

**Department of Planning and Budget
2013 Fiscal Impact Statement**

1. Bill Number: SB1255

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron(s): Northam and Alexander

3. Committee: Senate Committee for Courts of Justice

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: Preliminary (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 malpractice 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: Same as HB1545

Date: January 22, 2013

Document: G:\FY 2013 FIS\SB1255 - Medical Malpractice.Doc