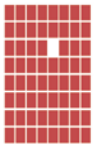


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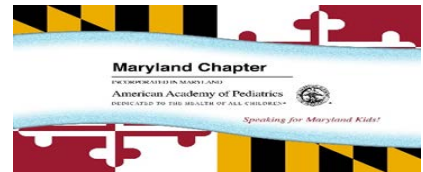


Maryland Chapter
AMERICAN COLLEGE OF
EMERGENCY PHYSICIANS



ACOG

The American College of
Obstetricians and Gynecologists
Maryland Section



TO: The Honorable William C. Smith, Jr., Chair
Members, Senate Judicial Proceedings Committee
The Honorable Jeff Waldstreicher

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer
J. Steven Wise
Richard A. Tabuteau

DATE: February 13, 2020

RE: **SUPPORT** – Senate Bill 406 – *Criminal Procedure – Sexual Assault Evidence Kits – Privacy, Reimbursement, and Notification*

On behalf of the Maryland Chapter of the American College of Emergency Physicians (MDACEP), the Maryland Section of the American College of Obstetricians and Gynecologists (MDACOG), and the Maryland Chapter of the American Academy of Pediatrics (MDAAP), we submit this letter of **support** for Senate Bill 406.

Senate Bill 406 addresses an administratively burdensome provision for health care practitioners and hospitals who provide services to a victim of an alleged rape, sexual offense, or child sexual abuse. Under current law, a physician, qualified health care provider, or a hospital who provides services to an alleged victim must provide those services without charge. However, the physician, health care provider, or hospital is entitled to be reimbursed by the Criminal Injuries Compensation Board (CICB) for the costs of providing a sexual assault forensic examination, which is a physical examination to gather information and evidence as to an alleged crime; emergency hospital treatment and follow-up medical testing for up to 90 days after the initial physical examination; and an initial assessment of a victim of alleged child sexual abuse by specified professionals.

Currently, to apply for reimbursement, CICB requires that an application include anatomical diagrams or actual photographs of the victim and a written narrative describing the alleged assault. The written narrative and anatomical diagram/picture requirements make it administratively burdensome for a provider to apply for reimbursement and does not provide the CICB with information that cannot otherwise be obtained from the medical record information that is also submitted. Senate Bill 406, if enacted, will prohibit a provider in an application for reimbursement to include a written narrative describing the assault or photographs of the victim. This change will facilitate a provider's ability to submit an application for reimbursement without negatively impacting CICB's ability to evaluate an assault has occurred and will also enhance the privacy protections of the alleged victim. In addition, Senate Bill 406 clarifies that the services eligible for compensation include a physical and sexual assault forensic examination and the timeframe within which such an examination and related services can be conducted.

Passage of Senate Bill 406 will enhance the privacy protections for alleged victims of sexual assault as well as facilitate the reimbursement of providers who conduct the forensic exams. A favorable report is requested

For more information call:

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