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

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Bill Number: HB2088H1 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: The substitute bill 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. The Council shall review and make recommendations as necessary to the Board of Health 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 substitute also provides that the Council shall periodically, but at least annually, submit a report to the General Assembly regarding the status of sexual assault forensics in the Commonwealth, including any recommendations to improve the quality of such services throughout the Commonwealth.

The substitute 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 substitute 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 substitute 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:** 277

Explanation: Additional funding needed to support part of a position and council meeting costs.

Fiscal Summary: The Department of Health (VDH) anticipates the need for funding to support part of a position to gather and analyze data, develop data sharing parameters, and interpret data for the Council. The estimated personnel cost is \$33,836. VDH also anticipates an additional expense of \$12,296 to support Council meetings.

According to the Department of Criminal Justice Services (DCJS), the agency does not anticipate a fiscal impact as a result of the substitute bill.

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Additionally, the substitute bill is not expected to have a material fiscal impact on the Office of the Secretary of Health and Human Resources (OSHHR), and the Office of the Attorney General (OAG).

General Fund Expenditure Impact:

Agency	FY2025	FY2026	FY2027	FY2028	FY2029	FY2030
VDH		\$46,132	\$46,132	\$46,132	\$46,132	\$46,132
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TOTAL		\$46,132	\$46,132	\$46,132	\$46,132	\$46,132

Fiscal Analysis: The provisions of this legislation, as amended, would have a fiscal impact on the Virginia Department of Health (VDH) to establish and support the Virginia Forensic Nursing Advisory Council and coordinate with other agencies, such as DCJS.

The bill provides that the Council shall be staffed by sexual assault forensic examiners, who have completed the recommended education and training and are approved by the Board of Health. The Board shall also determine qualifications of prospective sexual assault forensic examiners. VDH is not familiar with the intricacies of sexual assault forensic examiners in the Commonwealth. VDH also does not currently do work related to the certification of any type of nurses. The Department of Health Professions (DHP) regulates all nurses.

VDH estimates it would need part of a position to gather and analyze data on the status of sexual assault forensics for the Council, work in consultation with DCJS to develop data sharing parameters and processes regarding sexual assault forensic examiners and approval status, and to interpret epidemiological data for the Council. VDH estimates a position would dedicate 25 percent of their time to these efforts and would cost \$33,836, including salary, telecommunications, and VITA.

To support activities of the Virginia Forensic Nursing Advisory Council, VDH estimates it would need \$12,296 in additional support. Cost estimates are based on five council members meeting four times annually. Cost estimates include \$4,956 for mileage reimbursement, \$1,200 for meals and incidentals, \$800 for the provision of lunch at meetings, \$3,140 for lodging for council members, and \$1,000 for a stipend for each meeting per \$ 2.2-2813 Code of Virginia.

If VDH is charged with providing additional administrative assistance, technical assistance, or providing subject matter expertise, additional funding may be needed.

The substitute removed the Council from under the Criminal Justice Services Board, which eliminated the fiscal impact of the introduced bill. Provided that the substitute as introduced would not require DCJS to provide staff or financial resources to carry-out the legislation, there is no anticipated fiscal impact to DCJS.

According to the Virginia Workers' Compensation Commission (VWC), this bill will have a minimal impact on VWC/Criminal Injuries Compensation Fund (CICF). The bill mandates sexual assault forensic examiner (SAFE) payments for mileage incurred by Forensic Nurses to conduct physical evidence recovery kit examinations

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(PERKS). Impact on VWC/CICF is minimal as these funds would come from the general fund appropriation that supports the SAFE/PERK payments.

Other: Revised to include information from VDH on January 29, 2025.