

Commission on Local Government

Estimate of Local Fiscal Impact

2020 General Assembly Session

Bill: HB1147

Patron: Keam

Date: 1/16/2020

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Epinephrine required in certain public places. Requires public places to make epinephrine available for administration. The bill allows employees of such public places who are authorized by a prescriber and trained in the administration of epinephrine to possess and administer epinephrine to a person present in such public place believed in good faith to be having an anaphylactic reaction. The bill also provides that an employee of such public place who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the public place believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

~~~~~

**Executive Summary:**

Localities have evaluated a negative fiscal impact ranging from \$0.00 - \$972,000.00. A majority of localities provide a cost, and noted that the bill would require them to purchase, store & replace expired drug, train & retrain staff, and administer & manage the program. Some localities that responded with a cost, noted the exact estimate is unknown as the legislative is not specific on number of drug items to be stored in each public places. Other localities that responded with a cost, noted their volunteer rescue/EMS are already trained for this purpose and carries this item on their vehicle, therefore, this bill would be an added cost to them. Additional localities that responded with no cost, noted that the exact impact of the bill is indeterminate, but noted that there would be significant ongoing cost to comply with the provisions of the bill..

\*\*\*\*\*

**Local Analysis:**

**Locality:** Augusta County

**Estimated Fiscal Impact:** \$15,100.00

Drug Costs – Several products exist on the market for the administration of epinephrine for anaphylaxis. Our recommendation would be an auto injector, such as an EpiPen, primarily because of the ease of use. The most common devices on the market are the EpiPen auto injector and the Auvi-Q auto injector. Price ranges are quoted from Henry Schein and averages about \$300 per unit, assuming locality receives contract price.

Training –This bill mandates something wholly different. A lay person will need to be trained to recognize anaphylaxis, and equally important, what is not anaphylaxis. They will need to do so without the medical condition being previously diagnosed by a physician. The administration of epinephrine to patients experiencing certain other medical conditions could be detrimental to their outcome the lay person will need substantial training in order to recognize anaphylaxis and be able to differentiate between anaphylaxis and other medical conditions with similar signs and symptoms.

If we were tasked with training employees, we would conduct a minimum of six hours of didactic content on allergies and anaphylaxis, common respiratory emergencies such as asthma, COPD, bronchitis and congestive heart failure, and common types of shock. We would also conduct two hours of psychomotor training for every six students per instructor (i.e. an instructor would not have a group larger than six students). A class of 24, assuming all 24 attended the didactic/classroom portion at the same time, would require 14 instructor contact hours. The hourly compensation for instructors teaching these programs would be highly variable depending on the setting and may range from \$10 - \$50 per hour.

Other ancillary expenses would be dependent on the scope of the program. For example, a large government would require administrative support to manage the program, order the auto injectors, replace expired injectors and liaison with the prescribing practitioner. Staff trained to administer the auto injectors would also require routine refresher training. A one-hour update every year would be satisfactory.

Summary – Assumes 4 employees per facility would be trained. There are 6 regularly staffed facilities.  
6 facilities x 4 locations/employees x 2 units x \$300 = \$14,400  
Training hours 14 hours x \$50 per hour = \$700  
Total \$15,100

Serious concern does exist related to the necessity, efficacy and safety of such a mandate.

~~~~~

Locality: City of Alexandria

Estimated Fiscal Impact: \$0.00

No position/not able to quantify at this time.

~~~~~

**Locality:** City of Harrisonburg

**Estimated Fiscal Impact:** \$0.00

The city is unable to estimate the fiscal impact but there would be a cost for purchasing the EpiPens to be made available in public places, as well as, the storage of the medication. There is are expiration dates for the medication and unused quantities would have to be replaced periodically.

~~~~~

Locality: City of Martinsville

Estimated Fiscal Impact: \$100,000.00

Main concern: Who's paying for this? My estimate would cover the purchase of the epinephrine (which has a shelf life and would have to be replaced annually) and training. Many, many folks would have to be trained to administer the drug, especially if "public places" includes parks, walking trails, schools, all municipal buildings. Just about every employee would have to be trained and re-trained. Legislating that the person who administers it would not be held liable for civil damages doesn't make up for the cost to taxpayers. Unless someone serves food, works with bees/snakes or other products that cause anaphylactic shock, there's really no need to go to this extreme. \$100,000 may not even cover the annual costs involved.

