

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 535 – SB 553

February 12, 2019

SUMMARY OF BILL: Establishes that the prohibition of holding a teaching institution vicariously liable for any act or omission of an intern, resident, or fellow in the course of a training program of a medical school owned or operated by this state, applies regardless of the individual's official title.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 68-11-205(d), a teaching institution is prohibited from being held vicariously liable for any act or omission of an intern, resident or fellow in the course of a training program of a medical school owned or operated by the state of Tennessee, under a legal theory of implied or apparent agency, ostensible agency, or any other theory of vicarious liability except actual agency.
- Establishing that the prohibition applies regardless of the official title of the intern, resident, or fellow will not have a significant impact on the procedures or processes of the Department of Health (DOH) or the Board for Licensing Health Care Facilities (HCF).
- The Board of HCF is required to collect fees in an amount sufficient to pay the costs of operating the Board. All fees collected by the Board are deposited by the DOH with the State Treasurer to the credit of the General Fund and shall be expended by the Department and included in the appropriation made for the Board in the *General Appropriations Act*.
- Any change in expenditures of the Board is estimated to be not significant.
- The Board of HCF had a deficit of \$161,129 in FY16-17 and a deficit of \$562,731 in FY17-18.

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CERTIFICATION:

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

Handwritten signature of Krista Lee Carsner in black ink.

Krista Lee Carsner, Executive Director

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