

Legislation Dramatically Improves Michigan's Response to Sexual Assault

- By The Michigan Crime Victim Services Commission and the Michigan Domestic Violence Prevention and Treatment Board

Sexual assault is a crime that affects people of every geographic region, race, nationality, gender, sexual orientation, ability, and socio-economic status. While rural health care centers may encounter a lower volume of sexual assault cases, women and men of all ages in all geographic areas are at risk for this horrendous crime. Recently, Michigan has taken steps to ensure that every sexual assault victim from puberty through adulthood has equal access to appropriate medical care in the immediate aftermath of a sexual assault, regardless of ability to pay or insurance coverage. This is a dramatic improvement from the past when a sexual assault victim may have been required to pay for her or his own medical forensic exam.

In December 2008, Michigan passed Public Acts 390 and 391, which amended the statutes governing the Crime Victims Compensation Commission to create the SAFE Response program. The SAFE Response program is intended to ensure that victims are not billed for medical forensic exams conducted in the immediate aftermath of an assault. The program will pay for exams whether or not the victim chooses to report the assault to law enforcement, or otherwise work with law enforcement to investigate or prosecute the crime.

Under the SAFE Response program, a victim's insurance carrier is the payer of first resort. However, the SAFE Response program is available to pay for an exam if the victim has no insurance, or the victim believes that billing insurance will

Many sexual assault victims benefit significantly from sexual assault supportive services. The national Rape, Abuse & Incest National Network (RAINN) 24 hour hotline will automatically route the caller to the sexual assault service agency nearest them. The number is **1-800-656-HOPE**. Even if the resource is not close by, most agencies can provide long-distance support and information through hotlines.

substantially interfere with his or her personal privacy or safety. SAFE Response will also pay costs that the victim's insurance company will not pay, like co-pays or deductibles. Health care providers who do not wish to use insurance or SAFE Response can also seek payment for the exam from other sources, as long as they do not bill the victim for any portion of the exam.

Although victims cannot be required to work with law enforcement in order to receive the exam, the new law does not change the duty that health care professionals have to report to police injuries inflicted by means of violence as described in MCL 750.411. It is critically important, however, for health care professionals to notify victims prior to making a report so that victims can take steps to protect themselves from retaliation from the perpetrator, if necessary. This is especially important in

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rural areas, where there is generally less anonymity.

Sexual assault victims often face expenses beyond the medical forensic examination in the aftermath of the assault. These may include medical bills for injuries that are not addressed by the medical forensic exam (e.g. a broken arm), lost wages, or counseling expenses. Victims may be eligible for compensation for these expenses through the Crime Victim Services Commission compensation program, which is a separate entity from the SAFE Response Program. However, the Crime Victim Services Commission will only reimburse for these other costs if the victim reports the crime within certain time limits and works with law enforcement to investigate or prosecute the crime. Payment of the victim's sexual assault medical forensic examination does not guarantee that s/he will be eligible for these other compensation benefits. Contact **517-373-7373** for more information about the Crime Victim Services Commission, including how to file a claim.

For more information about the SAFE Response Program, call (517) 334-9182 or click here www.michigan.gov/crimevictim to view our web site.