

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 714 – SB 889

April 11, 2015

SUMMARY OF ORIGINAL BILL: Prohibits the results of a survey, inspection, or an investigation of a health care provider that is conducted by any state or federal department or agency from being admissible in evidence or otherwise used in any health care liability action in any court or arbitration proceeding; or used in an advertisement except in limited circumstances. These prohibitions are not applicable to the results of a survey, inspections, or investigations being used in an administrative proceeding or an appeal of an administrative proceeding initiated by a state or federal department or agency or from being used to impeach a witness in a health care liability action.

FISCAL IMPACT OF ORIGINAL BILL:

Decrease State Revenue - \$5,000,000

SUMMARY OF AMENDMENTS (005255, 005955): Amendment 005255 adds language to exempt a state civil or criminal proceeding, or a federal civil or criminal proceeding initiated by a state or federal department or agency from the prohibitions included in the bill.

Amendment 005955 specifies that the results are prohibited from being admissible in evidence or in any health care liability action in any court or arbitration proceeding on the basis that it satisfies an exception to the Tennessee rules of evidence governing hearsay.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

NOT SIGNIFICANT

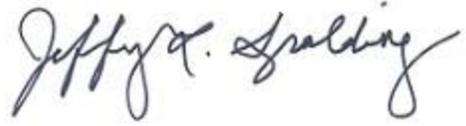
Assumptions for the bill as amended:

- Based on information provided by the Bureau of TennCare, the provisions of the bill as amended will not affect Medicaid fraud related proceedings or the recoveries resulting from those proceedings.
- Any fiscal impact is estimated to be not significant.

CERTIFICATION:

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

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Jeffrey L. Spalding, Executive Director

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