

Part 7. Office of External Affairs.

§ 143B-1200. Assistance Program for Victims of Rape and Sex Offenses.

(a) Establishment of Program. – There is established an Assistance Program for Victims of Rape and Sex Offenses, hereinafter referred to as the "Program." The Secretary shall administer and implement the Program and shall have authority over all assistance awarded through the Program. The Secretary shall promulgate rules and guidelines for the Program.

(b) Victims to Be Provided Free Forensic Medical Examinations. – It is the policy of this State to arrange for victims to obtain forensic medical examinations free of charge. Whenever a forensic medical examination is conducted as a result of a sexual assault or an attempted sexual assault that occurred in this State, the Program shall pay for the cost of the examination. A medical facility or medical professional that performs a forensic medical examination on the victim of a sexual assault or attempted sexual assault shall not seek payment for the examination except from the Program.

(c) No Billing of Victim. – A medical facility or medical professional that performs a forensic medical examination shall not bill the victim, the victim's personal insurance, Medicaid, Medicare, or any other collateral source for the examination and other eligible expenses. A medical facility or medical professional that performs a forensic medical examination shall accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses. Furthermore, a medical facility or medical professional shall not seek reimbursement from the Program after one year from the date of the examination.

(d) Eligible Expenses. – Medical facilities and medical professionals who perform forensic medical examinations shall do so using a Sexual Assault Evidence Collection Kit. Payments by the Program for the forensic medical examination shall be limited to the following:

Service	Maximum Amount Paid by Program
Physician or SANE Nurse	\$600.00
Hospital/Facility Fee	\$500.00
Other Expenses Deemed Eligible by the Program	\$400.00
Total:	\$1,500.00

(e) Payment Directly to Provider. – The Program shall make payment directly to the medical facility or medical professional. Bills submitted to the Program for payment shall specify under which categories of expense set forth in subsection (d) of this section the billed services fall.

(f) Additional Victim Notification Requirements. – A medical facility or medical professional who performs a forensic medical examination shall encourage victims to submit an application for reimbursement of medical expenses beyond the forensic examination to the Crime Victims Compensation Commission for consideration of those expenses. Medical facilities and medical professionals shall not seek reimbursement from the Program after one year from the date of the exam.

(g) Judicial Review. – Upon an adverse determination by the Secretary on a claim for assistance under this Part, a victim is entitled to judicial review of that decision. The person seeking review shall file a petition in the Superior Court of Wake County.

(h) The Secretary shall adopt rules to encourage, whenever practical, the use of licensed registered nurses trained under G.S. 90-171.38(b) to conduct medical examinations and procedures.

(i) Definitions. – The following definitions apply in this section:

- (1) Forensic medical examination. – An examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law. The examination shall include at a minimum an examination of physical trauma, a patient interview, a determination of penetration or force, a collection and evaluation of evidence, and any other act or procedure listed in the definition of "forensic medical examination" set forth in 28 C.F.R. § 90.2(c) or "medical forensic examination" set forth in 34 U.S.C. § 40723(a)(3). This term also includes any costs associated with the items listed in this subdivision, such as equipment, supplies, and facility fees. This definition shall be interpreted consistently with 28 C.F.R. § 90.2(c) and 34 U.S.C. § 40723(a)(3), and other relevant federal law.
- (2) SANE nurse. – A Sexual Assault Nurse Examiner that is a licensed registered nurse trained pursuant to G.S. 90-171.38(b) who obtains preliminary histories, conducts in-depth interviews, and conducts forensic medical examinations of rape victims or victims of related sexual offenses. This definition shall be interpreted consistently with 34 U.S.C. § 40723(a)(12).
- (3) Sexual assault. – Any of the following crimes:
 - a. First-degree forcible rape as defined in G.S. 14-27.21.
 - b. Second-degree forcible rape as defined in G.S. 14-27.22.
 - b1. Statutory rape of a child by an adult as defined in G.S. 14-27.23.
 - c. First-degree statutory rape as defined in G.S. 14-27.24.
 - d. Statutory rape of a person who is 15 years of age or younger as defined in G.S. 14-27.25.
 - e. First-degree forcible sexual offense as defined in G.S. 14-27.26.
 - f. Second-degree forcible sexual offense as defined in G.S. 14-27.27.
 - fl. Statutory sexual offense with a child by an adult as defined in G.S. 14-27.28.
 - g. First-degree statutory sexual offense as defined in G.S. 14-27.29.
 - h. Statutory sexual offense with a person who is 15 years of age or younger as defined in G.S. 14-27.30.
 - i. Sexual activity by a substitute parent or custodian as defined in G.S. 14-27.31.
 - j. Sexual activity with a student as defined in G.S. 14-27.32.
 - k. Sexual battery as defined in G.S. 14-27.33.
 - l. Sexual contact or penetration under pretext of medical treatment as defined in G.S. 14-27.33A.
 - m. Any other act defined to be sexual assault by 34 U.S.C. § 40723(a)(9).
- (4) Sexual Assault Evidence Collection Kit. – The kit assembled and paid for by the Program and used to conduct forensic medical examinations in this State. (1981, c. 931, s. 2; 1981 (Reg. Sess., 1982), c. 1191, s. 16; 2009-354, s. 1(b); 2011-145, s. 19.1(x1); 2011-391, s. 43(i); 2015-181, s. 38; 2022-50, s. 2(a).)