

**Department of Planning and Budget**  
**2005 Fiscal Impact Statement**

**1. Bill Number** SB 1323

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

**2. Patron:** Davis

**3. Committee:** Passed by both house

**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 is not due until after the three-physician panel's report is filed with the Workers' Compensation Commission (WCC). Upon the filing of the Program's response, the Commission shall set the hearing date (original description).

**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 50-53) alters the timing of petition responses issued by the Birth-Related Neurological Injury Compensation Program. The second change (lines 62-65) requires the WCC to hold a hearing between 15 and 90 days after the Program files its response to a claim.

**10. Technical amendment necessary:** No

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

**Date:** 03/08/05 / jih

**Document:** DPB G:\05FIS\SB1323ER.doc