

January 13, 2022

To: Illinois General Assembly Health Appropriations Committee

RE: SB2967 and SB3023

We are a diverse coalition of professionals who work with patients/survivors/victims (survivors) of sexual assault. We are advocating for approved healthcare facilities to receive appropriate reimbursement for the care provided to survivors. With appropriate funding, healthcare providers can adequately prepare for the qualified medical provider requirement in the Sexual Assault Survivors Emergency Treatment Act (SASETA, 410 ILCS 70/1).

In Illinois, approximately 5,000 sexual assault survivors per year are seen in approved healthcare facilities, about 20% of whom are children under the age of 13. SASETA is the Illinois law that outlines the requirements for the care of sexual assault survivors. According to SASETA and the Federal Violence Against Women Act (VAWA), healthcare facilities must provide medical forensic services free of charge. Healthcare facilities seek compensation for the services from different sources depending on the survivor's insurance status. For survivors on Medicaid and uninsured survivors, reimbursement is provided by the Illinois Department of Healthcare and Family Services (DHFS).

According to SASETA, as of January 1, 2023 every sexual assault survivor shall be treated by a qualified medical provider, available 24/7/365 within 90 minutes of the survivor's arrival to the healthcare facility. According to currently available data from the Illinois Attorney General's Office SANE Program, it takes about a year to complete the necessary training to become a qualified medical provider. The medical forensic exam and evidence collection take on average 4-6 hours when performed by a qualified medical provider. Many survivors consent to receive medications to prevent pregnancy and sexually transmitted infections (STIs), which adds additional cost.

Survivors cannot be asked to pay any out-of-pocket expenses for the services provided. If a survivor is insured, their insurance is billed but the survivor cannot be asked to pay for any deductible, co-pay, co-insurance, or spenddown. For uninsured survivors, healthcare facilities submit the request for reimbursement to DHFS at the

Medicaid rate, which is currently less than \$100. This very low compensation dates back to 2012, with the introduction of the SMART Act (Save Medicaid Access and Resources Together, Public Act 097-0689), which altered reimbursements for multiple services covered under Medicaid, and included the care of sexual assault survivors under those services. It was not possible to establish the true cost of a medical forensic exam, but according to the Illinois Department of Public Health (IDPH) review of hospital charges for acute sexual assault visits from 2016-2019, the average charge for a visit was over \$5000 in Cook and collar counties, and approximately \$3000 in other areas of the state. The discrepancy between cost and reimbursement is creating a burden on all healthcare facilities, but it has an especially negative effect on safety net healthcare facilities that care for many uninsured and Medicaid-dependent survivors. In 2019, 18.2% of the Illinois population was on Medicaid and 7.3% was uninsured. However, there are multiple community healthcare facilities with up to 60% of patients on Medicaid, mostly in low income and minority neighborhoods.

The coalition is seeking two amendments to the existing legislation. The first would remove the reimbursement of care for sexual assault survivors from under the limitations of the SMART Act and establish a reimbursement of at least \$3,000 for an acute medical forensic exam for adult, adolescent and pediatric survivors, with a provision for future increases.

The second amendment would allow for survivors of sexual violence to voluntarily opt-out of having their insurance billed for a medical forensic exam if they are not the primary insurance cardholder. The current practice of requiring the survivor's private insurance to be billed creates a barrier to seeking care in certain cases.

- When a survivor of domestic violence seeks emergency services, they currently do not have the option to opt-out of having the abuser's insurance billed for their care. This creates a substantial risk of harm for the survivor.
- When a pediatric, adolescent or young adult survivor seeks emergency services after a sexual assault, they do not have the option to opt-out of having their parents' insurance billed.

These survivors might not seek medical services because their privacy and confidentiality cannot be guaranteed at this time. Survivors should be able to opt-out of

using their private insurance if they have concerns about their safety or confidentiality. In such cases, the hospital should be able to seek reimbursement from DHFS, as in the case of uninsured survivors. Illinois is one of only eight states that requires billing private insurance. Other states that do bill private insurance allow for survivors to opt-out of having their insurance billed. Our amendment would actually be even more restrictive because the opt-out would only be allowed for non-primary cardholders.

In addition, we are seeking to amend both the SASETA and the administrative rules to allow for DHFS to extend the voucher (which covers the follow up care and medications) from 90 days to 6 months. This will ensure that survivors receive all appropriate STI treatment in compliance with the CDC guidelines.

We hope you will listen to our joined voices and approve these amendments. This change would make a tremendous difference for all healthcare facilities, but especially safety net healthcare facilities caring for survivors of sexual assault. It would also increase access to care and safety for survivors in difficult situations.

Illinois College of Emergency Physicians

Illinois Coalition Against Sexual Assault

Advocate Aurora Health

University of Chicago Comer Children's Child Advocacy and Protective Services,
Chicago, IL

Chicago Children's Advocacy Center, Chicago, IL

The University of Chicago Medicine Comer Children Hospital, Chicago, IL

SANE Program at Rush University Medical Center, Chicago, IL

Rush Health System

Illinois State Medical Society

Ann & Robert H. Lurie Children's Hospital of Chicago, Chicago, IL

Northwest Center Against Sexual Assault, Arlington Heights, IL

Sexual Assault Counseling and Information Service, Charleston, IL

Safe Passage, DeKalb, IL

Voices of Stephenson County, Freeport, IL

Mujeres Latinas en Acción, Chicago, IL

Safe Journeys, Streator, IL

AMITA Health

Zacharias Sexual Abuse Center, Gurnee, IL

Prairie Center Against Sexual Assault, Springfield, IL

Freedom House, Princeton, IL

Northwestern Medicine SANE Program, McHenry, IL

YWCA Metropolitan Chicago, Chicago, IL

Resilience (formerly Rape Victim Advocates), Chicago, IL

Swedish Hospital SANE Program, Chicago, IL

Howard Brown Health, Chicago, IL

Cook County Health, Chicago, IL

Unity Point Health - Quad Cities SANE Program

Rock Island County Adolescent/Adult Sexual Assault Response Team

Edward-Elmhurst Health, Elmhurst, IL