



SENATOR PEGGY LEHNER
6th Ohio Senate District

Committees:
Education (Chair)
Finance- Education Subcommittee
Medicaid
Health and Human Services
Criminal Justice

Senator Peggy Lehner
SB 292 Sponsor Testimony
April 20, 2016

Chair Bacon, Vice Chair Oelslager, Ranking member Skindell and members of the Civil Justice committee thank you for considering SB 292. This legislation is designed to improve access to health care for those Ohioans who still lack insurance, or who are underinsured, and it does so by tapping into the willingness of health care providers to engage in volunteer service.

In spite of Medicaid expansion, there are still approximately 8% of Ohioans who are either without insurance or who are underinsured. These folks continue to put a burden on our health care system as they tend to only access care when their illness reaches a serious and perhaps life threatening level. At the same time there are many health care providers, doctors, dentists, therapists, etc. who are willing and able to provide care on a volunteer basis to those who cannot pay for their care. When in active practice their medical malpractice insurance will generally cover volunteer service but when they retire they no longer have coverage which severely restricts their ability to volunteer their services.

This bill, modeled after a highly successful program in Florida modifies the qualified immunity from civil liability for volunteer health care services when provided to indigent and uninsured persons. An indigent person is defined as having income less than 200% of the FPL and the person does not have insurance, is denied coverage, is eligible for Medicaid, or is a Medicaid recipient. It also permits health care professionals to satisfy a portion of their continuing education requirements by providing such care. Maintaining an active license as well as malpractice coverage are both barriers to retired health care workers using their free time and talents to provide volunteer service. Finally, it requires the Department of Health to track and provide an annual report regarding the provision of volunteer health care services to indigent and uninsured.

A similar program in Florida has been in existence for 20 years. The Florida Department of Health estimates that over that time approximately \$2.6 billion worth of goods and services have been provided. In 2014 alone the value of services provided equaled \$300 million. It is estimated that the donated health care in Ohio, while less than Florida, would be valued at nearly \$60 million...the equivalent of about 100,000 medical visits.

In order to be eligible for the qualified immunity the doctor needs to determine that the patient is capable of providing informed consent, inform the patient that the professional cannot be held liable unless his or her action constitutes willful and wanton misconduct and the patient

signs a written waiver stating both of these conditions. Under current law, there is already limited immunity under some circumstances for volunteer health care providers, this legislation expands that immunity beyond free clinics, and extends it to certain surgical procedures and additional health care workers including medical students. Also, current law provides limited immunity for volunteer services provided to a patient on Medicaid in a free clinic. However, that immunity expires on June 30, 2019. This legislation removes that expiration date as well as the limitation to a free clinic setting.

As you may know, I am married to an orthopedic surgeon. As he approaches retirement he would love to continue to practice his trade to some degree. I know he is not alone. At the same time, there are hundreds, if not thousands of people, in our community who go without adequate health care. This legislation marries these two circumstances in a way that can make a significant difference in our communities and across Ohio. I would appreciate your support for this legislation and would be happy to take any questions.