Locality: City of Norfolk

Estimated Fiscal Impact: \$5,000.00

An exact estimate is unknown as the legislation is not specific on number of items. Public places needs to be defined for a better understanding where Epi pen kits would need to be located. This influences the estimate of approximately \$300 per Epi pen kit. There are concerns around the responsibility for training, recognition, tracking, and logging of the kits. The use of Epi pens differs between adults and children. Are there legal liabilities that localities will need to adjust for? Depending on how terms are defined within the legislation, it could have a larger fiscal impact than anticipated.

Locality: City of Roanoke

Estimated Fiscal Impact: \$1,500.00

For the purposes of what is defined as "public spaces", after discussion with our Fire/EMS Chief, for the City of Roanoke that would be the buildings where we currently have AEDs located - our Municipal Bldg, our Civic Center, and our Public Works Bldg. We would anticipate 1 epinephrine auto-ject vial in each location at an approximate cost of \$500 per vial. Our EMS staff are already trained on its use, so they would train selected staff at these 3 locations on how to inject it.

Locality: City of Virginia Beach

Estimated Fiscal Impact: \$972,000.00

The impact to the City of Virginia Beach would be about \$972,000 for the first year up front cost to buy the resources, train the end users, and oversee the program. Due to medicine expirations, in subsequent years the cost will be about \$537,000 annually to replace the autoinjector stock (the Epi) everywhere and also administer the city-wide program. These are both direct and indirect costs. A cost break-down of each aspect of this fiscal impact is provided below.

Annual Cost for Site Epi Kits roughly \$432,000 (\$450/kit x 960 kits) (240 sites w/ 2Ped Kits/2Adult Kits)
Annual Cost for Vehicles of Conveyance roughly \$45,000 (\$450/kit x 100 kits) (50 vehicles w/ 1Ped Kit/1Adult Kit)

Cost for Instruction of End-Users roughly \$435,000 (\$1,500/per x 240 sites + 50 vehicle operators)

Annual Cost for Operational Medical Director – Program Oversight (\$10,000)
Annual Cost for Program Administration - Specialist in the OSHS group (\$50,000)

Non-Recurring Expense (NRE) \$435,000
Annual Expense(s) \$537,000 (\$432,000 + \$45,000 + \$10,000 + \$50,000)

Locality: City of Winchester **Estimated Fiscal Impact:** \$0.00

The Winchester Fire and Rescue Department does not support HB 1147. The negative impact to public places, as defined in 15.2-2820, would far outweigh the benefits to the community; considering the Winchester Fire and Rescue Department EMS deployment model, level of EMS Provider certifications, and immediate access to EMS. Unsure of the costs of the epinephrine.

Locality: County of Amherst **Estimated Fiscal Impact:** \$0.00

As long as the hold harmless clause remains in the bill there should be no cost to the county.

Locality: Fairfax County **Estimated Fiscal Impact:** \$1.00

There would be a significant ongoing fiscal impact related to the cost of purchase epinephrine autoinjectors. Public space is defined broadly to include any enclosed, indoor area used by the general public, including any building owned or leased by the county as well as other structures. Depending on the size of the public space, many buildings may require more than one kit. Epinephrine has a short shelf life and most autoinjectors would need to be replaced annually. The costs of training County employees in public spaces would require nurses' and physicians' time, including multiple two hour sessions per site. In addition, there would be one time cost impacts related to the acquisition of storage kits.

Locality: Henrico County. **Estimated Fiscal Impact:** \$112,000.00

This is an annual cost estimate for epi-pens located at 320 locations that meet the definition of a public place at the current cost of \$175/pen. This estimate does not include the costs for securely storing the medicine or training any staff to administer the medicine.

