

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB44

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed

Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Habeeb

3. Committee: Commerce and Labor

4. Title: Workers' compensation; injuries presumed to be in course of employment.

5. Summary: Revises the provision creating a presumption, in the absence of a preponderance of evidence to the contrary, that an injury is work related if an employee is physically or mentally unable to testify and there is un rebutted prima facie evidence that the injury was work related. This measure clarifies that the employee's inability to testify refers to testimony about how the accident occurred and limits the measure's application to circumstances where the employee's inability to testify is because of injuries from the accident.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Preliminary – see Item 8.

8. Fiscal Implications: The proposed legislation may have fiscal impact to the Commonwealth; however, the costs cannot be determined. According to the Department of Human Resource Management, there is one pending claim in which the employee cannot explain how the injury occurred. The claim is pending before the Virginia Supreme Court and the estimated future costs for this one claim are approximately \$276,000.

9. Specific Agency or Political Subdivisions Affected: Department of Human Resource Management and Workers' Compensation Commission.

10. Technical Amendment Necessary: No.

11. Other Comments: None.