

HOUSE BILL 317

By DeBerry J

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 13, relative to forensic examinations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-13-118, is amended by deleting the section in its entirety and by substituting instead the following:

§ 29-13-118.

(a) For purposes of this section, unless the context otherwise requires, “forensic medical examination” means an examination provided to a victim of a crime by any health care provider who gathers evidence in a manner suitable for use in a court of law.

(b)

(1) A person is entitled to forensic medical examinations without charge if the person is a victim of:

(A) A sexually-oriented crime, defined as a violation of §§ 39-13-502 through 39-13-506, 39-13-522, 39-13-527, 39-13-531, and 39-13-532;

(B) Domestic assault under § 39-13-111; or

(C) Aggravated assault under § 39-13-102 when the victim falls within one of the categories listed in § 39-13-111(a).

(2) Pursuant to subdivision (b)(1), no bill for any forensic examination shall be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. All claims for forensic medical examinations are eligible for payment from the criminal injuries compensation fund, created under § 40-24-107.

(3) Notwithstanding any provision of this part to the contrary, a victim meeting the requirements of subdivision (b)(1) shall not be required to report the incident to law enforcement officers or to cooperate in the prosecution of the crime in order to be eligible for payment of forensic medical examinations.

(c) A claim for compensation under this section shall be filed no later than one (1) year after the date of the examination by the health care provider that performed the examination, including a hospital, physician, SANE program, Child Advocacy Center, or other medical facility. The claim shall be filed with the division, in person or by mail. The division is authorized to prescribe and distribute forms for the filing of claims for compensation. The claim shall set forth the name and address of the victim, and any other information required by the division in order to satisfy federal regulations issued under the Victims of Crime Act of 1984. The claim shall be accompanied by an itemized copy of the bill from the health care provider that conducted the examination. The bill shall, at a minimum, set forth the name of the victim, the date the examination was performed, the amount of the bill, the amount of any payments made on the bill, and the name and address of the health care provider that performed the examination.

(d)

(1) The amount of compensation that may be awarded under this section for an examination provided to a victim meeting the requirements of subdivision (b)(1)(A) shall not exceed seven hundred fifty dollars (\$750), and shall constitute full compensation to the health care provider that provided the service.

(2) The amount of compensation that may be awarded under this section for an examination provided to a victim meeting the requirements of subdivision (b)(1)(B) or (b)(1)(C) shall not exceed four hundred dollars (\$400), and shall constitute full compensation to the health care provider that provided the service.

(3) No provider receiving compensation pursuant to this section shall bill the victim for any additional cost related to the forensic medical examination. The compensation shall be made pursuant to this subsection (d) no later than ninety (90) days after receiving the documentation required under subsection (c).

(e) Payment to a health care provider under this section does not prohibit the victim from receiving other payments for which the victim may be eligible under this part or any other law.

SECTION 2. This act shall take effect July 1, 2009, the public welfare requiring it.