

## Department of Planning and Budget 2013 Fiscal Impact Statement

**1. Bill Number:** HB1545ER

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron:** Iaquinto

**3. Committee:** Passed Both Houses

**4. Title:** Medical malpractice; expert witness certification; court review.

**5. Summary:** Provides that in an action for medical malpractice or wrongful death premised on medical malpractice, the court, upon good cause shown, may conduct an in camera review of the opinion obtained by the plaintiff of an expert witness who certified that the defendant deviated from the applicable standard of care and the deviation was the proximate cause of the injuries claimed. Such a certification is required before any action for medical malpractice or wrongful death premised on medical malpractice may be instituted, except in cases where cause of the injuries claimed lies within the jury's common knowledge and experience.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Final (see Item 8)

**8. Fiscal Implications:** This bill permits the court, in an action for medical malpractice or wrongful death premised on medical malpractice, to conduct an in camera review, upon good cause shown, of the opinion obtained by the plaintiff of an expert witness who certified that the defendant deviated from the applicable standard of care and the deviation was the proximate cause of the injuries claimed. It would add such a review to some number of the affected medical malpractice cases. While it might render those cases incrementally more complex, given the number of medical malpractices cases and given the likely length of such a review, it is anticipated that the impact on the circuit courts will be slight and can be readily accommodated utilizing existing resources.

**9. Specific Agency or Political Subdivisions Affected:** Courts

**10. Technical Amendment Necessary:** No

**11. Other Comments:** Similar to SB699

**Date:** February 15, 2013

**Document:** G:\FY 2013 FIS\HB1545ER.Doc