ASSEMBLY BILL NO. 272-ASSEMBLYMEMBER HARDY

FEBRUARY 20, 2025

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to forensic medical examinations. (BDR 16-596)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

EXPLANATION - Matter in bolded italics is new; matter between brackets fomitted material] is material to be omitted.

AN ACT relating to forensic medical examinations; repealing, replacing and revising certain provisions relating to the payment of and reimbursement for forensic medical examinations of certain victims of crime; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay any costs incurred by a hospital for a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) Similarly, existing law: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation is committed to pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.405)

Sections 3 and 13 of this bill remove and repeal the provisions of existing law requiring the costs incurred by a hospital for a forensic medical examination of a victim of sexual assault or domestic violence battery by strangulation to be paid by the county. Instead, section 1 of this bill establishes procedures by which a health care facility may be reimbursed by the Department of Health and Human Services for any costs incurred by the health care facility for the forensic medical examination of a victim of sexual assault, domestic violence, battery which is committed by strangulation or certain offenses related to human trafficking. Additionally, section 1 prohibits the health care facility from directly charging the victims for the costs of such a forensic medical examination. Sections 2 and 4-12 of this bill make conforming changes necessary to implement the new procedures for reimbursement.





THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

- 1. Except as otherwise provided in subsection 2, a health care facility that incurs any costs for a forensic medical examination shall pay those costs and may not charge the costs directly to the subject of the forensic medical examination.
- 2. A health care facility that incurs any costs for a forensic medical examination may apply to the Department for reimbursement in an amount determined by the Department for each forensic medical examination.
- 3. An application for reimbursement must include documentation of the services rendered during the forensic medical examination.
- 4. The Department shall reimburse a health care facility not later than 60 days after receiving a completed application for reimbursement.
 - 5. The Department shall adopt regulations to establish:
- (a) The procedures to be followed in the filing and review of an application for reimbursement, which must comply with all laws concerning the privacy of information, including, without limitation, the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, as amended, and applicable regulations; and
- (b) The amount to be reimbursed for a forensic medical examination, which must be reviewed annually by the Department.
- 6. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination pursuant to this section.
 - 7. As used in this section:
- (a) "Department" means the Department of Health and Human Services.
 - (b) "Forensic medical examination" means:
- (1) An examination by a provider of health care to obtain evidence from a victim of sexual assault; or
- (2) An examination conducted by a provider of health care for the purpose of assessing the health care needs of a victim of domestic violence, a victim of strangulation or a victim of human trafficking and coordinating the treatment of any injuries of the victim.
- (c) "Health care facility" has the meaning ascribed to it in NRS 200.471.





- (d) "Victim of domestic violence" means a person who is the victim of the commission of any act described in NRS 33.018.
- (e) "Victim of human trafficking" has the meaning ascribed to it in NRS 217.520.
- (f) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.
- (g) "Victim of strangulation" means a person who is a victim of a battery which is committed by strangulation as described in NRS 200.481.
 - **Sec. 2.** NRS 217.160 is hereby amended to read as follows:
- 217.160 1. The compensation officer may order the payment of compensation:
 - (a) To or for the benefit of the victim.
- (b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.
- (c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.
- (d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.
- (e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.
- [(f) To a county in whose jurisdiction a sexual assault was committed for the reimbursement of costs associated with a forensic medical examination of a victim of sexual assault that are paid by the county pursuant to NRS 217.300. A county may be reimbursed pursuant to this paragraph in an amount equal to the cost of 10 forensic medical examinations or \$10,000, whichever is less, each fiscal year.]
 - 2. As used in this section:
- (a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.
- (b) ["Forensic medical examination" has the meaning ascribed to it in NRS 217.300.
- —(c)] "Household" means an association of persons who live in the same home or dwelling and who:
 - (1) Have significant personal ties to the victim; or
- (2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.





[(d)] (c) "Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.

[(e) "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.]

Sec. 3. NRS 217.300 is hereby amended to read as follows:

217.300 1. The county in whose jurisdiction a sexual assault is committed shall [-

(a) Payl pay any costs incurred for medical care for any physical injuries resulting from the sexual assault which is provided to the victim not later than 72 hours after the victim first arrives for treatment.

[(b) Pay any costs incurred by a hospital for the forensic medical examination of the victim.]

