

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H

2

HOUSE BILL 626  
Committee Substitute Favorable 5/11/21

Short Title: Forensic Medical Examination Costs/Revisions.

(Public)

Sponsors:

Referred to:

April 22, 2021

A BILL TO BE ENTITLED

AN ACT TO REVISE THE LAW GOVERNING THE ASSISTANCE PROGRAM FOR VICTIMS OF RAPE AND SEX OFFENSES TO CLARIFY THE DEFINITION OF THE TERM "FORENSIC MEDICAL EXAMINATION" AND REQUIRE THE SECRETARY OF PUBLIC SAFETY TO ASSESS A CIVIL PENALTY ON A MEDICAL FACILITY OR MEDICAL PROFESSIONAL WHO BILLS A VICTIM, THE VICTIM'S PERSONAL INSURANCE, MEDICAID, MEDICARE, OR ANY OTHER COLLATERAL SOURCE FOR THE COST OF A FORENSIC MEDICAL EXAMINATION AND TO AUTHORIZE THE NORTH CAROLINA INNOCENCE INQUIRY COMMISSION TO PAY OUTSIDE COUNSEL WITH EXISTING FUNDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-1200 reads as rewritten:

**"§ 143B-1200. Assistance Program for Victims of Rape and Sex Offenses.**

...

(c) No Billing of Victim. – A medical facility or medical professional that performs a forensic medical examination shall not bill the victim, the victim's personal insurance, Medicaid, Medicare, or any other collateral source for the examination and other eligible expenses. A medical facility or medical professional that performs a forensic medical examination shall accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill victims, their personal insurance, Medicaid, Medicare, or any other collateral source for the examination expenses. Furthermore, a medical facility or medical professional shall not seek reimbursement from the Program after one year from the date of the examination. A medical facility or medical professional that bills a victim, the victim's personal insurance, Medicaid, Medicare, or any other collateral source for the examination and other eligible expenses, in violation of this subsection, shall be assessed by the Secretary a civil penalty in the amount of twenty-five thousand dollars (\$25,000) for each violation. The clear proceeds of civil penalties assessed pursuant to this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

...

(i) Definitions. – The following definitions apply in this section:

(1) Forensic medical examination. – An examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law. The examination ~~should~~ shall include at a minimum an examination of physical trauma, a patient interview, a determination of penetration or force, ~~and~~ a collection and evaluation of evidence. ~~evidence, and any other act or procedure listed in the definition of~~



1                    "forensic medical examination" set forth in 28 C.F.R. § 90.2(c). This term also  
2                    includes any costs associated with the items listed in this subdivision, such as  
3                    equipment, supplies, and facility fees. This definition shall be interpreted  
4                    consistently with ~~28 C.F.R. § 90.2(b)~~ 28 C.F.R. § 90.2(c) and other relevant  
5                    federal law.

6                    ...."

7                    **SECTION 2.** Of the funds appropriated to the Administrative Office of the Courts  
8 for the 2020-2021 fiscal year, the North Carolina Innocence Inquiry Commission (NCIIC) may  
9 pay up to fourteen thousand dollars (\$14,000) in nonrecurring funds for the 2020-2021 fiscal year  
10 for litigation services provided by outside counsel provided such services were approved by the  
11 Governor pursuant to G.S. 147-17(a).

12                   **SECTION 3.** G.S. 143B-1200(c), as amended by Section 1 of this act, becomes  
13 effective October 1, 2021, and applies to violations committed on or after that date.  
14 G.S. 143B-1200(i)(1), as amended by Section 1 of this act, becomes effective October 1, 2021,  
15 and applies to forensic medical examinations completed on or after that date. The remainder of  
16 this act is effective when it becomes law.