

February 8, 2011

The Honorable Lance Kinzer, Chairperson  
House Committee on Judiciary  
Statehouse, Room 165-W  
Topeka, Kansas 66612

Dear Representative Kinzer:

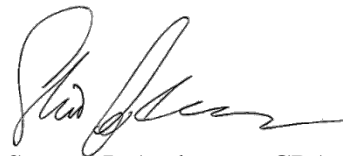
SUBJECT: Fiscal Note for HB 2123 by Representative Sloan

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2123 is respectfully submitted to your committee.

HB 2123 would prohibit a court from admitting statements, activities, waivers of charges for medical care provided, or other conduct expressing regret, sympathy, condolence, or compassion which are made by a health care provider as evidence of an admission of liability in a civil action.

The Board of Healing Arts indicates that passage of HB 2123 would have no fiscal effect on its operations. The Health Care Stabilization Fund Board of Governors states that it cannot be assumed that inadmissibility of certain evidence would affect the amount of damages that may be awarded by a jury or the amount of a settlement agreement. It can, however, be argued that if physicians are allowed to express sympathy or condolences without the fear of such communication being used against them in a civil action, the patient may be less likely to pursue a civil action. This, in turn, could affect the total number of claims and lawsuits filed, but it is not possible to predict the number or the value of claims or lawsuits that would not be filed. In any case, the Health Care Stabilization Fund Board of Governors indicates that HB 2123 would have no fiscal effect on either the State General Fund or the Health Care Stabilization Fund.

Sincerely,



Steven J. Anderson, CPA, MBA  
Director of the Budget

cc: Mary Rinehart, Judiciary  
Cathy Brown, Healing Arts  
Chip Wheelen, Health Care Stabilization Fund