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

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**Bill Number:** SB1213S1 **Patron:** Pekarsky

**Bill Title:** Sudden Unexpected Death in Epilepsy; autopsy protocol; information; training.

**Bill Summary:** Requires the Office of the Chief Medical Examiner to take certain actions upon the finding that an individual died from Sudden Unexpected Death in Epilepsy (SUDEP), defined in the bill. The bill directs the Office of the Chief Medical Examiner to publish information on SUDEP and a SUDEP death investigation form on its website. Additionally, the bill requires the Chief Medical Examiner and local medical examiners to complete training in the investigation of SUDEP on a triennial basis. The bill has a delayed effective date of January 1, 2026.

**Budget Amendment Necessary:** See below **Items Impacted:** 273

**Fiscal Summary:** The provisions of the bill requires the Office of the Chief Medical Examiner (OCME) to perform an autopsy on any death that is suspected to be attributable to Sudden Unexpected Death in Epilepsy (SUDEP). OCME is required to refer the case, within 30 days after concluding an investigation, to an unknown public or private institution. The unknown public or private institution would be required to provide the decedent's next of kin information pertaining to the benefits and process for submitting the decedent's information to the North American SUDEP Registry. It also requires the OCME to publish information on its website regarding SUDEP and a SUDEP death investigation form. Additionally, the bill requires the Chief Medical Examiner and assistant chief medical examiners to complete SUDEP specific virtual training per triennium or any newly appointed medical examiners within 90 days of appointment to complete the training.

These duties shall be performed up to the amount funded by public and private institutions (paragraph F). It is assumed that this will be funded from resources other than new general fund support. If the intent of the bill is for additional general fund support to cover any or all costs of the legislation, than the below fiscal analysis is for the projected amount.

## **Expenditure Impact:**

<u>Agency</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>
VDH		\$179,897	\$359,794	\$387,294	\$387,294	\$387,294
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TOTAL		\$179,897	\$359,794	\$387,294	\$387,294	\$387,294

**Fiscal Analysis:** OCME cannot absorb the additional workload within existing resources. In 2018, there were 68 epilepsy related deaths in Virginia according to data from the Office of Vital Records (OVR). In 2021, these deaths increased to 103 and decreased to 97 in 2022. These deaths do not fall under the jurisdiction of the OCME; however, this legislation will require the OCME to perform an autopsy on all of these cases, which is an

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increase in caseload. From 2018 – 2022, there has been an average of 85 epilepsy related deaths per year. OCME has stated that current information about SUDEP indicates that these cases are generally underreported. Therefore, this number is probably significantly higher.

In order for OCME to properly perform the requirements of this legislation, OCME will need to hire a classified staff member. This staff member will need to have medical knowledge, preferably at the level of a registered nurse, in order to answer questions from decedents' families. This individual will need to speak with these families prior to having the institution contact them to discuss the benefits of the North American SUDEP Registry and will need to be available to families after they speak with the representative from the institution. Additionally, this employee will need to update and ensure that the OCME's website has accurate and current resources about SUDEP. Furthermore, this employee will need the knowledge to be able to develop a SUDEP death investigation form in order to have it on the OCME's website. This employee will also need to research virtual trainings about investigating SUDEP that the Chief Medical Examiner, Assistant Medical Examiners, and local medical examiners can take as required by this law. Furthermore, this position will need to work to research and find funding opportunities from public and private institutions to be able to perform this work. The total cost for this position, including salary, benefits and VITA costs, is \$139,794.

Additionally, part of the autopsy will include neuropathology and cardiac pathology review; OCME will need to consult for these services. Currently, the OCME pays \$1000 per case for neuropathology consult and \$500 per case for cardiac pathology consult. However, OCME can utilize services provided by the Department of Forensic Science to perform a portion of toxicology testing, which has the capacity to test for 15 epilepsy medications, however there are currently over 70 medications. In total, OCME would need additional general fund support for toxicology testing, amounts range from \$220,000 per year up to \$247,500 per year as the number of reported cases grows.

Since the legislation goes into effect January 1, 2026, costs for FY2026 are reduced by half (\$139,794/2 + \$220,000/2 = 179,897). Out year costs start at \$359,794 (139,794 + \$220,000) and are intended to grow as reported cases increase.

Other: None.