

Department of Planning and Budget 2012 Fiscal Impact Statement

1. Bill Number: SB656-ER

| | | | |
|------------------------|---------------------------------------|-------------------------------------|--|
| House of Origin | <input type="checkbox"/> Introduced | <input type="checkbox"/> Substitute | <input type="checkbox"/> Engrossed |
| Second House | <input type="checkbox"/> In Committee | <input type="checkbox"/> Substitute | <input checked="" type="checkbox"/> Enrolled |

2. Patron: McEachin

3. Committee: Passed both houses

4. Title: Public schools; administration of epinephrine.

5. Summary: Provides that local school boards shall adopt and implement policies for the possession and administration of epinephrine in every school. The school nurse, or a school board employee who is trained and authorized in the administration of epinephrine, would be able to administer epinephrine to any student believed to be having an anaphylactic reaction. Neither the school nurse nor the authorized and trained school board employee shall be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment when acting in good faith.

An enactment clause has also been added that requires the Department of Health, in conjunction with the Department of Education and the Department of Health Professions, to develop and implement policies for the recognition and treatment of anaphylaxis in the school setting. These policies will be developed with input from representatives of local school boards, the Virginia Association of School Nurses, the Virginia Nurses Association, the Virginia Chapter of the American Academy of Pediatrics, the Medical Society of Virginia, and the Office of Attorney General. These guidelines shall be provided to the Superintendent of Public Instruction for dissemination by no later than July 1, 2012.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. See item 8.

8. Fiscal Implications: This legislation is anticipated to have a fiscal impact on local school divisions since local school boards would need to purchase epinephrine for their schools. In addition, this legislation permits the administration of epinephrine to students by either a school nurse or an employee of the school board who is authorized and trained in the administration of epinephrine. At this time, the number of schools that would need to purchase epinephrine, and the number of school board employees that would need to be authorized and trained to administer it, are unknown; therefore, it is not possible to reliably estimate the potential fiscal impact to local school divisions resulting from the passage of this bill.

Moreover, any additional costs incurred by local school divisions resulting from this legislation could impact state rebenchmarking costs in future biennia. However, any potential state fiscal impact in Direct Aid to Public Education is indeterminate since the actual local impact is unknown at this time.

Lastly, while the legislation does not specify this action be taken by the Department of Education, revisions to its manual for Training of Public School Employees in the Administration of Medication would be necessary. However, it is anticipated that any administrative costs associated with such revisions could be absorbed within existing resources. Further, it is anticipated that any administrative costs incurred by the Department of Education, Department of Health, and the Department of Health Professions in the development and implementation of policies for the recognition and treatment of anaphylaxis would be nominal and absorbed within current resources.

This legislation does not explicitly require additional state funding to support the purchase of epinephrine in every school, so passage of this bill does not have an immediate fiscal impact to the state. However, the budget as originally approved by the House included \$200,000 in FY 2013 to support the purchase of EpiPens for public schools in Virginia. The newly introduced House Bill 1301, as passed by the House Appropriations Committee, also includes \$200,000 in FY 2013 for the same purpose. The budget recommendations made by the Senate Finance Committee did not include any funding to support the purchase of EpiPens.

9. Specific Agency or Political Subdivisions Affected: Board of Education, Department of Health, Department of Health Professions, and local school divisions.

10. Technical Amendment Necessary: Yes, page 7, line 373, delete “Professionals” and insert “Professions”.

11. Other Comments: Identical to HB1107.

Date: 3/8/2012

Document: H:\EDUCATION\K-12\General Assembly\2012\FIS\SB656ER.doc