

Legislative Analysis



SEXUAL ASSAULT VICTIMS REIMBURSEMENT AND USE OF EXPENDITURES

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<http://www.house.mi.gov/hfa>

House Bill 4505 as enacted
Public Act 525 of 2018
Sponsor: Rep. Diana Farrington

Analysis available at
<http://www.legislature.mi.gov>

House Bill 4506 as enacted
Public Act 526 of 2018
Sponsor: Rep. Sue Allor

House Committee: Families, Children, and Seniors
Senate Committee: Families, Seniors and Human Services
Complete to 7-10-19

SUMMARY:

Under the Crime Victims Compensation Act, sexual assault victims can receive a sexual assault forensic examination at no cost, and health care providers are eligible to be paid for examinations if they meet requirements outlined in the act.

House Bill 4505 amends section 5a of the act to require the Crime Victim Services Commission to pay a health care provider up to \$1,200 (previously \$600) for the cost of performing a sexual assault medical forensic examination, including at least the cost of one or more of the following:

- Up to \$700 (previously \$400) for the use of an emergency room, clinic, or examination room, the sexual assault medical forensic examination, and related procedures other than laboratory and pharmaceutical dispensing services.
- Laboratory services or dispensing pharmaceutical items related to the sexual assault. (Previously, the act capped mandated reimbursement at \$125 for lab services and \$75 for dispensing pharmaceutical items.)

The bill also rewrites a provision to specify that, for payments authorized under section 5a or for payments made to victims under section 6, administration to the victim of a sexual assault medical forensic examination satisfies the requirements for prompt law enforcement reporting and victim cooperation under the act. (Previously, the provision said that, for payments authorized under section 5a, a victim's request for an examination satisfied those requirements.)

The bill retains unchanged the provision that specifies that a victim of sexual assault shall not be required to participate in the criminal justice system or cooperate with law enforcement as a condition of being administered a sexual assault medical forensic examination.

MCL 18.355a

House Bill 4506 amends the Sexual Assault Victim's Medical Forensic Intervention and Treatment Act to rewrite provisions describing how money is expended from the Sexual Assault Victims Medical Forensic Intervention and Treatment Fund. Under the act, at least

80% must be distributed to entities performing procedures required by sexual assault evidence kits and providing specialized assistance to victims; up to 15% can be spent on training and technical assistance; and up to 10% can be spent on administrative costs. The bill does not change this distribution, but adds language to specifically allow for the subcontracting of services through agreements approved by the Domestic Violence Prevention and Treatment Board.

The bill addresses, with changes in **bolded language**, the 80% that must be distributed to entities that do, or **demonstrate immediate capacity to do**, all of the following:

- Operate under the auspices of or in **documented** partnership with a local sexual assault crisis center.
- Perform, **or subcontract with another entity through an agreement approved by the board to perform**, the procedures required by sexual assault evidence kits in a manner that complies with the standard of training and practices of the International Association of Forensic Nurse Examiners;
- Provide, **or subcontract with another entity through an agreement approved by the board to provide**, access to medical forensic examination and treatment services 24 hours a day.

MCL 400.1535

FISCAL IMPACT:

House Bill 4505 could increase state expenditures by up to \$1.3 million and would have no fiscal impact on local units of government. The bill would increase the amounts paid by the state to health care providers for services related to sexual assault forensic examinations. Under PA 391 of 2008, sexual assault victims can receive a sexual assault forensic examination (S.A.F.E.) at no cost. In 2015, the state awarded \$726,207 for 1,661 eligible S.A.F.E. claims, an average of \$437 cost per claim. The bill would increase the award from a limit of \$600 per claim to up to \$1,200. Assuming no increase from the number of eligible claims in 2015, at \$1,200 per exam for 1,661 claims, the cost could be up to \$2.0 million under the provisions of the bill.

The state pays for sexual assault medical forensic exams from the Crime Victim's Rights Fund which currently receives approximately \$20.0 million in revenue each year. The anticipated fund balance at the end of FY 2017 is \$28.4 million and there is an anticipated increased fund balance at the end of FY 2018 of approximately \$31.0 million.

House Bill 4506 would have an indeterminate fiscal impact on the state and no fiscal impact on local units of government. By allowing the subcontracting of services through approved agreements, the bill's provisions might lead to additional services being offered and thus funded by the Sexual Assault Victims Medical Forensic Intervention and Treatment Fund.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.