

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0134
Prime Sponsor(s): Rep. Kagan
 Sen. Aguilar

Date: February 6, 2013
Bill Status: House Judiciary
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TITLE: CONCERNING PAYMENT FOR MEDICAL COSTS ASSOCIATED WITH OBTAINING A MEDICAL FORENSIC EXAMINATION FOR VICTIMS OF SEXUAL OFFENSES.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures		
General Fund	\$167,067	\$167,933
FTE Position Change	0.2 FTE	0.2 FTE
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: The Department of Public Safety requires a General Fund appropriation of \$167,067 and 0.2 FTE.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill creates an emergency payment program in the Department of Public Safety (DPS) for victims of sexual assault who need additional time to determine if they wish to pursue legal action. The program is intended to serve as payor of last resort for victims who require financial assistance to pay the costs of a medical forensic exam, which would not otherwise be covered under existing victim compensation programs. The bill requires DPS to establish a per victim cap on eligible expenses, which are to cover emergency room fees and costs, laboratory fees, prescription medication, and physician's fees related to the medical examination and, if moneys are available, injuries sustained during the assault. Hospitals are required to limit the amounts charged to the program to no more than the lowest negotiated rate from a private health plan.

State Expenditures

This bill will increase expenditures in DPS by 0.2 FTE and \$167,064 in FY 2013-14 and \$167,933 in FY 2014-15, paid from the General Fund. Costs are based on the assumption that up to 75 victims will participate in the program per year. This represents just under 1 percent of all sexual assault victims. Currently there are about 55 individuals per year who decide not to pursue criminal prosecution and this analysis assumes that up to 20 additional individuals would take advantage of this program as a mechanism to allow more time to make that decision.

These individuals are assumed to be without insurance and because they are undecided about whether to pursue criminal prosecution, they are ineligible for reimbursement through existing victims compensation programs. It should be noted that costs are estimated based on the assumed number of victims and length of time to support each victim. Table 1 and the discussion that follows address the cost components of the bill.

Cost Components	FY 2013-14	FY 2014-15
Personal Services	\$9,564	\$10,433
FTE	0.2	0.2
Evidence Collection	60,000	60,000
Medical Exams	97,500	97,500
TOTAL	\$167,064	\$167,933

Personal services. A General Professional III will administer the program, which includes coordinating information with law enforcement, hospitals, and victims, and performing billing functions. This analysis assumes an average of five hours will be spent on each victim, for a total cost of \$10,433 per year, prorated in the first year to account for the General Fund paydate shift.

Evidence collection. It assumed that each victim will have ten DNA samples collected and processed, for an average cost of \$800 per case and a total cost of \$60,000 per year.

Medical exams. Emergency room fees and costs, laboratory fees, prescription medication, and physician's fees are assumed to average \$1,300 per victim, for a total cost of \$97,500 per year.

Public hospitals. To the extent that victims use public hospitals, such as those operated by institutions of higher education, workload could increase as a result of being required to coordinate with DPS. This analysis assumes any increased workload will be minimal.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

Table 2. Expenditures Not Included Under HB13-1163*		
Cost Components	FY 2013-14	FY 2014-15
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$1,343	\$1,343
Supplemental Employee Retirement Payments	640	724
TOTAL	\$1,983	\$2,067

**More information is available at: <http://colorado.gov/fiscalnotes>*

Local Government Impact

As discussed above, if victims are seen in public hospitals managed by units of local government, workload for these hospitals could increase as a result of having to coordinate billing with DPS. This analysis assumes any such increase will be minimal.

State Appropriations

For FY 2013-14, the Department of Public Safety requires a General Fund appropriation of \$167,064 and 0.2 FTE.

Departments Contacted

Counties
Municipalities

Health Care Policy and Financing
Public Health and Environment

Higher Education
Public Safety