

Department of Planning and Budget

2022 Fiscal Impact Statement

1. Bill Number: HB392

House of Origin ☒ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Murphy

3. Committee: Health, Welfare and Institutions

4. Title: Sudden Unexpected Death in Epilepsy.

5. Summary: Requires the Office of the Chief Medical to take certain actions upon the finding that an individual died from Sudden Unexpected Death in Epilepsy (SUDEP). 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 provided by The Epilepsy Foundation of Virginia. The bill has a delayed effective date of January 1, 2023.

6. Budget Amendment Necessary: Yes, item 289, program 40302.

7. Fiscal Impact Estimates: Preliminary, see item 8.

7a. Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2023	\$53,451	1	General
2024	\$106,903	1	General
2025	\$106,903	1	General
2026	\$106,903	1	General
2027	\$106,903	1	General
2028	\$106,903	1	General
2029	\$106,903	1	General

8. Fiscal Implications: The provisions of this legislation would have a fiscal impact on the Virginia Department of Health. This legislation requires the Office of the Chief Medical Examiner (OCME) to contact the decedent's next-of-kin and provide information regarding the benefits of submitting the deceased's information to the North American Sudden Unexpected Death in Epilepsy (SUDEP) Registry. According to VDH, many organizations, primarily organ procurement organizations, have dedicated specialized staff members who contact families to obtain their consent and to explain the benefits of their organizations, especially for research purposes. In order for the OCME to fulfill the requirements of this legislation, the OCME will need to hire a classified medicolegal death investigator (MDI). This position will have to become familiar with techniques for speaking with decedent's families about participating in research studies, as this is not a skill that OCME staff

members currently perform on their day-to-day duties. Also, this position will need to be knowledgeable about the North American SUDEP Registry to be able to explain the benefits of the program. They will also have to engage in conversations with North American SUDEP Registry staff members to obtain needed information to ensure that information being shared with families reflects the work that the Registry is currently performing, and the employee is aware of any changes to the Registry's process for submitting information.

The legislation also requires the OCME to publish information on SUDEP and a SUDEP death investigation form on its website. The legislation is unclear as to what types of information about SUDEP will need to be published. Therefore, this position will research SUDEP and develop information to publish on the website as well as develop a SUDEP death investigation form. OCME does not currently have a SUDEP death investigation as these deaths are typically considered natural deaths. The salary for a medicolegal death investigator is \$65,000 annually. The total compensation (including benefits) for a MDI is \$106,903.

The legislation requires for the Chief Medical Examiner and local medical examiners to participate in training in the investigation of SUDEP for one hour per triennium. It is unclear if the training will be in person or virtual. If this training is conducted in person, then there will be an additional travel costs for one Chief Medical Examiner and 16 Assistant Chief Medical Examiners to participate. In the event that the trainings are in person, OCME will use standard travel guidelines and practices to determine travel costs.

Only \$53,451 is needed in FY23 because the legislation takes effect on January 1, 2023.

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

10. Technical Amendment Necessary: No.

11. Other Comments: None.