

Department of Planning and Budget
2026 General Assembly Session
State Fiscal Impact Statement

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ORIGINAL

Bill Number: SB71

Patron: Favola

Bill Title: Health Care Decisions Act; patients incapable of making informed decisions, absence of next of kin.

Bill Summary: Authorizes, for purposes of the Health Care Decisions Act, a facility's patient care consulting committee to make health care decisions for a patient incapable of making informed decisions when no next of kin is reasonably available.

Budget Amendment Necessary: No

Items Impacted: n/a

Fiscal Summary: No fiscal impact.

Fiscal Analysis: This bill authorizes a patient care consulting committee, as such term is defined in § 54.1-2982, Code of Virginia, to make health care decisions on behalf of a patient who is incapable of making informed decisions if no next of kin or qualifying adult is reasonably available. Among other requirements, patient care consulting committees are required to be comprised of at least one physician, at least one licensed nurse, and at least one person responsible for the provision of social services at the facility where the impacted individual is receiving care. The bill provides that no individual serving on a facility's patient care consulting committee shall be subject to criminal prosecution or civil liability for any act or omission done or made in good faith in the performance of such functions.

The Department of Health Professions regulates multiple professions included on the patient care consulting committee. It is not expected that the expansion of practitioner responsibilities to include serving on a patient care consulting committee for the purpose of making health care decisions in limited situations will result in a fiscal impact to the Department of Health Professions.

The Department of Behavioral Health and Developmental Services (DBHDS), as the operator of statewide mental health facilities, would be required to assemble a patient care consulting committee for the purposes outlined in this bill, if one has not already been established for other purposes. DBHDS does not report any fiscal impacts resulting from this requirement.

Other: n/a