



**Fiscal Estimate Narratives**  
**DHFS 5/18/2005**

LRB Number <b>05-1811/2</b>	Introduction Number <b>AB-385</b>	Estimate Type <b>Original</b>
<b>Subject</b> State agency status and workers compensation benefits for health care providers who provide services during a state of emergen		

**Assumptions Used in Arriving at Fiscal Estimate**

Under current law, if the governor declares a state of emergency related to public health and designates the Department as the lead agency to respond to that emergency, DHFS must act as the public health authority during the emergency.

Current law also prohibits individuals from practicing as a nurse, nurse-midwife, physician assistant, pharmacist, or practicing medicine or surgery, without a license.

Under current law, an individual who has been granted state status as a state agent may be defended by the attorney general for acts performed during the lawful course of his or her duties. If a civil action arises out of an act committed by the provider during the course of that person's duties, the state provides legal counsel and any judgements against the provider are paid by the state and capped at \$250,000.

This bill designates as a state agent of the Department a health care provider who provides voluntary, unpaid health care services during a state of emergency, for which the provider has been licensed or certified at any time within the last ten years. The bill also excepts these health care providers from prohibitions in current law that prohibit practicing medicine without a license or certificate and from the prohibition against representing themselves as trained or licensed if they lack a license or certificate. Volunteers who operate under the provisions of this bill are forbidden from making a worker's compensation claim against the health care facility the person is serving in.

Liability claims against the state are paid from funds administered by the Department of Administration. The Department pays premiums to DOA for liability insurance. Currently the Department pays \$867,282 annually for liability insurance and \$41,595 annually for medical malpractice insurance. It is possible that, if these individuals who become volunteer health care providers in a state of emergency were added to the Department for liability purposes, the number of liability claims to the state would increase. The bill covers a large number and variety of potential health care providers. If liability claims increased, the Department's liability premiums would also increase. It is not possible to project what the amount of this increase would be because the extent of possible increased liabilities is not known.

**Long-Range Fiscal Implications**