

# HOUSE BILL NO. 6246

June 16, 2022, Introduced by Reps. Rabhi, Kuppa, Hope, Brabec, Aiyash, Stone, Brixie and Scott and referred to the Committee on Health Policy.

A bill to amend 1976 PA 223, entitled

"An act to create an agency concerned with crime victim services; to prescribe its powers and duties; to provide compensation to certain victims of crimes; to provide for the promulgation of rules; and to provide for penalties,"

by amending sections 1 and 5a (MCL 18.351 and 18.355a), section 1 as amended by 1996 PA 519 and section 5a as amended by 2018 PA 525.

## **THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1** Sec. 1. As used in this act:

**2** (a) "Claimant" means a victim or intervenor who is injured, or

1 any other person eligible for an award under section 4(1) or 5(1),  
2 who files a claim under this act.

3 (b) "Commission" means the crime victim services commission.

4 (c) "Crime" means an act that is 1 of the following:

5 (i) A crime under the laws of this state or the United States  
6 that causes an injury within this state.

7 (ii) An act committed in another state that if committed in  
8 this state would constitute a crime under the laws of this state or  
9 the United States, that causes an injury within this state or that  
10 causes an injury to a resident of this state within a state that  
11 does not have a victim compensation program eligible for funding  
12 from the victims of crime act of 1984, chapter XIV of title II of  
13 the comprehensive crime control act of 1984, Public Law 98-473. ~~7~~  
14 ~~98 Stat. 2170.~~

15 (iii) An act of international terrorism as defined in ~~section~~  
16 ~~2331 of title 18 of the United States code, 18 U.S.C. USC 2331,~~  
17 committed outside the territorial jurisdiction of the United States  
18 that causes an injury to a resident of this state.

19 (d) "Intervenor" means a person who goes to the aid of one who  
20 has become a victim of a crime and who suffers personal physical  
21 injury.

22 (e) "Out-of-pocket loss" means the unreimbursed and  
23 unreimbursable expenses or indebtedness reasonably incurred for  
24 medical care, psychological counseling, replacement services, any  
25 nonmedical remedial treatment rendered in accordance with a  
26 recognized religious method of healing, or other services necessary  
27 as a result of the injury upon which a claim is based.

28 (f) "Personal physical injury" means actual bodily harm and  
29 includes pregnancy.

1 (g) "Replacement services" means homemaking tasks, child care,  
2 transportation, and other services previously performed by the  
3 victim that, because of the victim's injury, must temporarily or  
4 permanently be performed by a person other than the victim.

5 (h) "Support" means actual monetary payments made by a victim  
6 or intervenor to or for a person principally dependent on the  
7 victim or intervenor.

8 (i) "Victim" means a person who suffers a personal physical  
9 injury as a direct result of a crime.

10 (j) **"Voucher" means a document generated by a health care**  
11 **provider to a victim who has undergone a sexual assault medical**  
12 **forensic examination as described in section 5a(1).**

13 Sec. 5a. (1) A health care provider is eligible to be paid for  
14 a sexual assault medical forensic examination under this section  
15 only if that examination includes all of the following:

16 (a) The collection of a medical history.

17 (b) A general medical examination, including, but not limited  
18 to, the use of laboratory services and the dispensing of prescribed  
19 pharmaceutical items.

20 (c) One or more of the following:

21 (i) A detailed oral examination.

22 (ii) A detailed anal examination.

23 (iii) A detailed genital examination.

24 (d) Administration of a sexual assault evidence kit under  
25 section 21527 of the public health code, 1978 PA 368, MCL  
26 333.21527, and related medical procedures and laboratory and  
27 pharmacological services.

28 (2) A health care provider shall not submit a bill for any  
29 portion of the costs of a sexual assault medical forensic

1 examination to the victim of the sexual assault, including any  
2 insurance deductible or co-pay, denial of claim by an insurer, or  
3 any other out-of-pocket expense.

4 (3) A health care provider seeking payment under this section  
5 for a sexual assault medical forensic examination shall do all of  
6 the following:

7 (a) Advise the victim, orally and in writing, that a claim  
8 shall not be submitted to his or her insurance carrier without his  
9 or her express written consent, and that he or she may decline to  
10 consent if he or she believes that submitting a claim to the  
11 insurance carrier would substantially interfere with his or her  
12 personal privacy or safety.

13 (b) If the victim gives his or her consent as provided under  
14 subdivision (a), submit a claim for the cost of a sexual assault  
15 medical forensic examination to the victim's insurance carrier,  
16 including, but not limited to, Medicaid and Medicare.

