

In the Spotlight: Sexual Assault Medical Forensic Exams

New Michigan laws make it easier for sexual assault victims to get medical forensic exams. Starting December 29, 2008, victims no longer have to pay for their own exams. Instead, health care providers are to bill victims' insurance carriers or get payment from another source. 2008 PA 390-391 created a SAFE Response program in the Department of Community Health ("SAFE Response") is available to pay for an exam if:

- the victim has no insurance, or
- the victim is afraid to use insurance to pay for the exam.

SAFE Response will also pay costs that the victim's insurance company will not pay, like co-pays or deductibles. SAFE Response will pay up to \$600 for any one exam.

The hospital or other provider who does the exam also can seek payment for the exam from other sources, (such as grant programs), as long as they don't ask the victim to pay.

Starting December 29, 2008, a sexual assault victim cannot be required to report the assault to the police or talk to the police or prosecutor in order to:

- get a medical forensic exam, or
- have the costs of the exam paid for as described above.

Michigan lawmakers passed the new laws so more sexual assault victims may get medical forensic exams and the care they need immediately after a sexual assault. These exams can help victims recover more quickly after an assault, and preserve evidence to potentially prosecute the crime. The new laws also satisfy requirements the state must meet to get

- By the Michigan Women's Commission

federal funding that supports law enforcement work to stop domestic violence, sexual assault, and stalking.

Frequently Asked Questions

Why wouldn't a victim want the insurance company to pay for an exam?

Some victims are afraid to bill insurance because they don't want the policy holder to know about the forensic exam. For example, someone who rapes his wife may attack her again if he finds out she had forensic evidence collected. In cases like this, victims don't have to give out their insurance information, and the care provider may bill SAFE Response or another source other than the victim.

Why can't victims be made to report to the police?

Sexual assault experts have found that some victims are uncertain or afraid about reporting the crime to police right after an assault, even though this is when a doctor or nurse must do the medical forensic exam. Experts who work with victims have found that they often won't have the exam if they have to decide right away about reporting the assault. However, if these victims have time to recover from the assault before they have to think about investigating or prosecuting the crime, they are more likely to get an exam. When victims get exams, they get the health care they need, and better evidence is available for future prosecution.

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Sexual Assault Medical Forensic Exams continued...

Will the doctor or hospital have to report the sexual assault to the police?

The new laws on reporting only apply to sexual assault victims. They don't change the legal duty that hospitals, doctors, and nurses have to report certain crimes to police.

What is a medical forensic exam?

Doctors and nurses who do a medical forensic exam do all of the following:

- A medical history;
- A general medical exam, including laboratory services and prescribed pharmacy items;
- One or more of the following:
 - A detailed oral exam;
 - A detailed anal exam;
 - A detailed genital exam;
- Administration of a sexual assault evidence kit and related medical procedures and laboratory and pharmacy services.

Other Help is Available for Sexual Assault Victims

Getting a medical forensic exam is only a first step to recovery for victims. The physical and mental suffering caused by sexual assault can last a long time. Any reaction a victim has to being sexually assaulted is normal because there is no

one way to experience the healing process after an assault. Victims' physical and mental injuries can make them lose time at work. They can cause victims to have problems getting along with family and friends.

Many organizations provide special services for victims and their friends or family members who need help coping with the effects of sexual assault. Sexual assault service provider organizations offer **free** support, counseling and advocacy.

Those seeking to locate a sexual assault service provider organization can call the 24 hour Rape, Abuse, and Incest National Network (RAINN) at

(800) 656 – 4673 (HOPE)

Using callers' telephone area codes, RAINN will route calls to the sexual assault service provider organization nearest to them.

To contact the SAFE Response program, call 517-334-SAFE (7233) or contact the Crime Victim Services Commission.

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