

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
VDH (601)		\$895,740 - \$1,145,740	\$895,740 - \$1,145,740	\$895,740 - \$1,145,740	\$895,740 - \$1,145,740	\$895,740 - \$1,145,740
<b>TOTAL</b>		<b>\$895,740 - \$1,145,740</b>	<b>\$895,740 - \$1,145,740</b>	<b>\$895,740 - \$1,145,740</b>	<b>\$895,740 - \$1,145,740</b>	<b>\$895,740 - \$1,145,740</b>

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

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**Fiscal Analysis:** The Board will be comprised of five nonlegislative citizen members as follows: two members appointed by the Speaker of the House of Delegates, two members appointed by the Senate Committee on Rules, and one member representing a local government in the Commonwealth appointed by the Governor. Additionally, the Governor must appoint three alternate nonlegislative members. These members may receive compensation as a member of the Board in accordance with the state budget of the Commonwealth and are entitled to reimbursement for expenses authorized by travel regulations promulgated pursuant to § 2.2-2823. The Board is required to meet in open session at least four times annually to review prescription drug product information. Additionally, the Board may meet in closed session to discuss proprietary data and information. The cost of five Board members attending at least four meetings per year comes roughly to \$7,740. This is based on \$120 for mileage, \$157 for lodging, \$60 for incidentals, and \$50 for compensation per member per meeting (\$1,935 for five members x four meetings = \$7,740). Any additional meetings would increase costs by these same amounts per Board member.

The chair of the Board shall hire an executive director, general counsel, and staff to support the Board's activities and Board staff shall receive a salary as provided in the budget of the Board. It is unknown how many staff members will be needed to support the board's activities and the anticipated salaries. Using other boards and commissions to derive an estimate, the Behavioral Health Commission, which was established in FY 2022, was provided \$348,774 for staff and associated office-related costs which were phased-in over the year to reflect the timing necessary to start up the Commission. Support for that board has since increased to \$767,883 for FY 2026. The Behavioral Health Commission currently has five staff: an executive director, three associate policy analysts, and an office manager whereas this board shall have eight members.

Virginia Health Information (VHI) is currently under contract with VDH to administer the prescription drug pricing transparency data collection program referenced in this bill. If the amount of analytical support needed from VHI is expected to drastically increase as a result of the creation of this Board, additional costs may be incurred.

The bill also provides that the Office of the Attorney General may pursue any appropriate available remedy under state law in enforcing the provisions of this article. The cost for VDH to hire an assistant attorney general I to handle enforcement of the bill is expected to be \$138,000 annually including salary and fringe benefits. Hiring an assistant attorney general is consistent with Prescription Drug Affordability Boards (PDAB) established by Maryland and Colorado, which have allocated up to \$250,000 for legal support.

The National Academy for State Health Policy (NASHP), a nonpartisan organization that provides model legislation and technical assistance to legislators and executive agencies interested in prescription drug affordability boards (PDABs), reports that Washington State and Colorado have implemented PDABs with similar responsibilities and approaches to what is outlined in HB483 as it relates to the Board's authority to set upper pay limits, the types of prescription drugs that the Board is authorized to consider for an affordability review, and who will benefit from any upper pay limits set (i.e., all consumers in the state). A breakdown of comparable PDAB from other states is below:

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- Colorado
  - \$730,711 was appropriated for PDAB implementation in FY 2021 - FY 2022.
  - The Board is staffed by two full-time and two part-time assistant attorney general positions.
  - \$250,000 was allocated for additional contractors as needed.
- Washington
  - \$1,460,000 was appropriated for the PDAB from the general fund and \$31,000 from the insurance commissioner's regulatory account.
  - This amount includes staffing for four positions.
- Maryland
  - Operating with a \$1.0 million annual budget based on projected collected annual fees on manufacturers, pharmacy benefit managers, carriers, and wholesale distributors that sell prescription drugs in the state.
  - Estimated start-up costs of the PDAB were \$831,900 in FY 2020. PDAB activities are staffed by five full-time positions and one part-time assistant attorney general.
  - Like Colorado, the state allocated \$250,000 for additional contractors as needed.

The estimated cost for VDH to implement the provisions of this legislation is \$7,740 for lodging, \$138,000 for attorney services, and between \$750,000 and \$1,000,000 for PDAB implementation and administration. Total costs are estimated to be \$895,740 to \$1,145,740.

It is currently unclear as to how the upper payment limit amount established by the Board would impact medical assistance programs administered by the Department of Medical Assistance Services (DMAS). DMAS is currently determining the extent to which the provisions of this bill would apply to agency programs. Moreover, there is no way to know what drugs would be subject to an upper payment limit and how such limits would interplay with items such as managed care and pharmacy rebates. As such, the fiscal impact on medical assistance services is indeterminate at this time.

**Other:** This bill is similar to HB483.