

Department of Planning and Budget 2014 Fiscal Impact Statement

1. **Bill Number:** HB1264

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Marshall, R.G.

3. **Committee:** Courts of Justice

4. **Title:** Certification of volunteer health care providers

5. **Summary:** This bill requires that the Department of Health to certify, up to 200 providers, as a volunteer health care provider any Virginia citizen who (i) holds a current, valid license as a doctor of medicine or osteopathy from the Board of Medicine or as a dentist from the Board of Dentistry; (ii) is deemed to be an employee of the federal Public Health Services as a free clinic professional providing qualifying health services; and (iii) provides documentation indicating that he has provided, for 11 months of the year, at least four hours of qualifying health services at a free clinic or free clinic offsite program per week for four consecutive weeks during the three-month period immediately preceding the date of application. The bill provides that no certified volunteer health care provider shall be liable for civil damages for any injury or wrongful death of any person resulting from the delivery of any health care provided in his professional capacity, absent gross negligence or willful misconduct. The bill further provides that the Attorney General may represent a volunteer health care provider in any civil matter in which a defense of immunity from liability due to status as a certified volunteer health care provider is raised.

6. **Budget Amendment Necessary:** Yes.

7. **Fiscal Impact Estimates:** Preliminary.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Fund</i>
2015	\$36,170	General
2016	\$31,170	General
2017	\$31,170	General
2018	\$31,170	General
2019	\$31,170	General
2020	\$31,170	General

8. **Fiscal Implications:** This legislation would require the Department of Health to certify physicians and dentists who provide a certain level of charity care in free clinics, as a volunteer health care provider. The department estimates that approximately 100 free clinics in Virginia would fall under the provisions of this bill and that a total of five physicians and

dentists would meet the bill's criteria for certification by the agency at each free clinic on an annual basis. Based on this assumption, approximately 500 physicians and dentists could be expected to seek certification by the department as voluntary health care providers. However, the bill limits the number of agency certified volunteer health care providers to 200 annually.

The department estimates that the certification process would require five hours of investigative and administrative activity, therefore approximately 1,000 hours (five hours times 200 voluntary health care providers) would need to be dedicated to certification activities each year. The department assumes a wage position, costing \$28.37 per hour, would be hired to handle the additional responsibilities. In addition, \$3,300 would be needed to cover the cost of nonpersonal services (i.e. equipment, supplies, etc.). The department estimates a one-time cost of promulgating the necessary regulations would be \$5,000 in FY 2015.

For physicians and dentists who become certified voluntary health care providers, this bill expands the existing immunity from liability for charity care to their entire practice. The bill may result in the department to paying additional premiums for the risk management plan that is provided for in the Code of Virginia. Therefore, the additional general fund costs of this plan are unknown and require further study.

The bill could potentially impact the Office of the Attorney General as the office may have to provide representation on claims for medical malpractice brought against healthcare providers employed by the Commonwealth. The bill provides that the office "may" represent a volunteer healthcare provider in a civil matter, which means that it is not a requirement. If the office chooses to provide representation there would be a cost, the office employs outside counsel with expertise in medical malpractice litigation. The amount of people that will be sued and then would be represented cannot be determined. Therefore the impact is unknown.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Health and the Office of the Attorney General.

10. Technical Amendment Necessary: No.

11. Other Comments: This bill is similar to HB667 and related to HB1264 and HB39.