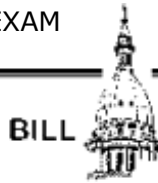




Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 1629 (Substitute S-2 as reported) *(as enrolled)*
House Bill 6602 (Substitute S-1 as reported) *(as enrolled)*
Sponsor: Senator Bill Hardiman (S.B. 1629)
Representative Paul Condino (H.B. 6602)
Senate Committee: Judiciary
House Committee: Judiciary (H.B. 6602)

CONTENT

Senate Bill 1629 (S-2) would amend the crime victim's compensation Act to provide that a health care provider could not submit a bill for any portion of a sexual assault medical forensic exam to the sexual assault victim, and would have to advise the victim that a claim could not be submitted to his or her insurance carrier without the victim's consent. The provider could seek payment for the exam from the Crime Victim Services Commission and/or another entity if reimbursement could not be obtained from the victim's insurance or if insurance were unavailable. A provider that was reimbursed by a victim's insurance carrier or another entity could not submit to the Commission any portion of the claim reimbursable by the carrier or other entity.

A health care provider would be eligible to be paid for a sexual assault medical forensic exam only if it included the collection of a medical history; a general medical exam; a detailed oral, anal, or genital exam; and the administration of a sexual assault evidence kit and related medical procedures and laboratory and pharmacological services.

The Commission could pay a provider up to \$600 for the cost of performing a sexual assault medical forensic examination, including up to \$400 for the use of an emergency room, clinic, or examination room, and the sexual assault medical forensic examination and related procedures; up to \$125 for laboratory services; and up to \$75 for dispensing pharmaceutical items related to the sexual assault.

Except with the victim's consent, information collected by the commission that identified a victim of sexual assault would be exempt from disclosure under the Freedom of Information Act, could not be obtained by subpoena or in discovery, and would be inadmissible as evidence in any civil, criminal, or administrative proceeding. The information could only be used for the purposes expressly provided in the Act, including investigating and prosecuting a civil or criminal action for fraud related to reimbursement provided by the Commission.

A sexual assault victim could 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. For payments authorized under the bill, a victim's request for an exam would satisfy the Act's requirements for prompt law enforcement reporting and victim cooperation.

House Bill 6602 (S-1) would amend the crime victim's compensation Act to include a health care provider seeking payment for a sexual assault medical forensic examination in the Act's

list of people eligible for awards. The bill also would delete from that list a person dependent for his or her principal support upon a crime victim who died as a direct result of the crime, and would include instead a surviving person related to the victim by blood or affinity, a guardian, personal representative, or member of the same household as the victim.

Under the Act, an award may not be made on a claim unless the claimant has incurred a minimum out-of-pocket loss of \$200 or has lost at least two continuous weeks' earnings or support, but the Commission may waive the limitations in the case of a claimant retired by reason of age or disability, or if the claimant is a victim of first-, second-, or third-degree criminal sexual conduct. The bill also would allow the Commission to waive the limitation for health care providers seeking payment for a sexual assault medical forensic examination.

The bills are tie-barred.

Proposed MCL 18.355a (S.B. 1629)
MCL 18.352 et al. (H.B. 6602)

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

Senate Bill 1629 (S-2) would increase expenditures by the State Crime Victims Services Fund by an indeterminate amount. Under this bill, the Fund would become the payer-of-last-resort for costs associated with sexual assault medical examinations. In other words, the bill would require the State to reimburse health care providers for these costs in cases in which reimbursement could not be obtained from a victim's insurance carrier or another source. The extent of the fiscal impact on the State would be determined by the number of claims submitted by health care providers.

House Bill 6602 (S-1) would have no fiscal impact on State or local government.

Date Completed: 12-4-08

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.