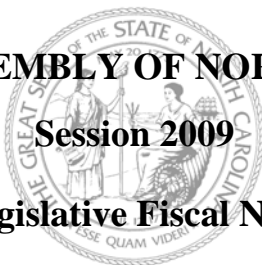


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

Legislative Fiscal Note

BILL NUMBER: House Bill 1342 (First Edition)

SHORT TITLE: RVAP/Ensure Grant Eligibility.

SPONSOR(S): Representatives Howard, Justus, McLawhorn, and Bordsen

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>	<u>FY 2013-14</u>
EXPENDITURES:					
General Fund:	Additional recurring costs to be covered with available program funds.				
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Department of Crime Control and Public Safety				
EFFECTIVE DATE:	Effective July 1, 2009				

BILL SUMMARY:

This bill repeals GS 143B-480.2 and amends GS 143B-480.1 as follows:

- Clarifies that the Assistance Program for Victims of Rape and Sex Offenses (Program) pays for the cost of a forensic medical examination for victims of a sexual assault or attempted sexual assault.
- Prohibits the medical facility or medical professional from (1) billing victims, their insurance, Medicaid, Medicare, or any other collateral source for the examination and (2) seeking reimbursement from the program after one year from the date of exam.
- Requires medical facilities and medical professionals who perform such examinations to do so using a Sexual Assault Evidence Collection Kit.
- Modifies the Program payment schedule (was in GS 143B-480.2(c)) to permit payment to a physician or SANE (Sexual Assault Nurse Examiner) nurse of \$350, payment of a hospital or facility fee of \$250, and payment of other expenses deemed eligible by the Program (was an ambulance fee) of \$200.
- Requires a medical facility or medical professional who performs the examination to encourage victims to submit an application for reimbursement of additional medical expenses to the Crime Victims Compensation Commission (Commission) for consideration

of those expenses. Moves the judicial review and rule-making provisions from GS 143B-480.2 into GS 143B-480.1.

- Amends GS 143B-480.3 to increase from \$7,500 to \$12,500 the amount of a claim that the Director of the Crime Victims Compensation Commission may decide without making a recommendation to the Commission.
- Amends GS 15B-11 to allow the Director or the Commission to deny claims from victims when it finds that there was contributory misconduct that was a proximate cause of becoming a victim.
- Makes technical and conforming changes.

ASSUMPTIONS AND METHODOLOGY:

Currently, the Rape Victims Assistance Program (RVAP) pays all forensic exam costs for rape victims that have no collateral source of payment and insurance co-pays for victims that have insurance. The administration of this program has been difficult because the program's authorizing language does not provide enough clarification about how the program is to be administered.

H 1342 makes several significant changes to the RVAP. First, it amends the language that governs the program to provide further clarification about how this program is to be administered. Second, the bill expands the assistance eligibility criteria for the RVAP to allow the program to pay for all forensic examination costs for all rape victims regardless of their ability to pay. Third, the bill requires medical facilities to encourage rape victims to apply for additional assistance from the Victims Compensation Program. Finally, the bill increases the maximum claim amount (from \$7,500 to \$12,500) that the program director can decide without a recommendation to the Victims Compensation Commission.

Annually, the program receives between 800-1,000 claims. About half of the claimants have health insurance or some other source of payment. As mentioned prior, the current program only covers co-pays for rape victims that have health insurance. If passed, H 1342 will create additional cost for the RVAP because the program will have to pay the total forensic exam cost (up to \$800) for each rape victim regardless of their ability to pay. However, the program will require no new budget appropriation to cover the additional recurring costs associated with this bill. The additional costs will be paid with available program funds.

SOURCES OF DATA: Department of Crime Control and Public Safety.

TECHNICAL CONSIDERATIONS: None

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