

State Corporation Commission 2005 Fiscal Impact Statement

1. Bill Number HB1505

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☒ Substitute ☐ Enrolled

2. Patron Tata

3. Committee Passed Both Houses

4. Title Birth-Related Neurological Injury Compensation Act; changes.

5. Summary/Purpose: Virginia Birth-Related Neurological Injury Compensation Program (Program). Eliminates the requirement that the Program has 30 days to respond to a petition alleging a birth-related neurological injury. Under the bill, the Program would have until 10 days after the medical panel's report is filed with the Virginia Workers' Compensation Commission (WCC) to finalize its response. The WCC has 15-90 days after the filing of the Program's response to set the date for hearing to determine if a petitioner's injury meets the Program's criteria. The bill also clarifies that a rebuttable presumption of a birth-related neurological injury arises when the infant has sustained an injury caused by the deprivation of oxygen.

6. No Fiscal Impact on the State Corporation Commission

7. Budget amendment necessary: No

8. Fiscal implications: None on the State Corporation Commission

9. Specific agency or political subdivisions affected: State Corporation Commission Bureau of Insurance

10. Technical amendment necessary: No

11. Other comments: The February 21, 2005 amendment in the nature of a substitute to House Bill 1505 was adopted in the Senate Committee on Commerce and Labor to conform House Bill 1505 with the February 8, 2005 version of a similar bill, Senate Bill 1323. Senate Bill 1323, however, had been amended on February 17, 2005 to match the previous version of House Bill 1505 (see House Bill 1505 E from February 7, 2005). Both Houses rejected each other's amendments and the bills were put in conference.

Date: 03/02/05 / V. Tompkins

cc: Secretary of Commerce and Trade
Secretary of Health and Human Resources