

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: S.60

Name of Bill: [An Act Relating to Payment for Medical Examinations for Victims of Sexual Assault](#)

Agency/ Dept: DVHA Author of Bill Review: Lindsay Parker, Ashley Berliner

Date of Bill Review: February 19, 2015 Related Bills and Key Players: Introduced by Senators Sears and Ashe

Status of Bill: (check one): ☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both

Recommended Position:

☒ Support ☐ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

Victims of sexual assault in Vermont can no longer opt out of billing their health insurance for a medical examination for privacy reasons. This bill ensures that victims of sexual assault who receive medical examinations and any related care, either at the request of law enforcement or prosecuting authority of the State or at the victim's own discretion, will not pay any portion of the services (including co-payment, coinsurance, deductible, or other cost-sharing). This safeguard applies to uninsured victims of crime committed in Vermont and insured victims whose health insurance does not pay for all of the care provided. This act would take effect upon passage.

In this bill (under the proposed amendments to 8 VSA 4089 and 13 VSA 5356(c)), health insurer does not include Medicaid.

Impact on Medicaid:

- Medicaid will be billed by health care facilities and providers for sexual assault examinations provided to Medicaid-enrolled individuals.
- On or before July 1, 2015, the Department of Vermont Health Access (DVHA) must enter into a Memorandum of Understanding (MOU) with private insurers, licensed hospitals, and the Vermont Center for Crime Victim Services to ensure protection of victim confidentiality (explanation of benefits may be sent to address other than residence).

Impact on other health insurers (non-Medicaid):

- Restricts health insurers from imposing any costs for sexual assault examinations or related care on victims, regardless of health insurance status.

- Health insurers cannot impose any co-payment or coinsurance, deductible or other cost-sharing requirement for examinations (includes physical examination and some defined treatment options).
- Any bill for a deductible from a high-deductible health plan should be directed to the Vermont Center for Crime Victim Services.
- Private health insurers will be billed by health care facilities and providers for sexual assault examinations provided to insured individuals.
- On or before July 1, 2015, private payers must enter into a MOU with Medicaid, licensed hospitals, and the Vermont Center for Crime Victim Services.

Impact on health care facilities and providers:

- Reduces the amount that health care facilities and providers will be reimbursed for services provided to sexual assault victims with and without health insurance (from 70% to 60% of the billed charges for claims). Health care facilities and providers may not seek any payment from the victim.
- Requires that health care facilities and providers bill the victim's insurance plan (i.e., private, Medicaid, Medicare) for services provided before seeking reimbursement from the Victims' Compensation Fund; 32 VSA 1407.
- On or before July 1, 2015, each hospital licensed in Vermont must enter into a MOU with Medicaid, private payers, and the Vermont Center for Crime Victim Services.

Impact on Vermont Center for Crime Victim Services:

- Amends statute to require the Vermont Center for Crime Victim Services to cover cost of medical examinations for insured and uninsured victims of sexual assault. For insured individuals, the Vermont Center for Crime Victim Services will pay for any costs (co-payment, coinsurance, deductible or other cost-sharing) not covered by the victim's health insurance coverage.
- On or before July 1, 2015, Vermont Center for Crime Victim Services must enter into a MOU with Medicaid, private payers, and licensed hospitals.

2. Is there a need for this bill? *Please explain why or why not.*

Medicaid: No. The DVHA reimburses for services related to a diagnosis of alleged adult sexual abuse, observation and evaluation. Additionally, the DVHA does not send explanation of benefits or otherwise report to beneficiaries or relatives on services received, therefore the victim's confidentiality is not at issue.

Non-Medicaid: Outside of DVHA, there may be a need for this bill. This bill would ensure parity in coverage policies related to sexual assault examinations among public and private payers in Vermont. Additionally, it would require health care facilities and providers to bill the victim's insurance plan before seeking reimbursement from Vermont Center for Crime Victim Services, which would free up Vermont Center for Crime Victim Services dollars to pay for uninsured individuals.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

There are no anticipated fiscal or programmatic implications of this bill for the DVHA. Since 2013 the DVHA has not sent explanation of benefits to Medicaid beneficiaries. As such no changes to the DVHA's systems, including the Medicaid Management Information System (MMIS), would be required in order to comply

with a MOU that protects victims' confidentially. DVHA does not charge copayments for services provided in the emergency department.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

No impact expected.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

Concept is overall favorable.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

Victims of sexual assault and advocates, including Vermont Legal Aid, protecting the rights and confidentiality of these victims.

Vermont Center for Crime Victim Services, who provide critical services to victims of sexual assault.

6.2 Who else is likely to oppose the proposal and why?

Health care facilities and providers may oppose the bill, as it reduces (by 10%) reimbursement for medical examinations for victims of sexual assault, when paid for by the Vermont Center for Crime Victim Services.

7. Rationale for recommendation: *Justify recommendation stated above.*

DVHA supports this bill as it enhances protections for victims of sexual assault in Vermont by ensuring care at no-cost for those who are insured and uninsured and safeguarding victim's confidentiality. Additionally, this bill creates parity in coverage and policies for sexual assault examinations among public and private payers in Vermont.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

None at this time.

9. Gubernatorial appointments to board or commission?

None.

Secretary/Commissioner has reviewed this document: Steven M. Constantino **Date:** 2/24/15

Please return this bill review as a Microsoft Word document to laura.gray@state.vt.us and jessica.mishaan@state.vt.us