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Senate Bill 1021 (as introduced 8-13-14)  
Sponsor: Senator Bert Johnson  
Committee: Judiciary

Date Completed: 9-9-14

### **CONTENT**

**The bill would amend the Public Health Code to do the following:**

- Extend the period during which health care personnel must inform a person alleging to have been the victim of criminal sexual conduct of the availability of a sexual assault evidence kit; and refer to a "medical forensic examination, including the administration of sexual assault evidence kit".**
- Require attending medical personnel to inform the individual of statutory provisions for payment for a sexual assault medical forensic exam, which include that the health care provider may not submit a bill to the victim.**
- Delete a statement that the administration of a sexual assault evidence kit is not a medical procedure.**

Currently, if a person alleges to a physician or other member of a hospital's attending or admitting staff that he or she has been the victim of criminal sexual conduct (CSC) within the preceding 24 hours, the attending health care personnel responsible for examining or treating the person must immediately inform him or her of the availability of a sexual assault evidence kit. Under the bill, this requirement would apply if a person alleged that he or she had been the victim of CSC within the preceding 120 hours, and the attending health care personnel would have to inform the person of the availability of hours a sexual assault medical forensic examination, including the administration of a sexual assault evidence kit.

Currently, with the consent of the individual, the health care personnel responsible for examining or treating him or her must perform procedures required by the sexual assault evidence kit, or have those procedures performed on the individual. The bill would require the personnel to perform, or have performed, a sexual assault medical forensic examination, including the procedures required by the sexual assault evidence kit.

In addition, the bill would require the attending health care personnel to inform the individual of the provisions for payment for the sexual assault medical forensic exam under Public Act 223 of 1976. (Section 5a of that Act provides that a health care provider is eligible to be paid for a sexual assault medical forensic exam only if it meets certain requirements, including the administration of a sexual assault evidence kit. A health care provider may not submit a bill for any portion of the costs of a sexual assault medical forensic exam to the victim, including any insurance deductible or co-pay, denial of claim by an insurer, or any other out-of-pocket expense.)

As used in the provisions described above, "sexual assault evidence kit" means a standardized set of equipment and written procedures approved by the Department of State Police that have been designed to be administered to an individual principally for the

purpose of gathering evidence of sexual conduct, which evidence is of the type offered in court by the Department's forensic science division for prosecuting CSC cases.

MCL 333.21527

Legislative Analyst: Patrick Affholter

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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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.