

Department of Planning and Budget
2005 Fiscal Impact Statement

1. Bill Number SB 1323

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

2. Patron: Davis

3. Committee: Senate Floor

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. 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 51-54) alters the timing of petition responses issued by the Birth-Related Neurological Injury Compensation Program. The second change (lines 67-80) adds a presumption that a child's problems are caused by premature birth, not an oxygen-birth related injury.

10. Technical amendment necessary: No

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

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