

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 36** SLS 16RS 101

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 16, 2016 1:44 PM	<b>Author:</b> GATTI
<b>Dept./Agy.:</b> Office of Risk Management	<b>Analyst:</b> Willis Brewer
<b>Subject:</b> Provides exclusion from coverage for medical malpractice	

MALPRACTICE EG NO IMPACT See Note Page 1 of 1  
Provides exclusion from coverage for medical malpractice by doctor practicing outside his specialty or hospital privileges (8/1/16).

Proposed law provides that it shall be considered an intentional tort for a physician to hold himself out as a specialist in an area of medicine for which he is not board certified or credentialed. Proposed law furthers defines malpractice as misrepresentation of education, training, or experience in specialty of medicine, surgery, or procedure. Proposed law defines specialist to mean a physician who is qualified by having completed advanced clinical training and education in a specific area of medicine to obtain certification by a specialty examining board.

Proposed law clarifies that intentionally representing oneself as a specialist without having obtained the required clinical training, education, and board certification shall cause a physician, his/her employer, hospital, or corporation to be subject to liability under the general tort law.

<b>EXPENDITURES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>REVENUES</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>	<b>5 -YEAR TOTAL</b>
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Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

This measure excludes any physician practicing outside of their specialty from receiving malpractice liability insurance coverage that is provided under the private medical malpractice statute (RS 40:1231.1) administered by the Patient's Compensation Fund (PCF). The fiscal impact to private physicians and health care providers is indeterminable.

The section of law (RS 40:1237.1) that pertains to malpractice liability for state services and state health care providers is not immediately or directly affected by this bill therefore there is no anticipated impact to state governmental expenditures as a result of this measure.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|---|--|--------------|
| <u>Senate</u>   | <u>Dual Referral Rules</u>   | <u>House</u> |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |              |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |              |

*Evan Brasseaux*

**Evan Brasseaux**  
**Staff Director**