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Senator William C. Smith Jr., Chair

Senator Jeffrey D. Waldstreicher, Vice-Chair

Senate Judicial Proceedings Committee

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Support for S.B. 406: Criminal Procedure- Sexual Assault Evidence Kits- Privacy, Reimbursement, and Notification

I am writing today to urge support for Maryland S.B. 406: Criminal Procedure- Sexual Assault Evidence Kits- Privacy, Reimbursement, and Notification. This bill expands the reimbursement window for a forensic medical examination from five to fifteen days. In an article by Ballantyne, et al. there is potential to recover DNA evidence from within a woman's cervix for up to 9 days or until the next menstrual cycle (2015). The United States Department of Justice's National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach states, "Guided by the victim history, sexual assault samples should be collected from any victim seeking care as soon as possible and up to five (5) days or longer post-assault. Regardless of the time frame, reimbursement should be provided for the medical-forensic exam (2017)."

However, this is not the only reason reimbursement for this period of time is important. Pregnancy prophylaxis in some capacity can be provided for up to 10 days post assault. Specially trained nurses and healthcare providers also offer screening and treatment for sexually transmitted infections, and healthcare guidance that promotes the overall health and wellbeing for victims of sexual violence. It is essential that these patients are supported by the State of Maryland on all fronts and have access to care based on current evidence-based practice.

Of other significance, this bill addresses privacy concerns. Currently, the information required for successful reimbursement of the sexual assault forensic exam includes a significant amount of sensitive information including: a narrative account of the assault, a police case number, the number of hours required for treatment, a signed form, cover sheet with vendor name, address, federal tax identification number, patient's name, date of service, amount due, itemized bill, and documentation of laboratory/diagnostic tests and medications ordered.

Healthcare reimbursement is payor dependent. The sensitive components of the forensic medical narrative and photographs are not necessary to ensure the integrity of the reimbursement system. Many insurance companies do not require such extensive information for patients presenting with other chief complaints. Victims of sexual assault should be just as protected.

Thank you for your time and consideration. I would like to request a favorable report on Senate Bill 406.

Respectfully,



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