

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 950
Finance

(Senator Hettleman)

Judiciary

**Sexual Assault Forensic Examinations Conducted Through Telehealth -
Reimbursement and Study**

This bill requires specified health care providers to provide sexual assault forensic exams *conducted through “peer-to-peer telehealth”* without charge to victims and makes those services eligible for reimbursement by the Criminal Injuries Compensation Board (CICB). In addition, existing provisions that provide immunity from civil liability to physicians or qualified health care providers who provide specified examinations apply to sexual assault forensic exams conducted through peer-to-peer telehealth. The bill also requires the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to study and make recommendations on the feasibility of a telehealth program in the State, as specified; the committee must report its findings and recommendations to the General Assembly by December 1, 2024. **The bill takes effect July 1, 2024; the study and reporting provisions terminate June 30, 2025.**

Fiscal Summary

State Effect: General fund expenditures may increase beginning in FY 2025 to process additional claims and provide additional reimbursements, but a reliable estimate of any such increase cannot be made at this time, as discussed below. State revenues are not affected.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Minimal.

Analysis

Bill Summary:

Definitions

“Peer-to-peer telehealth” means, as it relates to the performance of a forensic examination, the use of interactive audio, video, or other telecommunications or electronic technology by a forensic nurse examiner to assist in the performance of a forensic examination when the forensic nurse examiner is in one location and the patient is with a qualified health care provider in another location. “Peer-to-peer telehealth” does not include (1) an email message between a health care provider and a patient, or (2) a facsimile transmission between a health care provider and a patient.

Required Study

The Maryland Sexual Assault Evidence Kit Policy and Funding Committee must study and make recommendations on the feasibility of a telehealth program in the State that includes a TeleSAFE Pilot Program, which uses telehealth to support the provision of sexual assault forensic examinations. The study must include (1) the framework of a TeleSAFE Pilot Program; (2) a plan for the development and implementation of the TeleSAFE Pilot Program; and (3) a process to expand the TeleSAFE Pilot Program over time.

Current Law:

Post-sexual Assault Care and Provider Reimbursement – In General

Under § 11-1007 of the Criminal Procedure Article, if a physician, qualified health care provider, or hospital provides any of the following services to a victim of an alleged rape, sexual offense, or child sexual abuse, the services must be provided without charge and the physician/provider or hospital is entitled to be reimbursed by CICB, a board within the Governor’s Office of Crime Prevention and Policy (GOCPP), for the costs of providing the services: (1) a physical and sexual assault forensic examination to gather information and evidence as to an alleged crime, as specified; (2) emergency hospital treatment and follow-up medical testing for up to 90 days after the initial physical examination; and (3) up to five hours of professional time to gather information and evidence, as specified.

The Sexual Assault Reimbursement Unit (SARU) within GOCPP oversees the reimbursement for the physical examination, collection of evidence, and emergency treatment of individuals for injuries resulting from alleged rape, sexual assault, or child sexual abuse. The fiscal 2025 budget as introduced includes \$1.3 million in general funds for SARU.

A physician or qualified health care provider who examines a victim of alleged child sexual abuse under applicable provisions is immune from any civil liability that may result from the failure of the physician or qualified health care provider to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child. The immunity extends to any hospital with which the physician or qualified health care provider is affiliated or to which the child is brought and any individual working under the control or supervision of the hospital.

Maryland Sexual Assault Evidence Kit Policy and Funding Committee

Chapter 659 of 2017 established the Maryland Sexual Assault Evidence Kit Policy and Funding Committee to develop and disseminate best practices information and recommendations regarding, among other things, the creation and operation of a statewide sexual assault evidence collection kit tracking system that is accessible to victims of sexual assault and law enforcement. In January 2024, the committee released its [annual report](#), which includes discussion and related recommendations regarding the establishment of TeleSAFE Programming. According to the report, "TeleSAFE" generally means teleconference sexual assault forensic exams.

State Expenditures: General fund expenditures may increase beginning in fiscal 2025 to process additional claims and provide additional reimbursements, as discussed below, but a reliable estimate of any such increase cannot be made at this time.

Administrative Expenses

GOCCP advises that it anticipates an increase in reimbursement claims that SARU must process as a result of the bill and that existing staff cannot handle the increase in workload. Specifically, GOCCP advises that it needs to hire one administrator at an estimated cost of approximately \$91,800 in fiscal 2025, increasing to \$94,700 in fiscal 2029. While the Department of Legislative Services acknowledges that GOCCP may need staff if the volume of claims is significant; however, without actual experience under the bill, the number of additional claims SARU must process – and the corresponding need for additional staff – is unclear.

Peer-To-Peer Telehealth Reimbursements

General fund expenditures increase to the extent victims seek sexual assault forensic examination services via peer-to-peer telehealth and health care providers seek reimbursement from SARU for those services. The extent to which this will occur, however, cannot be predicted in advance.

Mandated Study and Report

The Office of the Attorney General, which staffs the Maryland Sexual Assault Evidence Kit Policy and Funding Committee, advises that the committee can conduct the required study and complete the required report using existing budgeted resources.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1127 (Delegate Bartlett, *et al.*) - Judiciary.

Information Source(s): Governor's Office of Crime Prevention and Policy; Office of the Attorney General; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Legislative Services

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