- 2. Any costs incurred pursuant to subsection 1:
- (a) Must not be charged directly to the victim of sexual assault.
- (b) Must be charged to the county in whose jurisdiction the offense was committed.
- [3. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination pursuant to this section.
- 4. The costs associated with a forensic medical examination must not be included in the costs for medical treatment pursuant to NRS 217.310.
- 5. As used in this section, "forensic medical examination" means an examination by a health care provider to obtain evidence from a victim of sexual assault.]
 - **Sec. 4.** NRS 217.310 is hereby amended to read as follows:
- 217.310 1. If any victim of sexual assault requires medical treatment for physical injuries as a result of the sexual assault, in addition to any initial emergency medical care provided, or if any victim or spouse of such a victim suffers emotional trauma as a result of the sexual assault, the victim or spouse may, upon submitting an affidavit as required by subsection 2, apply to the board of county commissioners in the county where the sexual assault occurred for treatment at county expense.
- 2. The board shall approve an application for treatment upon receiving an affidavit from the applicant declaring that:
- (a) The applicant is a victim of sexual assault or spouse of such a victim;
 - (b) The sexual assault occurred in the county; and
- (c) The victim requires medical treatment for physical injuries, or the victim or spouse has suffered emotional trauma, as a result of the sexual assault.





- 3. A victim who has suffered emotional trauma may select a relative or close friend to receive counseling with the victim if the counselor agrees that such companionship will be helpful to the victim. If the victim's application for treatment is approved, counseling for the relative or friend must also be approved.
- 4. A victim must file a report with the appropriate law enforcement agency or submit to a forensic medical examination pursuant to [NRS 217.300] section 1 of this act as a prerequisite for the victim or any other person eligible to qualify for treatment under the provisions of this section.
- 5. Whenever costs are incurred by a hospital for treatment which has been approved by the board of county commissioners pursuant to this section for the victim of a sexual assault and any other person eligible for treatment, the costs of the treatment, not to exceed \$1,000, must be charged to the county which authorized the treatment. Any remainder must be handled the same as other hospital costs.
- 6. The costs associated with a forensic medical examination must not be included in the costs for medical treatment under this section.
- 7. As used in this section, "forensic medical examination" means an examination by a provider of health care to obtain evidence from a victim of sexual assault.
- **Sec. 5.** NRS 178A.060 is hereby amended to read as follows: 178A.060 "Forensic medical examination" has the meaning ascribed to it in NRS [217.300.] 217.310.
- **Sec. 6.** NRS 178A.190 is hereby amended to read as follows: 178A.190 1. If a survivor requests a consultation with a sexual assault victims' advocate or an attendant to provide support
- to the survivor pursuant to NRS 178A.170, the medical provider shall summon the sexual assault victims' advocate or attendant before the commencement of the forensic medical examination.
- 2. If a sexual assault victims' advocate or an attendant to provide support to the survivor pursuant to NRS 178A.170 cannot be summoned in a timely manner, the medical provider shall inform the survivor of the ramifications of delaying the forensic medical examination.
- 3. A survivor must not be required to pay any expense related to a forensic medical examination pursuant to [NRS 217.300.] section 1 of this act.
- 4. After the forensic medical examination, the survivor has the right to use a shower apparatus at no cost, unless a facility which includes a shower apparatus is not available.
- 5. Before a medical provider commences a forensic medical examination, the medical provider shall inform the survivor of his or





her rights pursuant to the Sexual Assault Survivors' Bill of Rights and other relevant law by presenting a document developed by the Office of the Attorney General pursuant to NRS 178A.270.

