



Legislation Details (With Text)

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**Title:** Resolution calling upon the New York State Legislature to pass legislation that ensures that victims of rape and sexual assault will not suffer the additional trauma of being forced to pay for the cost of necessary forensic exams.

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**Indexes:**

**Attachments:**

Date	Ver.	Action By	Action	Result
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Res. No. 917

Resolution calling upon the New York State Legislature to pass legislation that ensures that victims of rape and sexual assault will not suffer the additional trauma of being forced to pay for the cost of necessary forensic exams.

By Council Members Vallone, Addabbo, Baez, Barron, Boyland, Clarke, Comrie, Felder, Fidler, Foster, Gerson, Jennings, Katz, Liu, Lopez, Nelson, Quinn, Reed, Rivera, Sanders, Sears, Weprin, Yassky, Jackson, Brewer, Reyna and Moskowitz

Whereas, Victims of sexual assault are subject to great psychological and physical trauma; and

Whereas, New York State places the burden of payment for necessary post-assault forensic exams on victims, thereby exacerbating such trauma; and

Whereas, Victims should not be required to pay-out-of pocket for these services, nor should they be required to file for reimbursement from their private insurance or through the New York State Crime Victim's Board; and

Whereas, A study published by the New York State Department of Criminal Justice Services and the Department of Health in the year 2000 shows that of the individuals having forensic exams, about one half were covered by private, HMO/Medicaid/Medicare insurance and a total of 43% had no insurance; and

Whereas, The aforementioned study also reports that New York City hospitals are in turn not receiving full reimbursement for treatment, as 18% to 23% of the cases went unpaid and as many as 23% were sent to a collection agency; and

Whereas, Victims of violent crime have already sustained great trauma as a result of their assault and should not be further penalized by having their credit and finances negatively impacted due to the inability to pay for their forensic exam; and

Whereas, The New York State Crime Victims Board, which is funded by the state and federal government, is presently authorized to compensate hospitals and other health care providers for these services; and

Whereas, Since the burden of filing a claim for reimbursement from the New York State Crime Victims Board is placed on the victim, claims are often delayed due to the trauma of an attack; and

Whereas, Assembly Bill 00011 creates a mechanism for health care providers to receive direct reimbursement from the New York State Crime Victims Board for sexual assault forensic examinations, thereby removing this burden from victims and ensuring payment to health care providers who perform these exams; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass Assembly Bill 00011, legislation that provides for direct reimbursement from the New York State Crime Victims Board to health care providers who provide forensic exams to sexual assault survivors, a process which would remove this filing burden from victims, and ensure payment to health care providers from a fund that is authorized to reimburse for this service.