

Legislative Analysis



SEXUAL ASSAULT VICTIMS REIMBURSEMENT AND USE OF EXPENDITURES

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4505 as introduced
Sponsor: Rep. Diana Farrington

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

House Bill 4506 as introduced
Sponsor: Rep. Sue Allor

Committee: Families, Children, and Seniors
Complete to 5-17-17

SUMMARY:

Under the Crime Victims Compensation Act, sexual assault victims can receive sexual assault forensic examinations 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** would amend Section 5a of the Act (MCL 18.355a) to require that the Crime Victim Services Commission pay a health care provider the following:

- Up to \$1,200 (rather than \$600) for the cost of performing a sexual assault medical forensic examination that would include (although not limited to) the cost of one or more of the following:
 - \$600 (rather than up \$400) for the use of an emergency room, clinic or examination room, the sexual assault medical forensic examination and related procedures other than colposcopy, laboratory, and pharmaceutical dispensing services.
 - \$150 for colposcopy or high-resolution digital photography to document injury or other evidence, laboratory services, or dispensing pharmaceutical items related to the sexual assault.
 - The commission would be required to pay a health care provider for laboratory and pharmaceutical services in the amount allowed by Medicare for those services. Currently the act provides not more than \$125 for lab services and not more than \$75 for dispensing pharmaceutical items.

The bill would rewrite a current provision in the section to specify that for payments authorized under Section 5a, or for *payments made to the victim under Section 6*, the **administration to the victim of** a sexual assault medical forensic examination satisfies the requirement for prompt law enforcement reporting and victim cooperation elsewhere in the act. The **bolded** language is new. Currently, the provision says a victim's request for an examination satisfies reporting and cooperation requirements. The bill changes that, as noted, to the administration of the examination.

The bill would retain 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.

The bill would define "administration of a sexual assault evidence kit" to mean full or partial completion of the documentation or electronic equivalent of the document, and procedures contained in the kit as provided by the State Police under Section 21527 of the Public Health Code (MCL 333.21527).

House Bill 4506 would amend the Sexual Assault Victim's Medical Forensic Intervention and Treatment Act (MCL 400.1535) to rewrite provisions describing how money is expended from the Sexual Assault Victims Medical Forensic Intervention and Treatment Fund. Currently, 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. This distribution would not change but language would be inserted 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 compiles 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.

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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