

-Evidence does not support the conclusion that there was a failure to meet the applicable standard of care.

The admissibility of the panel's opinion in a subsequent lawsuit is dependent on the weight and admissibility of the evidence produced during pretrial discovery. In addition, panel members could be called as witnesses in a civil action.

SB 6 SCS retains the major provisions of the measure as introduced and makes the following change in the bill:

Under Section 5 which creates a new section of KRS Chapter 216C, subsection (3)(a) is amended to authorize the Cabinet for Health and Family Services to promulgate administrative regulations establishing filing fees regarding the filing of malpractice complaints.

Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost

The fiscal impact of SB 6 on local governments is expected to be minimal.

For purposes of this local government mandate analysis, only hospitals and long term care facilities owned, operated or contracted for by local governments were considered.

The Cabinet for Health and Family Services (CHFS) states that there are 4 hospitals owned, operated, or contracted by local governments. Those hospitals are all owned by county governments and are listed below:

Casey County Hospital
Hardin Memorial Hospital
Knox County Hospital
Russell County Hospital

There are three long term care facilities owned, operated, or contracted by local governments. Those facilities are listed below:

Cumberland Valley Manor
Metcalf HealthCare Center
Spring Creek Health Care

All cost associated with the panel including compensation to the members, reasonable travel expenses, and any other expenses are to be paid for by the party or parties in whose favor the opinion is written.

Whereas government employees are not excluded as possible panel members, there may be costs to cover the work load of a local government employee if one is selected as a panel member or called to be a witness in a court case. This could be an attorney or health care worker employed by the local government.

The added fiscal impact SB 6 SCS on local governments is nil.
Local Governments will not be the recipient of the filing fee.

Data Source(s): LRC staff, Cabinet for Health and Family Services.

Preparer: Wendell F. Butler **Reviewer:** JWN **Date:** 1/28/16