

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 52<sup>nd</sup> Legislature

<b>Bill No.:</b>	<b>SB2163</b>
<b>Version:</b>	<b>CCS</b>
<b>Author:</b>	<b>Representative Sullivan Senator Paddack</b>
<b>Date:</b>	<b>5/25/2010</b>
<b>Impact:</b>	<b>\$0</b>

**Bill Summary**

Research Analyst: Dante Giancola

The conference committee substitute for SB2163 adds language stating that in any action, suit or proceeding in which the earnings of the trust fund may be used to pay a portion of the non-economic damages awarded in a professional negligence case, the court must certify such fact to the Attorney General (AG) and permit the State of Oklahoma to intervene for presentation of evidence. Upon the AG receiving notice from the court, the AG must immediately deliver a copy of the proceeding to the Speaker of the House and President Pro Tempore of the Senate, who may intervene on behalf of their respective house and who shall be entitled to be heard. This intervention shall not constitute a waiver of legislative immunity.

SB2163 creates the Health Care Indemnity Trust Fund and its Board of Trustees. It spells out the Board's membership, duties and authorized expenditures.

**Fiscal Summary**

Fiscal Analyst: Marilyn Anderson

The CCS for SB2163 creates the Health Care Indemnity Trust Fund, with a Board of Trustees that oversees the fund. Earnings from the trust fund will be expended to pay a portion of noneconomic damages awarded by the court in professional negligence cases against Oklahoma physicians. The measure requires the courts to certify certain information to the Attorney General. The measure requires the Board of Trustees to develop rules to request and review bids for insurance coverage required for the operation of the trust fund. The Board of Trustees must report the cost of implementing the trust fund to the Legislature before December 1, 2010.

**Fiscal Analysis**

The committee substitute for SB2163 states that the trust fund principal shall consist of all funds appropriated, transferred, donated or otherwise directed to the fund by law and any monies or assets contributed to the trust fund from any other source, public or private. There would not be a fiscal impact until such time the Legislature makes an appropriation or transfer of state funds into the Health Care Indemnity Trust Fund.

**Long Term Fiscal Considerations**

None

Fiscal Analysis Reviewed By:

*Janice Buchanan*

House Fiscal Director