

## Department of Planning and Budget 2021 Fiscal Impact Statement

1. **Bill Number:** HB2162ER

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

2. **Patron:**        Tran

3. **Committee:** Passed both Houses.

4. **Title:**            Medical care facilities; persons with disabilities; designated support persons.

5. **Summary:** Requires every medical care facility, as defined in the bill, to allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person who will provide support and assistance necessary due to the specifics of the person's disability to the person with a disability during an admission to such medical care facility. The bill (i) defines "person with a disability" and "designated support person"; (ii) provides that a designated support person shall not be subject to restrictions on visitation adopted by the medical care facility but may be required to comply with reasonable requirements of the medical care facility adopted to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility; and (iii) authorizes a medical care facility to restrict a designated support person's access to specified areas and movement on the premises of the medical care facility when such restrictions are determined by the medical care facility to be reasonably necessary to protect the health and safety of the person with a disability, the designated support person, and staff and other patients of and visitors to the medical care facility. The bill requires every medical care facility to adopt protocols to inform patients of their right to be accompanied by a designated support person, and to develop and make available to persons with disabilities written information regarding the right of a person with a disability to be accompanied by a designated support person and policies related thereto. The bill contains an emergency clause and directs the Board of Health to adopt emergency regulations within 280 days of the bill's enactment.

6. **Budget Amendment Necessary:** See item 8.

7. **Fiscal Impact Estimates:** Indeterminate, see item 8.

8. **Fiscal Implications:** The fiscal impact this bill, as amended, would have on the Commonwealth cannot be determined at this time. The provisions of the bill would allow a person with a disability who requires assistance as a result of such disability to be accompanied by a designated support person at any time during which health care services are provided. While designated support persons are not visitors, for comparative purposes, visitor data was used to estimate any potential fiscal impact. Since the beginning of the COVID-19 pandemic, VDH has received 22 complaints in total about the lack of visitation and many more telephone calls and emails about what visitation was permitted under current

state and federal guidance during the COVID-19 public health emergency. While VDH has been able to adequately investigate and inspect the visitation complaints received to date with existing staff and resources, it is unknown if the volume of complaints involving designated support persons would exceed VDH's current capacity. It is possible that this bill may result in the need for additional staff and increased travel expenditures for inspectors traveling to facilities for complaint inspections. Any cost to post information required in this bill on the website can be absorbed within existing resources.

**9. Specific Agency or Political Subdivisions Affected:** The Virginia Department of Health.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** This bill is similar to language in Item 300(F) of Chapter 56 (2020 Acts of Assembly, Special Session I).