

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 121** SLS 17RS 65

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action: **w/ HSE COMM AMD**

Proposed Amd.:

Sub. Bill For.:

| | | |
|---|---------|-----------------------------|
| Date: June 4, 2017 | 5:21 PM | Author: WARD |
| Dept./Agy.: Judicial Branch | | Analyst: Zachary Rau |
| Subject: Adds "compulsory" to court-ordered examination statutes | | |

CIVIL PROCEDURE Page 1 of 1
 EG1 NO IMPACT See Note
 Provides relative to terminology of court-ordered and other mandatory examinations in civil and administrative matters and claims. (gov sig)

Present law provides that parties may obtain discovery in civil proceedings via mental and physical examinations. Present law provides that the court may order an examination of a person whose mental or physical capacity is in controversy for good cause shown. Present law refers to such examinations as "independent medical examinations." Proposed law changes to the terminology from "independent medical examinations" to "an additional medical opinion" in the cases of workplace fitness disputes, medical disability disputes, and domestic abuse cases. Proposed law provides that plaintiffs shall not be ordered to submit to multiple examinations from multiple physicians of the same specialty for the same injury except for good cause shown. Proposed law provides that examinations of minors pursuant to Article 1464 of the Code of Civil Procedure shall have the right to have a parent, legal guardian or tutor present during the examination. Proposed law further provides that if such person cannot be present, the court shall order the examination to be videotaped at the expense of the examined party and done in a manner deemed least harmful. Proposed law is effective upon signature of the governor or lapse of gubernatorial action.

| EXPENDITURES | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

| REVENUES | 2017-18 | 2018-19 | 2019-20 | 2020-21 | 2021-22 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure. Proposed law changes terms regarding court-ordered medical examinations from "independent medical examinations" to various forms of "additional medical opinion" as it relates to work place fitness disputes, medical disability disputes, and domestic abuse cases. Because the proposed law changes terminology to existing procedures in the aforementioned cases, it does not have any associated fiscal impact.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Evan Brasseaux

Evan Brasseaux
Staff Director