- 6. The person who presents to the survivor the document developed by the Office of the Attorney General pursuant to NRS 178A.270 shall sign a written acknowledgment indicating that the person presented the document to the survivor. The written acknowledgment must be retained in the case file of the survivor.
- **Sec. 7.** NRS 200.364 is hereby amended to read as follows: 200.364 As used in NRS 200.364 to 200.3788, inclusive, unless the context otherwise requires:
- 1. "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.
- 2. "Forensic medical examination" has the meaning ascribed to it in NRS [217.300.] 217.310.
- 3. "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.
- 4. "Offense involving a pupil or child" means any of the following offenses:
- (a) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.
- (b) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.
- (c) Sexual conduct between certain employees or contractors of or volunteers for an entity which provides services to children and a person under the care, custody, control or supervision of the entity pursuant to NRS 201.555.
- 5. "Perpetrator" means a person who commits a sexual offense, an offense involving a pupil or child or sex trafficking.
- 6. "Sex trafficking" means a violation of subsection 2 of NRS 201.300.
- 7. "Sexual assault forensic evidence kit" means the forensic evidence obtained from a forensic medical examination.
 - 8. "Sexual offense" means any of the following offenses:
 - (a) Sexual assault pursuant to NRS 200.366.
 - (b) Statutory sexual seduction pursuant to NRS 200.368.
- 9. "Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. The term does not include any such conduct for medical purposes.
- 10. "Statutory sexual seduction" means ordinary sexual intercourse, anal intercourse or sexual penetration committed by a





person 18 years of age or older with a person who is 14 or 15 years of age and who is at least 4 years younger than the perpetrator.

11. "Victim" means a person who is a victim of a sexual offense, an offense involving a pupil or child or sex trafficking.

12. "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.

Sec. 8. NRS 388.1347 is hereby amended to read as follows:

388.1347 1. The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

- (a) Allow for cooperation and training between the school district and the community-based organization that assists victims of power-based violence to establish an understanding of the:
- (1) Responsibilities that the school district and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and
- (2) Procedures of the school district for providing support and services to pupils and employees.
- (b) Require a community-based organization that assists victims of power-based violence to:
- (1) Assist with developing policies, programming or training for the school district regarding power-based violence;
- (2) Provide an alternative for a pupil or employee of the school district to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;
- (3) Assist with the development and implementation of education and prevention programs for pupils enrolled at a public school in the school district; and
- (4) Assist with the development and implementation of training and prevention curriculum for employees of the school district.
- (c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.
- 2. If a teacher or administrator is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.
 - 3. As used in this section:
- (a) "Forensic medical examination" has the meaning ascribed to it in NRS [217.300.] 217.310.





- (b) "Power-based violence" has the meaning ascribed to it in NRS 396.1285.
 - **Sec. 9.** NRS 388A.3938 is hereby amended to read as follows:
 - 388A.3938 1. The governing body of each charter school shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:
 - (a) Allow for cooperation and training between the charter school and the community-based organization that assists victims of power-based violence to establish an understanding of the:
 - (1) Responsibilities that the charter school and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and
 - (2) Procedures of the charter school for providing support and services to pupils and employees.
 - (b) Require a community-based organization that assists victims of power-based violence to:
 - (1) Assist with developing policies, programming or training for the charter school regarding power-based violence;
 - (2) Provide an alternative for a pupil or employee of the charter school to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;
 - (3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the charter school; and
 - (4) Assist with the development and implementation of training and prevention curriculum for employees of the charter school
 - (c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.
 - 2. If a teacher or administrator of the charter school is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the communitybased organization that assists victims of power-based violence.
 - 3. As used in this section:
 - (a) "Forensic medical examination" has the meaning ascribed to it in NRS [217.300.] 217.310.
 - (b) "Power-based violence" has the meaning ascribed to it in NRS 396.1285.





- **Sec. 10.** NRS 388C.160 is hereby amended to read as follows:
- 388C.160 1. The governing body of each university school for profoundly gifted pupils shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:
- (a) Allow for cooperation and training between the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence to establish an understanding of the:
- (1) Responsibilities that the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and
- (2) Procedures of the university school for profoundly gifted pupils for providing support and services to pupils and employees.
- (b) Require a community-based organization that assists victims of power-based violence to:
- (1) Assist with developing policies, programming or training for the university school for profoundly gifted pupils regarding power-based violence;
- (2) Provide an alternative for a pupil or employee of the university school for profoundly gifted pupils to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations:
- (3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the university school for profoundly gifted pupils; and
- (4) Assist with the development and implementation of training and prevention curriculum for employees of the university school for profoundly gifted pupils.
- (c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.
- 2. If a teacher or administrator of the university school for profoundly gifted pupils is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.
 - 3. As used in this section:
- (a) "Forensic medical examination" has the meaning ascribed to it in NRS [217.300.] 217.310.





