

## Department of Planning and Budget

### 2022 Fiscal Impact Statement

**1. Bill Number:** SB448

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input checked="" type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Boysko

**3. Committee:** Education and Health

**4. Title:** Hospital regulations; policies and procedures related to victims of domestic violence.

**5. Summary:** That the Task Force on Services for Survivors of Sexual Assault (the Task Force) shall convene a workgroup to develop best practices for hospital policies and procedures related to victims of domestic violence and sexual assault. The workgroup shall include the Director of the Department of Criminal Justice Services or his designee; the Director of the Virginia Neonatal Perinatal Collaborative or his designee; two individuals who are licensed forensic nurse examiners or sexual assault nurse examiners; representatives of Virginia-based sexual and domestic violence advocacy organizations, to include representatives of the Virginia Sexual & Domestic Violence Action Alliance, the YWCA of Richmond, the Women's Resource Center of the New River Valley, the Hampton Roads Community Action Program, and the Fairfax County Office for Women & Domestic and Sexual Violence Services; four survivors of sexual assault and domestic violence; two members of the Virginia Hospital & Healthcare Association; two members of the Medical Society of Virginia; two members of the Virginia Nurses Association; one member of FMS Speaks; two members of the Virginia College of Emergency Physicians; two members of the Virginia Chapter of the International Association of Forensic Nurses; and any other relevant stakeholders. The workgroup shall provide recommendations on (i) effective methods of screening to determine if a patient is a victim of domestic violence or sexual assault; (ii) best practices for, with the consent of the patient, documenting injuries related to domestic violence and sexual assault in a patient's medical record, preserving evidence of domestic violence and sexual assault, and establishing a chain of custody for evidence collected with law enforcement; (iii) procedures to refer victims of domestic violence and sexual assault to available crisis intervention services; (iv) the feasibility and training of designated hospital staff to ensure implementation of all policies and procedures related to domestic violence and sexual assault; and (v) training for health care providers and hospital staff who engage in patient contact related to identifying and caring for victims of domestic violence and sexual assault. The Task Force shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2022.

**6. Budget Amendment Necessary:** Yes, item 293.

**7. Fiscal Impact Estimates:** See item 8.

**8. Fiscal Implications:** As introduced, SB448 amends and reenacts Code of Virginia § 32.1-127(B) to direct the State Board of Health to promulgate regulations that require hospitals to develop and implement written policies and procedures. These costs to amend regulations could have been absorbed within existing resources.

As amended, SB448 expands the role of the Task Force on Services for Survivors of Sexual Assault (the Taskforce) to convene a workgroup to develop best practices for hospital policies and procedures related to victims of domestic violence and sexual assault. The workgroup shall provide recommendations on (i) effective methods of screening to determine if a patient is a victim of domestic violence or sexual assault; (ii) best practices for, with the consent of the patient, documenting injuries related to domestic violence and sexual assault in a patient's medical record, preserving evidence of domestic violence and sexual assault, and establishing a chain of custody for evidence collected with law enforcement; (iii) procedures to refer victims of domestic violence and sexual assault to available crisis intervention services; (iv) the feasibility and training of designated hospital staff to ensure implementation of all policies and procedures related to domestic violence and sexual assault; and (v) training for health care providers and hospital staff who engage in patient contact related to identifying and caring for victims of domestic violence and sexual assault. The Task Force shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2022.

The Taskforce on Services for Survivors of Sexual assault was established by HB808 during the 2020 General Assembly Regular Session and provides that VDH shall provide staff support.

The Office of Family Health Services (OFHS) does not have the capacity to meet the original staff support requirements of the Task Force (HB808) or the additional staff support requirements resulting from SB448, which created the Task Force and tasked VDH with staff support. The Governor's introduced budget includes funding for three positions for the Office and Licensure and Certification to account for an increase in inspection and plan review workload related to the requirements of the Task Force. However, one FTE is still needed in OFHS to support the Task Force's current requirements, including the requirements of this legislation. It is estimated that one position at \$82,551 (general fund) would be required to meet the additional workload from this legislation. This position will also assist with the emerging needs for staff support for the Task Force. While the provisions of the legislation require the report to be done by November 1, 2022, VDH has stated it would still need resources to support the Task Force's ongoing responsibilities.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Health.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.