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

PUBLISHED: 1/28/2025 2:41 PM **ORIGINAL**

Bill Number: HB2605 **Patron:** Ware
Bill Title: Medical Conscience Protection Act established.

Bill Summary: Establishes the right of a health care professional not to participate in any medical procedure or service that violates such health care professional's conscience, as those terms and conditions are defined in the bill. The bill provides protections for health care professionals who disclose violations of the bill or report violations of laws or ethical guidelines for the safe provision of any medical procedure or service. The bill also provides a private right of action for any party harmed by violations of the bill.

Budget Amendment Necessary: No **Items Impacted:** n/a
Explanation: See fiscal analysis below. This bill does not require that language updates be made to the proposed Appropriation Act.

Fiscal Summary: Any impacts to state agencies resulting from this bill are indeterminate. See fiscal analysis below.

Fiscal Analysis: This bill pertains to the right of individual health care professionals and their ability to refuse participation in providing a medical procedure or service on the basis that it violates the health care professional's conscience as defined in the bill. The bill provides that health care professionals or their associated health care institutions cannot be found civilly, criminally, or administratively liable for the exercise of the individual's right of conscience as defined. The bill also allows health care providers or related parties to bring civil actions to recover damages or injunctive relief if they feel that the rights defined in the bill have been violated.

The Department of Health Professions (DHP) and its associated regulatory boards adjudicate administrative disciplinary hearings for health care providers who are found to be out of compliance with the stated conditions for licensure; such hearings are also reviewed by courts to understand the potential for liability and legal action. DHP reports that the provisions of this bill allow licensees to appeal decisions or seek civil actions for damages or injunctive relief (including license reinstatement) outside of the current administrative appeals process specified in the Virginia Administrative Process Act (§ 2.2-4000, *Code of Virginia*). This could lead to dual appeals of certain administrative decisions, wherein DHP would have to commit time and resources for both processes. The regularity of any dual appeals processes and/or associated costs is unknown at this time. Additionally, given that there is no clear estimate of the number of health care providers who might seek civil action for damages or injunctive relief resulting from a potential violation of their right to conscience, any fiscal impacts to courts are also indeterminate at this time.

Other: n/a