

No. 34. An act relating to payment for medical examinations for victims of sexual assault.

(S.60)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 8 V.S.A. § 4089 is added to read:

§ 4089. SERVICES FOR VICTIMS OF SEXUAL ASSAULT

(a) A health insurer shall not impose any co-payment or coinsurance or, to the extent permitted under federal law, deductible or other cost-sharing requirement for the sexual assault examination of a victim of alleged sexual assault for health care services associated with specific procedure codes identified in a memorandum of understanding between the health insurer and the Vermont Center for Crime Victim Services.

(b) As used in this section:

(1) "Health insurer" shall have the same meaning as in 18 V.S.A. § 9402.

(2) "Sexual assault examination" means either or both of the following:

(A) a physical examination of the patient, documentation of biological and physical findings, and collection of evidence; and

(B) treatment of the patient's injuries; providing care for sexually transmitted infections; assessing pregnancy risk; discussing treatment options including reproductive health services, screening for the human immunodeficiency virus, and prophylactic treatment when appropriate; and providing instructions and referrals for follow-up care.

Sec. 2. 13 V.S.A. § 5356(c) is amended to read:

(c) The board may reimburse health care facilities and health care providers as defined in ~~section 18 V.S.A. § 9402 of Title 18~~ at ~~70~~ 60 percent of the billed charges for compensation claims for uninsured crime victims who do not qualify for the hospital's patient assistance program, Medicaid, or Medicare. The health care facility or health care provider shall not bill any balance to the uninsured crime victim.

Sec. 3. 32 V.S.A. § 1407 is amended to read:

§ 1407. COSTS TO BE BORNE BY THE STATE

(a) As described in this section, the State shall cover the costs of certain medical care for victims of crime committed in this State without health insurance or whose health insurance does not pay for all of the care provided.

(b) The State shall bear the costs of forensic medical and psychological examinations administered to victims of crime committed in this State, in instances where that examination is requested by a law enforcement officer or a prosecuting authority of the State or any of its subdivisions and the victim does not have health coverage or the victim's health coverage does not cover the entire cost of the examination. The State shall also bear the costs of ~~medical examinations~~ sexual assault examinations, as defined in 8 V.S.A. § 4089, administered to victims in cases of alleged sexual assault where the victim obtains such an examination prior to receiving such a request if the victim does not have health coverage or the victim's health coverage does not

cover the entire cost of the examination. If, as a result of a sexual assault examination, the alleged victim has been referred for mental health counseling, the State shall bear ~~the~~ any costs of such examination not covered by the victim's health coverage. These costs may be paid from the Victims' Compensation Fund from funds appropriated for that purpose.

(c)(1) The Health care facilities and health care providers shall bill the victim's health insurance plan, Medicaid, Medicare, or another health benefit plan, as applicable, for the services described in subsection (b) of this section. If the victim does not have health coverage or if the victim's health benefit plan denies the claim, the Fund shall reimburse health care facilities and health care providers located in Vermont as defined in 18 V.S.A. § 9402 at 70 60 percent of the billed charges for these claims, and the health care provider or facility shall not bill any balance to the crime victim.

(2) If the victim's health coverage does not cover all of the medical care provided pursuant to this section and the victim would otherwise be responsible for any co-payment, coinsurance, deductible, or other cost-sharing, the Fund shall pay the victim's share directly to the health care facility or provider.

(d) A victim, at his or her own expense, may obtain copies of the results of an examination under this section.

Sec. 4. CONFIDENTIALITY; MEMORANDUM OF UNDERSTANDING

On or before August 1, 2015, the Department of Vermont Health Access, the three private insurers with the greatest number of covered lives in this State, and the Vermont Center for Crime Victim Services shall enter into a memorandum of understanding to ensure that:

(1) A victim of sexual assault is provided with an opportunity to change the address at which the victim will receive an explanation of benefits or other documents describing the medical care and services provided to the victim following the sexual assault. The victim may provide an alternative address or elect to have the explanation of benefits or other documents sent to the victim care of the Vermont Center for Crime Victim Services.

(2) The provisions of Secs. 1 and 3 of this act are carried out, including ensuring that the Center is billed for any noncovered services and for any amount due from an insured with a high-deductible plan for which the deductible has not yet been met.

Sec. 5. EFFECTIVE DATES

(a) Secs. 1 (insurance coverage for victims of sexual assault) and 3 (costs borne by the State) shall take effect on October 1, 2015, except that the Victims' Compensation Fund shall reimburse health care facilities and health care providers at 60 percent of billed charges beginning on the date of passage of this act.

(b) Secs. 2 (health care services for uninsured crime victims) and
4 (confidentiality; memorandum of understanding) and this section shall take
effect on passage.

Date Governor signed bill: May 26, 2015