



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	H. 4867	Amended by the House of Representatives on March 28, 2024
Author:	Lawson	
Subject:	Telecommunicator CPR Training Law	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Bryant, Miller, and Wren	
Impact Date:	April 19, 2024	

Fiscal Impact Summary

This bill requires all 911 telecommunicators providing dispatch for emergency medical conditions to be trained in high-quality telecommunicator cardiopulmonary resuscitation (T-CPR) annually beginning January 1, 2025. All agencies employing 911 telecommunicators will be responsible for providing this training. The bill further requires the South Carolina Criminal Justice Academy (SCCJA) to establish a procedure for monitoring adherence by telecommunicators and their employing agencies and penalizing agencies for noncompliance. The bill specifies that neither the 911 telecommunicators who have completed the training, nor the State, state agency, political subdivision, or governmental entity employing the telecommunicators will be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers unless the act or omission amounts to gross negligence or willful or wanton misconduct. Any civil cause of action for damages arising from the provision of T-CPR instructions and brought against the State, an agency, a political subdivision, or a governmental entity and its employee acting within the scope of his official duty must be brought pursuant to the South Carolina Tort Claims Act.

This bill may increase General Fund expenses of SCCJA by approximately \$57,700 including salary and fringe for 1.0 FTE beginning in FY 2024-25. The agency indicates that it may need this additional FTE to monitor adherence of telecommunicators and their employing agencies for the training requirements imposed by the bill.

At this time, the State Fiscal Accountability Authority (SFAA) anticipates this bill may have an Other Funds expenditure impact for the Insurance Reserve Fund (IRF) due to the exception from the liability exemption for willful and wanton misconduct and the potential for a change in the number of actions brought against the State or one of its entities under the Tort Claims Act. If this bill results in an increase of expenses for the IRF, we anticipate the IRF will increase premiums to offset any potential increase in expenses due to this bill, resulting in an increase in General Fund or Other Funds expenses for state agencies to cover the potential increase in premiums. However, the impact will depend on the number of claims that arise but may be limited in frequency.

Section 23-23-100 allows SCCJA to impose a \$1,000 civil penalty per violation per day to agencies for noncompliance. While SCCJA indicates that it has never had to enforce this civil

penalty, any revenue derived from such civil penalties would be allocated to Other Funds of SCCJA. Any future violations for noncompliance of the provisions of this bill are unknown. Therefore, the impact on Other Funds revenue of SCCJA will depend upon the number of violations.

The overall expenditure impact of this bill on local governments may vary depending upon the training currently required for 911 telecommunicators in each locality. The seven responding counties indicate that this bill will have no expenditure impact since they already provide the required training. However, it is unclear if the training is completed annually. Further, of the remaining thirty-nine counties, there may be some that currently do not provide this training or that would need to increase to annual training. The Municipal Association of South Carolina (MASC) indicates that the expenditure impact of this bill will vary depending upon whether the training and certification methods currently required for 911 telecommunicators in the four municipalities whose Public Safety Answering Points (PSAPs) dispatch for emergency medical conditions are approved by SCCJA. Additionally, this bill may have an impact on the liability insurance premiums for local governing entities due to the exception of willful or wanton misconduct relative to the specified liability exemption. Based on initial conversations regarding recent experience, the number of instances of these occurrences has been limited or have not occurred. However, any increase is dependent upon the potential increase in actions brought under the Tort Claims Act.

Explanation of Fiscal Impact

Amended by the House of Representatives on March 28, 2024

State Expenditure

This bill requires all 911 telecommunicators providing dispatch for emergency medical conditions to be trained in high-quality T-CPR annually beginning January 1, 2025. The training must include recognition protocols for out-of-hospital cardiac arrest, compression-only CPR instruction for callers, and continuous education on an annual basis. All agencies employing 911 telecommunicators will be responsible for providing this training. The bill further requires the SCCJA to establish a procedure for monitoring adherence by telecommunicators and their employing agencies and penalizing agencies for noncompliance. The bill specifies that neither the 911 telecommunicators who have completed the training, nor the State, state agency, political subdivision, or governmental entity employing the telecommunicators will be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers unless the act or omission amounts to gross negligence or willful or wanton misconduct. Any civil action for damages brought relative the T-CPR instructions must be brought pursuant to the SC Tort Claims Act.

The SCCJA indicates that the agency may need to hire 1.0 FTE, an administrative position, to monitor adherence of telecommunicators and their employing agencies for the training requirements imposed by the bill. If needed, the FTE will increase General Fund expenses of the agency by approximately \$57,700 for salary and fringe beginning in FY 2024-25.