17 (4) A health care provider may seek payment from 1 or both of  
18 the following if reimbursement cannot be obtained from the victim's  
19 insurance or insurance is unavailable:

20 (a) The commission under this section.

21 (b) From another entity other than the victim.

22 (5) A health care provider that is reimbursed for a sexual  
23 assault medical forensic examination by a victim's insurance  
24 carrier shall not submit to the commission any portion of the claim  
25 reimbursable by the insurance carrier.

26 (6) A health care provider that is reimbursed for a sexual  
27 assault medical forensic examination by another entity shall not  
28 submit to the commission any portion of the claim reimbursable by  
29 the other entity.

1           (7) The commission shall pay a health care provider not more  
2 than \$1,200.00 for the cost of performing a sexual assault medical  
3 forensic examination, including, but not limited to, the cost of 1  
4 or more of the following:

5           (a) Not more than \$700.00 for the use of an emergency room,  
6 clinic, or examination room, and the sexual assault medical  
7 forensic examination and related procedures other than services and  
8 items described in subdivisions (b) and (c).

9           (b) Laboratory services related to the sexual assault.

10           (c) Dispensing pharmaceutical items related to the sexual  
11 assault.

12           (8) A claim for compensation under subsection (7) shall be  
13 submitted to the commission in a form and in the manner prescribed  
14 by the commission.

15           **(9) A health care provider who conducts a sexual assault**  
16 **medical forensic examination that is eligible for payment under**  
17 **this section shall provide a voucher for follow-up health care to**  
18 **the sexual assault victim after discharge upon request. The health**  
19 **care provider shall make a copy of the voucher and place it in the**  
20 **sexual assault victim's medical record.**

21           **(10) If a sexual assault victim presents a voucher for follow-**  
22 **up health care, the health care provider that provides the follow-**  
23 **up health care shall submit the request for payment under this**  
24 **subsection to the commission.**

25           **(11) ~~(9)~~ Except with the victim's consent or as otherwise**  
26 **provided in this subsection, information collected by the**  
27 **commission under this section that identifies a victim of sexual**  
28 **assault is exempt from disclosure under the freedom of information**  
29 **act, 1976 PA 442, MCL 15.231 to 15.246, shall not be obtained by**

1 subpoena or in discovery, and is inadmissible as evidence in any  
2 civil, criminal, or administrative proceeding. Information  
3 collected by the commission under this section that identifies a  
4 victim of sexual assault is confidential and shall only be used for  
5 the purposes expressly provided in this act, including, but not  
6 limited to, investigating and prosecuting a civil or criminal  
7 action for fraud related to reimbursement provided by the  
8 commission under this section.

9       **(12)** ~~(10)~~—A victim of sexual assault ~~shall~~**is** not ~~be~~ required  
10 to participate in the criminal justice system or cooperate with law  
11 enforcement as a condition of being administered a sexual assault  
12 medical forensic examination. For payments authorized under this  
13 section or for payments made to victims under section 6,  
14 administration to the victim of a sexual assault medical forensic  
15 examination satisfies the requirements for prompt law enforcement  
16 reporting and victim cooperation under sections 6 and 10.

17       **(13)** ~~(11)~~—As used in this section:

18       **(a) "Follow-up health care" means health care services related**  
19 **to a violation of sections 520a to 520o of the Michigan penal code,**  
20 **1931 PA 328, MCL 750.520a to 750.520o, including, but not limited**  
21 **to, laboratory and pharmacy services.**

22       **(b)** ~~(a)~~—"Health care provider" means any of the following:

23       *(i)* A health professional licensed or registered under article  
24 15 of the public health code, 1978 PA 368, MCL 333.16101 to  
25 333.18838.

26       *(ii)* A health facility or agency licensed under article 17 of  
27 the public health code, 1978 PA 368, MCL 333.20101 to 333.22260.

28       *(iii)* A local health department as that term is defined in  
29 section 1105 of the public health code, 1978 PA 368, MCL 333.1105.

1           **(c)** ~~(b)~~ "Sexual assault" means a criminal violation of  
2 sections 520a to ~~520n~~**520o** of the Michigan penal code, 1931 PA 328,  
3 MCL 750.520a to ~~750.520n~~**750.520o**.

4           **(d)** ~~(e)~~ "Sexual assault medical forensic examination" means  
5 that term as described in subsection (1) (a) to (d).

6           Enacting section 1. This amendatory act takes effect 90 days  
7 after the date it is enacted into law.

8           Enacting section 2. This amendatory act does not take effect  
9 unless Senate Bill No. \_\_\_\_ or House Bill No. 6245 (request no.  
10 05721'22) of the 101st Legislature is enacted into law.