Locality: King William County **Estimated Fiscal Impact:** \$48,000.00

Training estimate \$25,000
Increased insurance coverage estimate \$18,000
Supplies Associated with Medication \$5,000

Locality: Prince George County **Estimated Fiscal Impact:** \$25,000.00

There is a \$25,000 annual fiscal impact for purchasing one epinephrine kit per building (regardless of size or number of floors on building). This does not include cost impact of training personnel and would include administration only by those currently qualified/trained.

Locality: Rockingham County **Estimated Fiscal Impact:** \$4,000.00

The total estimated fiscal impact of this bill is unknown. The amount of the impact will be determined by how much epinephrine needs to be available at each of our public buildings. We do not anticipate this being a huge expense but it could add up to 4 to 5 thousand dollars a year.

Locality: Town of Blacksburg

Estimated Fiscal Impact: \$15,000.00

Ten town owned public facilities with an estimated two Epinephrine pens per year @ \$300 per pen plus \$10,000 for training. These are estimates. Our Volunteer Rescue carries these on their vehicles and can be at a Public Building in around 3 minutes are already trained to administer this. So this bill is an added cost and burden on local governments. It is good that the liability would be waived. If required to be at each facility, then multiple employees will need to be trained. Our Rescue may be able to provide the training but would still require compensation. The pens would need to refreshed periodically and training would need to be updated periodically to ensure employees are able to administer as well as to catch new employees. This would be an annual cost plus an undetermined number of hours of employees attending training and not performing their assigned duties.

~~~~~

**Locality:** Town of Buchanan

**Estimated Fiscal Impact:** \$6,000.00

\$2000 for Epinephrine cost (on-going as it has an expiration date). \$2000 cost for training. \$2000 for staff time training (if not already trained and this is an on-going cost). This cost is per public place.

~~~~~

Locality: Town of Luray

Estimated Fiscal Impact: \$25,000.00

This will create long-term public demand for trained staff in public facilities such as parks to provide medical response.

~~~~~

**Locality:** Town of Warsaw

**Estimated Fiscal Impact:** \$5,000.00

Although we wish to ensure the safety of all, the purpose of EMS Departments across the Country are for purposes such as this. We agree with the spirit of the Bill, however already underpaid and overworked public servants should not bear the responsibility of assisting someone with the administration of epinephrine. Most that need it already have it on their person or are in close vicinity and know how to administer it. Having trained staff and epinephrine on-site is an undue burden and potential unfunded mandate.

Thank you!

~~~~~

**Professional and Other Organization
Analysis:**

Organization: Accomack-Northampton Planning District
Commission

The fiscal impact per public place is \$1,922 for initial setup and \$96.10 average monthly cost thereafter. The initial setup is \$974 for an adult pen, \$890 for a child pen, 1 hour of staff costs for online training and ordering supplies for two staff who man the office. These costs have to be renewed ever 20 months arriving at a monthly average of \$96.10 per place.

In the county seat of Accomack County (the Town of Accomac) there are 12-19 public areas (Housing Authority, New Courthouse, Old Courthouse, Administration Building, Administration Annex Building, Clerk of the Court, Probation, Health Department, Commonwealth's Attorney, Library, Parks and Recreation Office and Sheriff's Office). The Administration Building has at least six (6) waiting rooms, the Old Courthouse has the Voter's Registration with a separate entrance and waiting area, and the New Courthouse has a Magistrate's Office with separate entrance and waiting area. There is also a public park that does not have enclosed space but where food is served and does not appear to qualify as a public place. The minimum fiscal impact for 12 of the public places in the Town of Accomac is \$23,064 for initial setup and ongoing monthly average costs of \$1,153 assuming no pens are needed to be used.

In the Town of Onancock there are 6-7 public areas (Town Office, DMV, Harbormaster's Building, two private theatres, Onancock School). The Town Office has the Sheriff's Office with a separate entrance and waiting area. The minimum fiscal impact for 6 of the public places in the Town of Onancock's \$11,532 for initial setup and ongoing monthly average costs of \$577 assuming no pens are needed to be used. The Onancock School, owned by the Town, would require a volunteer to be trained and present at all community events which occur nightly. Clubs and events are currently handled by a responsible party being given the key to unlock and lock the building.

~~~~~