

Department of Planning and Budget 2020 Fiscal Impact Statement

1. Bill Number: SB949-S1

House of Origin ☐ Introduced ☒ Substitute ☐ Engrossed
 Second House ☐ In Committee ☐ Substitute ☐ Enrolled

2. Patron: Lucas

3. Committee: Finance and Appropriations

4. Title: Criminal Injuries Compensation Fund; uncompensated medical costs; victims of sexual assault.

5. Summary: Adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance. The bill also eliminates the requirement that a victim of sexual assault report the assault to law enforcement or undergo a physical evidence recovery kit examination to be eligible for compensation for uncompensated medical costs through the Criminal Injuries Compensation Fund, and directs the Secretary of Health and Human Resources to establish a work group to evaluate the feasibility of moving responsibility for the Sexual Assault Forensic Exam (SAFE) Payment program from the Virginia Workers' Compensation Commission to the Department of Medical Assistance Services and to provide recommendations related to increasing the reimbursement rates for sexual assault forensic examinations to cover the actual cost of such examinations and including reimbursement of costs associated with preparing for and participating in a criminal trial related to the sexual assault when a sexual assault forensic nurse is subpoenaed to participate in such trial as a cost that is reimbursable through the SAFE program. The work group shall report its findings and conclusions to the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance, and the Joint Commission on Health Care by September 1, 2020. This legislation is approved by the Joint Commission on Health Care. The substitute includes technical amendments.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Indeterminate – see Item 8.

8. Fiscal Implications: According to the Virginia Workers' Compensation Commission (VWC), the fiscal impact the proposed legislation may have to the Criminal Injuries Compensation Fund (CICF) cannot be determined at this time. Based on the 2019 CICF

Annual Report, the VWC's Sexual Assault Forensic Exam (SAFE) Payment program received 2,433 new claims in fiscal year 2019 compared to 1,960 new claims received in fiscal year 2018. The VWC's SAFE Payment program paid \$3.2 million in expenses in fiscal year 2019 compared to \$2.1 million in fiscal year 2018. The majority of the expenses paid in fiscal year 2019 were for hospital expenses (52 percent). The VWC's SAFE Payment program is funded with general fund support and fines levied against individuals convicted of felonies and misdemeanors.

In addition to the payment of physical evidence recovery kit examinations for victims of sexual assault through the CICF, the bill would require the CICF to make awards on claims or portions of claims based upon the claimant's actual expenses incurred, as determined by the VWC to be appropriate, for unreimbursed medical costs resulting from sexual abuse, including the cost of unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses, expenses attributable to pregnancy resulting from such sexual abuse, and any other reasonable and necessary expenses and indebtedness associated with or attributable to the sexual abuse upon which such claim is based. The bill authorizes health care providers that provide services to victims of sexual assault to directly bill the CICF. The proposed legislation also eliminates the requirement that a victim of sexual assault report the assault to law enforcement or undergo a physical evidence recovery kit examination to be eligible for compensation for uncompensated medical costs through the CICF.

- 9. Specific Agency or Political Subdivisions Affected:** Virginia Workers' Compensation Commission, Department of Medical Assistance Services, Secretary of Health and Human Resources, Secretary of Public Safety and Homeland Security, Attorney General and Department of Law, Department of Criminal Justice Services, Department of Planning and Budget, Supreme Court, and localities.

- 10. Technical Amendment Necessary:** No.

- 11. Other Comments:** This bill is similar to HB 806-H1 (Delaney). HB 806-H1 adds to those persons invited to participate in the annual meeting of the group led by the attorney for the Commonwealth to coordinate the multidisciplinary response to criminal sexual assault in each political subdivision (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction; and (iv) any other local health care providers, or their designees, and authorizes attorneys for the Commonwealth to conduct the sexual assault response team annual meetings using other methods, such as electronic communication means, to encourage attendance.