



**Senate Fiscal Agency**  
P. O. Box 30036  
Lansing, Michigan 48909-7536

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 4505 (Substitute H-1 as passed by the House)  
Sponsor: Representative Diana Farrington  
House Committee: Families, Children, and Seniors  
Senate Committee: Families, Seniors and Human Services

Date Completed: 4-17-18

### **CONTENT**

**The bill would amend Section 5a of the crime victim's compensation Act to do the following:**

- **Require the Crime Victim Services Commission to pay a maximum of \$1,200, rather than \$600, to a health care provider for the cost of performing a sexual assault medical forensic examination and related services.**
- **Revise the specific services for which that payment may be made.**
- **Require the Commission to pay a provider for laboratory services and the cost of dispensing pharmaceuticals in the amount allowed by Medicare.**
- **Specify that the administration of a sexual assault evidence kit would satisfy the requirements for a victim's prompt law enforcement reporting and cooperation, to qualify for payments authorized under Section 5a and for payments made to claimants under the Act.**

The bill would take effect 90 days after its enactment.

#### **Payments to Health Care Providers**

The Act provides that a health care provider is eligible to be paid for a sexual assault medical forensic examination that includes certain exam criteria, including the administration of a sexual assault evidence kit and related medical procedures and laboratory and pharmacological services. A health care provider may not submit a bill to the victim of the sexual assault for any of the costs of a sexual assault medical forensic examination. A health care provider may seek payment from the Crime Victim Services Commission or another entity if reimbursement cannot be obtained from the victim's insurance or insurance is unavailable.

The Act requires the Commission to pay a health care provider not more than \$600 for the cost of performing a sexual assault medical forensic exam. The bill would increase the maximum payment to \$1,200.

Currently, the Commission's payment to a health care provider may include, but is not limited to, the cost of one or more of the following:

- Not more than \$400 for the use of an emergency room, clinic, or examination room, and the sexual assault medical forensic exam and related procedures, other than services and items described below.
- Not more than \$125 for laboratory services.



- Not more than \$75 for dispensing pharmaceutical items related to the sexual assault.

The bill would revise those limits as follows:

- Increase to \$600 the maximum payment for use of an emergency room, clinic, or examination room, and the sexual assault medical forensic exam and related procedures.
- Allow a payment of up to \$150 for colposcopy or high-resolution digital photography, or both, to document injury or other evidence related to the sexual assault.
- Delete the \$125 limit on the payment for laboratory services, and refer to laboratory services related to the sexual assault.
- Delete the \$75 limit on the payment for dispensing pharmaceutical items related to the sexual assault.

The bill would require the Commission to pay a health care provider for laboratory and pharmaceutical services in the amount allowed by Medicare for those services.

#### Prompt Reporting

Under the Act, a victim of sexual assault is not 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 to be made to a health care provider, as described above, the victim's request for a sexual assault medical forensic exam satisfies the requirements for prompt law enforcement reporting and victim cooperation under Sections 6 and 10 of the Act. Under the bill, the administration of a sexual assault evidence kit, rather the victim's request for a sexual assault medical forensic exam, would satisfy these requirements.

In addition, the bill specifies that administration to the victim of a sexual assault evidence kit would satisfy the requirement for prompt law enforcement reporting and cooperation for payments made to victims authorized under Section 6.

(Section 6 provides for the investigation and examination of a claim accepted for filing under the Act, and requires a decision granting or denying an award to be made.

Under Section 10, an award may not be made unless the investigation of the claim verifies certain facts, including police records show that the crime was reported promptly to the proper authorities. An award may not be made if the police records show that the report was made more than 48 hours after the crime occurred, except under specific circumstances, including payment under Section 5a.)

MCL 18.355a

Legislative Analyst: Nathan Leaman

#### **FISCAL IMPACT**

The bill would increase State expenditures by possibly \$1.4 million to \$1.6 million or more, and would have no impact on local units of government. Compensation to health care providers for sexual assault forensic examinations totaled \$726,207 for 1,661 exams in FY 2014-15, and \$842,522 for 1,855 examinations in fiscal year 2015-16. This resulted in an average cost per case of \$437.21 in FY 2014-15 and \$454.19 in FY 2015-16. Assuming no growth in the number of sexual assault forensic examinations, at \$1,200 per exam, the total cost in FY 2016-17 for 1,855 exams would have been \$2.2 million, an increase of \$1.4 million. Assuming an equivalent 11.7% growth in the number of sexual assault forensic examinations as seen between FY 2014-15 and FY 2015-16, at \$1,200 per exam, the total cost in FY 2016-17 for 2,072 exams would have been \$2.5 million, an increase of \$1.6 million.



The cost of this bill could be greater than \$1.6 million. According to the Uniform Crime Report, more than 6,300 incidents of criminal sexual conduct were reported to Michigan police in 2015. This count does not include cases that were never reported, which are still eligible for sexual assault forensic exam reimbursement under Section 5a of the Act.

Currently, the SAFE Response program pays for all sexual assault medical forensic exams out of the Crime Victim's Rights Fund. Since FY 2011-12, the Fund has seen revenue exceed expenditures, with a surplus close to \$7.0 million each year since FY 2012-13. An increase in expenditures related to the bill would not strain the Fund unless it exceeded \$7.0 million.

Fiscal Analyst: Ellyn Ackerman

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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.