

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2001 - SB 2253

April 1, 2024

SUMMARY OF BILL AS AMENDED (017483): Establishes that in all healthcare liability actions, the common law collateral source rule is abrogated as specified by the legislation. Establishes that in a healthcare liability action, the damages awarded may include past and future actual economic losses suffered by the claimant, and the past actual economic losses must be limited to:

- (1) The amounts that have been paid or will be paid by the assets of the claimant or on the claimant's behalf; and
- (2) The amounts the claimant's providers have accepted or will accept as full payment for reasonable and necessary medical care, rehabilitation services, or custodial care.

Establishes that actual economic losses will only be limited to the extent that documentation of the reduction is submitted. Applies to all healthcare liability actions filed on or after September 29, 2023.

FISCAL IMPACT OF BILL AS AMENDED:

NOT SIGNIFICANT

Assumptions for the bill as amended:

- Pursuant to Tenn. Code. Ann. § 9-8-307(a)(1)(D), the Tennessee Claims Commission has exclusive jurisdiction to determine all monetary claims against the state regarding healthcare liability by a state employee.
- It is assumed that the impact of the legislation will be borne by private parties to civil actions.
- The proposed legislation will not result in a change in the number of healthcare liability actions, only the manner in which actual economic losses are determined in such hearings.
- Any impact to the court system can be accommodated within existing judicial resources.

CERTIFICATION:

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

A handwritten signature in black ink that reads "Krista Lee Carsner".

Krista Lee Carsner, Executive Director

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