

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2573 Session of
1978

INTRODUCED BY McCLATCHY, LINCOLN, REED, O'CONNELL, ZORD, NOYE,
MEBUS, DAVIES, LEHR, W. D. HUTCHINSON, BROWN, HALVERSON,
FREIND, HELFRICK, J. L. WRIGHT JR., PYLES, KATZ, DiCARLO,
CESSAR, VROON, E. Z. TAYLOR, POTT, GALLEN, COHEN, KNEPPER
AND CIMINI, JUNE 13, 1978

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 13, 1978

AN ACT

1 Amending the act of July 30, 1975 (P.L.131, No.65), entitled "An
2 act requiring certain institutions to provide instruction in
3 the handling and treatment of victims of rape and adding
4 certain requirements for schools of nursing and candidates
5 for licenses as registered nurses," requiring certain
6 hospitals to treat victims of criminal sexual conduct.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The title and section 1 of the act of July 30,
10 1975 (P.L.131, No.65), entitled "An act requiring certain
11 institutions to provide instruction in the handling and
12 treatment of victims of rape and adding certain requirements for
13 schools of nursing and candidates for licenses as registered
14 nurses," are amended and the act is amended by adding sections
15 to read:

AN ACT

16
17 Requiring certain institutions to provide instruction in the
18 handling and treatment of victims of [rape] criminal sexual

1 conduct and adding certain requirements for schools of
2 nursing and candidates for licenses as registered nurses.

3 Section 1. Hospitals, schools of nursing, medical colleges
4 and medical schools shall, as part of the training provided
5 therein, provide instruction, so far as consistent with their
6 stated moral principles, in the procedure involved in the
7 handling and treatment of victims of [rape] criminal sexual
8 conduct designed to assure them that each step involved therein
9 is not only necessary for the protection of the victim and
10 others but also that each is being taken in such a way as to
11 provide for the victim's physical and emotional well-being.

12 Section 2. All hospitals licensed by the Commonwealth of
13 Pennsylvania that provide emergency room services shall arrange
14 for the rendering of appropriate medical attention and treatment
15 to victims of criminal sexual conduct through:

16 (1) Such gynecological, psychological, and medical
17 services as are needed by the victim, including testing for
18 pregnancy and venereal disease.

19 (2) The administration of medical examinations, tests
20 and analyses required by law enforcement personnel in the
21 gathering of evidence required for investigation and
22 prosecution.

23 Section 3. (a) Any cost incurred by a hospital under
24 section 2 and not subject to reimbursement by any health,
25 hospital, accident, worker's compensation, medicaid, medicare or
26 any other insurance plan covering the victim, shall be charged
27 to and paid by the county in which the alleged offense was
28 committed.

29 (b) Any amount in excess of the reimbursement provided under
30 section 3 shall be approved by the hospital's utilization review

1 board.

2 (c) Should a victim of criminal sexual conduct be insured by
3 a private medical or health insurance program, the benefits of
4 which are payable directly to the victim, said victim shall
5 reimburse the county for all expenses paid by the county for
6 costs covered by said insurance, up to and including the total
7 payment received by the victim. In all cases, the county shall
8 have the right to subrogation against any private insurance
9 carrier for any costs incurred and paid by the county under the
10 provisions of section 3.

11 Section 4. (a) Counties incurring cost under section 3
12 shall submit to the Department of Revenue, no later than
13 September 1 of each year, the cost and verification of emergency
14 room treatment, as provided in this act, for victims of criminal
15 sexual conduct, during the past fiscal year.

16 (b) The total cost for such treatment shall be paid by the
17 Department of Revenue to each county submitting a request for
18 reimbursement. After verification of the request, payment shall
19 be made by the department no later than December 31 of each
20 year.

21 Section 5. (a) Any hospital examining or treating victims
22 of criminal sexual conduct shall provide such person with
23 information regarding compensation for victims of crime,
24 together with forms made available by the Crime Victim's
25 Compensation Board for the filing of claims thereunder.

26 (b) Any financial assistance received from the Crime
27 Victim's Compensation Board by a victim of criminal sexual
28 conduct whose medical costs are covered under section 2 and
29 under section 3, shall reimburse the appropriate county for any
30 such medical costs paid by such county: Provided, That such

1 costs shall not exceed 50% of the award made by the Crime
2 Victim's Compensation Board to said victim or that share of the
3 total attributable to medical costs, whichever is higher.

4 Section 2. This act shall take effect in 60 days.