Department of Planning and Budget
2023 Fiscal Impact Statement

1. **Bill Number:** HB1827

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

2. **Patron:** Cherry

3. **Committee:** Public Safety

4. **Title:** Autopsies; decedents in the custody of Department of Corrections.

5. **Summary:** Requires, if a decedent is an inmate in the custody of the Department of Corrections, that an autopsy be performed by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a pathologist with whom the State Health Commissioner has entered into an agreement.

6. **Budget Amendment Necessary**: Yes, item 289.

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

8. **Fiscal Implications:** The provisions of this legislation will have a fiscal impact on the Virginia Department of Health (VDH). This legislation requires that the Office of the Chief Medical Examiner (OCME) perform autopsies on all decedents who were in custody of the Department of Corrections (DOC) at the time of death. Currently, the OCME does not perform autopsies on all DOC decedents because some deaths only meet the criteria for an external examination to determine the cause and manner of death. OCME performed an average of 54 external examinations annually on DOC decedents. Annual extermination examination information was derived using OCME data from 2017 – 2021. If this level of cases continues then all 54 cases will have to have an autopsy performed instead of an external examination.

   There would be transportation costs associated with relocating the decedent from a DOC facility to one of the four OCME district offices. The current transportation rate that OCME pays is $250 for the first 25 miles and $1.50 for each additional mile. On average a transport to an OCME district office costs $325 per transport. Therefore, the additional transportation costs will be $17,550 general fund (54 cases x $325).

   OCME does not have the existing resources to perform an additional 54 autopsies along with their current workload and due to agency vacancies within OCME. Over the past 5 years, OCME has had 11 assistant chief medical examiners (ACME/forensic pathologists) leave,

which is an 18 percent turn-over rate. Currently, OCME only has 11 of 19 ACME positions filled.

The Governor's introduced budget includes $1,491,950 from the general fund to support salary adjustments for the Office of the Chief Medical Examiner. In the event that this is insufficient to attract qualified candidates, OCME would need to hire wage positions in the interim until such positions are filled.

OCME would hire a wage forensic pathologist ($216,579 general fund) and a wage autopsy technician ($43,801 general fund) for 1,500 hours of working including FICA, phone, and VITA costs to ensure these death investigations are completed. Also, this additional staffing will ensure that the OCME remains in compliance with the National Association of Medical Examiner accreditation criteria.

Accounting for the additional staff and transportation costs, a total of $277,930 in general fund support would be required by the OCME to implement the provisions of this legislation.

This bill would not have a fiscal impact on the Department of Corrections.

9. **Specific Agency or Political Subdivisions Affected:** Virginia Department of Health and the Department of Corrections.

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

11. **Other Comments:** SB1276, introduced by Senator Dunnavant, is a companion bill.