

Department of Planning and Budget
2005 Fiscal Impact Statement

1. Bill Number SB 1323

House of Origin	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Davis

3. Committee: Commerce and Labor

4. Title: Birth-Related Neurological Injury Compensation Act; procedures for response to claimant's petition.

5. Summary/Purpose: This bill allows the Birth-Related Neurological Injury Compensation Program's response to a claimant's petition to not be due until after the three-physician panel's report is filed with the Workers' Compensation Commission. Upon the filing of the Program's response, the Commission shall set the hearing date. Second, the measure clarifies that the rebuttable presumption that a brain or spinal cord injury is a birth-related neurological injury only arises when the deprivation of oxygen or mechanical injury occurs in the course of labor, delivery, or resuscitation in the immediate post delivery period in a hospital.

6. Fiscal Impact: No Impact to the Commonwealth. See Item eight below.

7. Budget amendment necessary: No

8. Fiscal implications: The Birth-Related Neurological Injury Compensation Program (Program) is funded through a trust fund that is established by the Code of Virginia, in Title 38.2. There are two changes outlined in this bill amending current sections of the code. Doctors, hospitals, and insurance companies fund the Program through payments to the trust fund. Neither general fund nor non-general fund dollars are allocated to the program. Therefore, the changes will not have an impact to state funding.

The first change (lines 101-115) alters the timing of reports issued by the Birth-Related Neurological Injury Compensation Program. Program staff feels this change will not have a fiscal impact on the state and will have a positive impact on service delivery. The second change (lines 125-141) adds a presumption that a child's problems are caused by premature birth, not an oxygen-birth related injury. Essentially, it requires that the injured party prove that a birth related injury occurred.

10. Technical amendment necessary: No

11. Other comments: This bill amends §§ 38.2-5001, 38.2-5004, 38.2-5006, and 38.2-5008 of the Code of Virginia.

Date: 02/03/05 / jih

Document: DPB G:\\05FIS\\SB1323.doc