



Coverage for Forensic Costs for Undocumented Immigrants - Medical Coverage and Services for Immigrants

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Introduction

Recognizing the importance of having evidence to prosecute criminal actions against perpetrators of sexual assault and in light of the federal goal of encouraging states to bear the costs of forensic examinations that help the police locate and prosecute perpetrators of sexual assault, most states pay for forensic examinations necessary to prosecute the perpetrators of sexual assaults. In general, states require the victim to report the crime, sometimes within a specified period of time after the assault, and a majority of the states provide that the forensic examination must be for the purpose of gathering evidence for the prosecution of a crime. The immigration status of the victim is not relevant.

Generally, the victim who reports the sexual assault is not billed for the cost of the examination. Payment is made by the law enforcement agency, the county or the Victims' Compensation Board. In some states, the victim's insurance may be used for the examination. If the victim is billed for the examination, the state provides a mechanism for reimbursement.

In those jurisdictions with Sexual Assault Nurse Examiners, the victim can request that an examination be provided by a Sexual Assault Nurse Examiner at no cost to the victim, generally even if the victim does not report the crime.

In a fewer number of states, the victim does not need to report the crime to obtain an examination. The immigration status of the victim is not relevant in those states.

Victims must pay close attention to the requirements in the particular state in which they were assaulted, particularly the need to report the crime and the time period within which the crime must be reported, to avoid being billed for the forensic examination. A few states will pay the cost of an examination incurred by a resident who is assaulted in a different state when such state will not pay for the forensic examination.

There follows a summary of the federal law that encourages states to pay for forensic examinations and a chart that sets forth a state-by-state summary of the laws or procedures governing the provision of forensic examinations to victims of sexual assault.

Relevant Federal Laws

The Violence Against Women Act of 2004 created a grant program known as STOP (Service, Training, Officers, and Prosecutors) where states receive grants to develop and strengthen law enforcement and prosecution strategies to combat violent crimes against women. In order to receive STOP grants the state or local government must incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault (see 42

U.S.C. §3796gg-4). A state or local government is deemed to assume the full out-of-pocket costs if it (1) provides such exams to the victim free of charge, (2) arranges for the victim to obtain the exam free of charge, or (3) reimburses the victim for the costs of the exam if (i) the reimbursement covers the full cost of the exam, (ii) the victim is permitted at least one year to apply for reimbursement, (iii) the victim is reimbursed within 90 days after written notification of the expense, and (iv) the victim is provided with notice at the time of the exam regarding how to obtain reimbursement.

Jurisdiction	Eligibility (Income, Residency or Time Period Requirements)	Coverage (What services are covered? How are key terms defined?)	Application Process	Emergency Contraception Rules	Notice/Recordkeeping Requirements
New Mexico	<p>The victim of a sexual crime is entitled to apply for reimbursement for a period of one year from the date of the forensic medical exam.</p> <p>N.M. Stat. Ann. § 29-11-7</p>	<p>The director of the mental health division of the department of health shall: provide free forensic medical exams to victims of sexual crimes; arrange for victims of sexual crimes to obtain free forensic medical exams; or reimburse victims of sexual crimes for the cost of forensic medical exams.</p> <p>Specific to reimbursement:</p> <ul style="list-style-type: none"> It must cover the full cost of the forensic medical exam, without any deductible requirement or limit on the amount of the reimbursement; the victim of a sexual crime is entitled to apply for reimbursement for a period of one year from the date of the forensic medical exam; reimbursement is provided not later than ninety days after the administrator receives written notification of the expense incurred by the victim for the forensic medical exam; and 	<p>None established by statute.</p> <p>However, the New Mexico Coalition of Sexual Assault Programs states the following on its website: "Sexual Assault Medical Billing Verification and Payment – As of July 1995, the State of New Mexico pays 100% of the forensic medical exam per victim per year on bills resulting from rape exams, evidence collection, or child sexual abuse exams. . . The Coalition sends packets with billing instructions to medical providers throughout New Mexico on how to obtain these payments. The bills and verification forms are then sent to the Coalition where they are verified for payable services. The verified bills are then paid by the Coalition through a special Division of Mental Health fund."</p> <p>http://nmcsap.org/resources/ (accessed on October 19, 2016)</p>	<p>A hospital that provides emergency care for sexual assault survivors shall:</p> <ol style="list-style-type: none"> provide each sexual assault survivor with medically and factually accurate and objective written and oral information about emergency contraception ; orally and in writing inform each sexual assault survivor of her option to be provided emergency contraception 	<p>All victims of sexual crimes, including victims with limited or no English proficiency, must be provided with information at the time of the forensic medical exam regarding how to obtain reimbursement for the cost of the exam.</p> <p>N.M. Stat. Ann. § 29-11-7</p>

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		<ul style="list-style-type: none"> all victims of sexual crimes, including victims with limited or no English proficiency, are provided with information at the time of the forensic medical exam regarding how to obtain reimbursement for the cost of the exam. <p>N.M. Stat. Ann. § 29-11-7</p>		<p>at the hospital; and</p> <p>3. provide emergency contraception at the hospital to each sexual assault survivor who requests it.</p> <p>The provision of emergency contraception pills shall include the initial dose that the sexual assault survivor can take at the hospital as well as the subsequent dose that the sexual assault survivor may self-administer twelve hours following the initial dose.</p> <p>N.M. Stat. Ann. § 24-10D-3</p>	