

# GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2009

## Legislative Fiscal Note

**BILL NUMBER:** House Bill 1342 (Third Edition)

**SHORT TITLE:** Free Med. Exam-Victims of Rape/Sex Offenses.

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

### FISCAL IMPACT

Yes (X)      No ( )      No Estimate Available ( )

FY 2009-10   FY 2010-11   FY 2011-12   FY 2012-13   FY 2013-14

**EXPENDITURES:**

**General Fund:** Additional recurring costs of approximately \$250,000 to be covered with available program funds. *(See the Assumptions and Methodology section for further details)*

**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.

*The third addition of the bill changes part f of section 1 by removing language related to victim notification requirements and eligibility criteria for the Victims Compensation Program. These changes will have no impact on the cost estimate for H 1342.*

#### **ASSUMPTIONS AND METHODOLOGY:**

In 2008, there were several published media articles that discussed how rape victims in North Carolina were required to pay for forensic exam costs. At that time, the State's Rape Victim Assistance Program (RVAP) was providing assistance only to rape victims that had no collateral source of payment. In response to these articles, several bills were introduced in the 2008 Session to address the issue. In the FY 2008-09 Enacted Budget, the RVAP budget was increased from \$258,422 to \$1.3 million and the program's assistance eligibility criteria was expanded to allow the program to pay all forensic exam costs for rape victims that have no collateral source of payment and insurance co-pays for victims that have insurance.

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 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 (*The Commission seldom challenges director award recommendations that are between \$7,500 and \$12,500*). Third, the bill requires medical facilities to encourage rape victims to apply for additional assistance from the Victims Compensation Program. Finally, the bill expands the assistance eligibility criteria for the RVAP to allow the program to pay for all forensic exam costs for all rape victims regardless of their ability to pay.

Annually, the program receives between 850-1,000 claims. (*Annually in NC, approximately 2,500 rape incidents are reported to law enforcement*) Currently, the RVAP pays up to \$800 for each forensic exam for rape victims that have no insurance and insurance co-pays (*averages about \$300*) for victims that have insurance (*About half of the victims have health insurance or some other source of payment*). Since the program already pays \$300 for each insured victim, the program will incur an additional \$500 in costs for each insured victim as a result of H 1324.

**Despite the increase in annual operating costs (about \$250,000 annually), the RVAP will be able to cover these costs with the recurring program funds appropriated the FY 2008-09 budget.**

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

**TECHNICAL CONSIDERATIONS:** None

**FISCAL RESEARCH DIVISION:** (919) 733-4910

**PREPARED BY:** Jean Sandaire

**APPROVED BY:** Marilyn Chism, Director  
Fiscal Research Division

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