

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



Fiscal Note On: **SB 61** SLS 11RS 286

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> May 16, 2011 8:21 PM	<b>Author:</b> MILLS
<b>Dept./Agy.:</b> Risk Management/	<b>Analyst:</b> Deborah Vivien
<b>Subject:</b> Allows legislature to limit medical malpractice claims	

MALPRACTICE OR SEE FISC NOTE SG EX Page 1 of 1  
Provides relative to medical malpractice claims. (2/3 - CA13s1(A))

Current law allows for a statutory limit on medical malpractice claims of \$500,000, exclusive of interest, costs and future medical care (R.S. 40:1299.39(F)).

Proposed law provides for this authority in the constitution. To be submitted at the statewide election on October 22, 2011. The amendment would become effective January 1, 2012, but would apply retroactively to all established liability limits for damages incurred in medical or health care claims or against health care providers. Ballot language is included in the bill.

<b>EXPENDITURES</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</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>

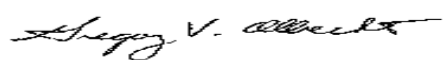
<b>REVENUES</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>5 -YEAR TOTAL</b>
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Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Currently, the legislature can impose limits on medical liability by statute. This bill confirms that ability in the constitution but does not change the current statutory provisions. The Office of Risk Management contends that having the constitutional authority for the legislature to set limits on medical malpractice could reduce the need to defend constitutional challenges of the cap and may lower expenses related to fees paid to the Attorney General. The Legislative Fiscal Office can not confirm the likelihood of such a change in litigation.

**REVENUE EXPLANATION**

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

<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 >= \$500,000 Annual Fiscal Cost {S}	<b>Gregory V. Albrecht</b> <b>Chief Economist</b>
		<input type="checkbox"/> 6.8(F)2 >= \$100,000 Annual SGF 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}	