At this time, SFAA anticipates that this bill may have an Other Funds expenditure impact for the Insurance Reserve Fund (IRF) due to the exception from the liability exemption for willful and wanton misconduct and the potential for a change in the number of actions brought against the State or one of its entities under the Tort Claims Act. If this bill results in an increase of expenses for the IRF, we anticipate the IRF will increase premiums to offset any potential increase in expenses due to this bill, resulting in an increase in General Fund or Other Funds expenses for state agencies to cover the potential increase in premiums. However, the impact will depend on the number of claims that arise but may be limited in frequency.

State Revenue

The bill specifies that neither the 911 telecommunicators who have completed the training, nor the State, state agency, political subdivision, or governmental entity employing the telecommunicators will be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers unless the act or omission amounts to gross negligence or willful or wanton misconduct. Any civil action for damages brought relative the T-CPR instructions must be brought pursuant to the SC Tort Claims Act.

Based on the initial response from SFAA, this bill may result in an impact to the IRF. We anticipate the IRF will increase premiums to offset any potential increase in expenses due to this bill, resulting in an Other Funds revenue increase for the IRF that will depend upon the timing of any premium increase.

Additionally, Section 23-23-100 allows SCCJA to penalize agencies for noncompliance of the training requirements. The civil penalty may not exceed \$1,000 per violation per day that an agency is not in compliance. While SCCJA indicates that it has never had to enforce this civil penalty, any revenue derived from such civil penalties would be allocated to Other Funds of SCCJA. Any future violations for noncompliance of the provisions of this bill are unknown. Therefore, the impact on Other Funds revenue of SCCJA will depend upon the number of violations.

Local Expenditure

This bill requires all 911 telecommunicators providing dispatch for emergency medical conditions to be trained in high-quality T-CPR annually beginning January 1, 2025. All agencies employing 911 telecommunicators will be responsible for providing this training. The bill specifies that neither the 911 telecommunicators who have completed the training, nor the State, state agency, political subdivision, or governmental entity employing the telecommunicators will be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers unless the act or omission amounts to gross negligence or willful or wanton misconduct.

The overall expenditure impact of this bill on local governments may vary depending upon the training currently required for 911 telecommunicators in each locality. Seven responding counties all indicate that this bill will have no expenditure impact since they already provide the required training. However, it is unclear if the training is completed annually. Further, of the remaining thirty-nine counties, there may be some that currently do not provide this training or

that would need to increase to annual training. Additionally, the MASC indicates that this bill may have an impact on the cities of Goose Creek, Hanahan, Sumpter, and Hilton Head Island. These are the only four municipalities whose PSAPs dispatch for emergency medical conditions. The other seventeen municipalities with PSAPs transfer medical calls to the county PSAPs. Currently, all four municipalities listed above provide training and certification methods required for 911 telecommunicators; all but one provide training annually. The remaining municipality will need to increase the frequency of training from bi-annually to annually. Additionally, the impact will depend upon whether SCCJA approves the current training programs.

Further, this bill may have an impact on the liability insurance premiums for local governing entities due to the exception of willful or wanton misconduct relative to the specified liability exemption. However, any increase is dependent upon the potential increase in actions brought under the Tort Claims Act, and the MASC anticipates any increase in premiums will not occur immediately. Based on initial conversations regarding recent experience, the number of instances of these occurrences has been limited or have not occurred.

Local Revenue

N/A

Introduced on January 17, 2024

State Expenditure

This bill requires all 911 telecommunicators providing dispatch for emergency medical conditions to be trained in high-quality T-CPR beginning January 1, 2025. The training must include recognition protocols for out-of-hospital cardiac arrest, compression-only CPR instruction for callers, and continuous education. All agencies employing 911 telecommunicators will be responsible for providing this training. The bill further requires the SCCJA to establish a procedure for monitoring adherence by telecommunicators and their employing agencies and penalizing agencies for noncompliance. The bill specifies that 911 telecommunicators who have completed the training will not be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers.

The SCCJA indicates that this bill will have no expenditure impact since bill requires the department to perform activities that will be conducted in the normal course of business.

State Revenue

N/A

Local Expenditure

This bill requires all 911 telecommunicators providing dispatch for emergency medical conditions to be trained in high-quality T-CPR beginning January 1, 2025. All agencies employing 911 telecommunicators will be responsible for providing this training. The bill specifies that 911 telecommunicators who have completed the training will not be liable for any civil damages for any personal injury arising from the provision of CPR instructions to 911 callers.

The overall expenditure impact of this bill on local governments is undetermined due to the number of responses received and may vary depending upon the training currently required for 911 telecommunicators in each locality. A small number of responding counties indicate that this bill will have no expenditure impact since they already provide the required training. The MASC indicates that the expenditure impact of this bill will vary depending upon the current training and certification methods required for 911 telecommunicators in each locality and whether the bill is implemented in a manner that requires a one-time training in T-CPR or ongoing renewal of the T-CPR training certification with continuing education requirements.

Local Revenue

N/A



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