Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

PUBLISHED: 1/20/2025 8:25 AM ORIGINAL

Bill Number: HB2088 Patron: Shin

Bill Title: Virginia Forensic Nursing Advisory Council established; powers and duties of Criminal

Justice Services Board; sexual assault forensic examiners; physical evidence recovery kits.

Bill Summary: Establishes the Virginia Forensic Nursing Advisory Council (the Council), which consists of five members appointed by the Governor, each of whom shall have experience as a sexual assault forensic examiner, defined in the bill, and shall currently reside and practice in the Commonwealth. The Council shall review and make recommendations as necessary to the Criminal Justice Services Board (the Board) with support from the Coordinator of the Virginia Sexual Assault Forensic Examiner Coordination Program (the Coordinator) concerning (i) criteria to become a sexual assault forensic examiner, (ii) the process for certification as a sexual assault forensic examiner, (iii) the curriculum and training program of an entity seeking approval to train sexual assault forensic examiners, and (iv) qualifications of prospective sexual assault forensic examiners. The bill adds to the powers and duties of the Board the power to (a) review and approve recommendations made by the Council related to training, education, and certification of sexual assault forensic examiners and (b) direct the Coordinator to implement any such recommendations from the Council for training, education, and certification of sexual assault forensic examiners and implement any such recommendations approved by the Board as appropriate.

The bill provides that a health care provider may conduct a telehealth sexual assault forensic examination, defined in the bill, for a victim of sexual assault if a sexual assault forensic examiner is not readily available to conduct an in-person forensic medical examination for the collection of a physical evidence recovery kit. The bill also establishes a rebuttable presumption that a physical evidence recovery kit collected during a telehealth sexual assault forensic examination is in compliance with the existing provisions regarding physical collection recovery kits and shall be admissible as evidence. Lastly, the bill directs the Virginia Workers' Compensation Commission to include mileage incurred by a sexual assault forensic examiner in the policy for payment for physical evidence recovery kit examinations.

Budget Amendment Necessary: Yes **Items Impacted:** 392

Explanation: Additional funding required to support positions, the development of a registry, and

ongoing training and conferences.

Fiscal Summary: According to the Department of Criminal Justice Services (DCJS), the agency anticipates \$175,000 in expenses to develop a registry and interface (one-time), four additional FTE with an annual cost of \$522,000 to carry out the responsibilities of the Virginia Forensic Nursing Advisory Council outlined in this bill, and a cost of \$50,000 annually for ongoing training and conferences.

Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

According to the Office of the Secretary of Health and Human Resources (OSHHR) and the Office of the Attorney General (OAG), a fiscal impact is not expected as a result of the proposed legislation. Any fiscal impact to the Department of Health (VDH) or the Virginia Workers' Compensation Commission (VWCC) is not known at this time. If additional information is available, the fiscal impact statement will be updated as necessary.

General Fund Expenditure Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
DCJS		\$747,000	\$572,000	\$572,000	\$572,000	\$572,000
						_
TOTAL		\$747,000	\$572,000	\$572,000	\$572,000	\$572,000

Position Impact:

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	FY2027	FY2028	<u>FY2029</u>	FY2030
DCJS		4	4	4	4	4
						_
TOTAL		4	4	4	4	4

Fiscal Analysis: This bill requires the Criminal Justice Services Board (CJSB) to review and approve recommendations made by the newly proposed Virginia Forensic Nursing Advisory Council related to the training, education, and certification of sexual assault nurse forensic examiners, and direct the Coordinator of the Virginia Sexual Assault Forensic Examiner Coordination Program to implement any such recommendations the Board approves. According to DCJS, the CJSB is not equipped to review and approve such recommendations regarding the provision of health care. Furthermore, current Virginia Sexual Assault Forensic Examiner Coordination staff are not positioned to carry out highly technical healthcare related responsibilities outlined in this bill. In order to develop and implement a certification program, provide the training and education necessary for these health care professionals as well as other responsibilities assigned to the Virginia Forensic Nursing Advisory Council, DCJS estimates the need for four additional FTE:

- One Registered nurse/Doctor of Nursing Practice, \$125,000 salary plus \$56,250 in fringe benefits, totaling \$181,250 annually.
- One Registered nurse/Master of Science in Nursing, \$95,000 salary plus \$42,750 in fringe benefits, totaling \$137,750 annually.
- One certification/compliance specialist, \$80,000 salary plus \$36,000 in fringe benefits, totaling \$116,000 annually.
- One administrative assistant, \$60,000 salary plus \$27,000 in fringe benefits, totaling \$87,000 annually.

Department of Planning and Budget 2025 General Assembly Session State Fiscal Impact Statement

DCJS also anticipates \$175,000 in one-time costs to develop a registry for the certification program and possibly an interface with the Department of Health Professions.

Lastly, DCJS anticipates \$50,000 in annual expenses for ongoing training and conferences.

Other: Companion bill to SB1041