

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 174 - SB 360**

March 27, 2011

**SUMMARY OF BILL:** Requires showing of gross negligence in malpractice actions involving emergency medical care rendered in a hospital, an obstetrical unit, a surgical suite, or a diagnostic suite. Establishes competency standards required to testify as an expert witness. Creates a rebuttable presumption that the health care provider was grossly negligent when there is proof that the instrumentality causing injury was in the provider's exclusive control and the injury would not have ordinarily occurred without gross negligence. Applies to causes of action brought on or after October 1, 2011.

**ESTIMATED FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- There will not be an impact on the oversight or regulatory functions of the Department of Commerce and Insurance or the Department of Health.
- Limiting liability in this manner will have no significant impact on the case loads of trial and appellate courts.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "James W. White".

James W. White, Executive Director

/kml

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