- (b) "Power-based violence" has the meaning ascribed to it in NRS 396.1285.
 - **Sec. 11.** NRS 396.147 is hereby amended to read as follows:
 - 396.147 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists persons involved in power-based violence. The memorandum of understanding may, without limitation:
 - (a) Allow for cooperation and training between the institution and the organization that assists persons involved in power-based violence to establish an understanding of the:
 - (1) Responsibilities that the institution and organization that assists persons involved in power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and
 - (2) Procedures of the institution for providing support and services to students and employees;
 - (b) Require an organization that assists persons involved in power-based violence to:
 - (1) Assist with developing policies, programming or training at the institution regarding power-based violence;
 - (2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to an alleged incident of power-based violence that are located on or off a campus of the institution, including, without limitation:
 - (I) Access to a health care provider who specializes in forensic medical examinations; and
 - (II) Confidential services;
 - (3) Assist with the development and implementation of education and prevention programs for students of the institution; and
 - (4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and
 - (c) Include a fee structure for any services provided by the organization that assists persons involved in power-based violence.
 - 2. As used in this section, "forensic medical examination" has the meaning ascribed to it in NRS [217.300.] 217.310.
 - **Sec. 12.** NRS 629.085 is hereby amended to read as follows:
 - 629.085 1. A provider of health care shall not:
 - (a) Perform or supervise the performance of a pelvic examination that the provider of health care is not appropriately licensed, certified or registered to perform or is not within the scope of practice of the provider of health care; or





- (b) Perform a pelvic examination on an anesthetized or unconscious patient or supervise the performance of a pelvic examination on such a patient without first obtaining the informed consent of the patient unless:
- (1) The pelvic examination is within the scope of a surgical procedure or diagnostic examination to which the patient has given informed consent; or
 - (2) In the case of an unconscious patient:
- (I) The pelvic examination is required for diagnostic purposes and is medically necessary; or
- (II) The patient is an alleged victim of a sexual assault and the physician or physician assistant reasonably concludes that exigent circumstances justify conducting a forensic medical examination which requires the pelvic examination.
- 2. A person who is not licensed, certified or registered as a provider of health care and is working under the supervision of a provider of health care, including, without limitation, a student or trainee, shall not:
- (a) Perform or supervise the performance of any pelvic examination that his or her supervising provider of health care is prohibited by subsection 1 from supervising; or
- (b) Supervise the performance of a pelvic examination by any other person outside the immediate presence of his or her supervising provider of health care.
 - 3. As used in this section:
- (a) "Forensic medical examination" has the meaning ascribed to it in NRS [217.300.] 217.310.
- (b) "Sexual assault" has the meaning ascribed to it in NRS 200.366.
 - Sec. 13. NRS 217.405 is hereby repealed.
- **Sec. 14.** 1. This section becomes effective upon passage and approval.
 - 2. Sections 1 to 13, inclusive, of this act become effective:
- (a) Upon passage and approval for the purpose of adopting regulations and performing other preparatory administrative tasks that are necessary to carry out the provisions of this act; and
 - (b) On October 1, 2025, for all other purposes.

TEXT OF REPEALED SECTION

217.405 Payment of costs incurred by hospital for strangulation forensic medical examination.



1 2



- 1. The county in whose jurisdiction a domestic violence battery by strangulation is committed shall pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim.
 - 2. Any costs incurred pursuant to subsection 1:
 - (a) Must not be charged directly to the victim.
- (b) Must be charged to the county in whose jurisdiction the offense was committed.
- 3. A county which pays costs related to a strangulation forensic medical examination pursuant to subsection 1 may, to the extent that money is available for that purpose from legislative appropriation, receive reimbursement from the State.
- 4. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a strangulation forensic medical examination pursuant to this section.
- 5. Nothing in this section shall be construed to prohibit the use of evidence obtained from a strangulation forensic medical examination during the investigation or prosecution of a person for domestic violence battery by strangulation.
 - 6. As used in this section:
- (a) "Domestic violence battery by strangulation" means a battery which constitutes domestic violence pursuant to NRS 33.018 that is committed by strangulation as described in NRS 200.481.
- (b) "Strangulation forensic medical examination" means an examination conducted by a health care provider for the purpose of assessing the health care needs of a victim of a domestic violence battery by strangulation and coordinating the treatment of any injuries of the victim.





