CONCURRENCE IN SENATE AMENDMENTS
AB 2185 (Akilah Weber)
As Amended August 11, 2022
Majority vote

SUMMARY
Provides domestic violence victims access to medical evidentiary exams, free of charge, by Local Sexual Assault Response Teams (SART), Sexual Assault Forensic Examiner (SAFE) teams, or other qualified medical evidentiary examiners.

Senate Amendments
1) Require each county's board of supervisors to authorize a designee to approve the SART, SAFE teams, or other qualified medical evidentiary examiners to receive reimbursement through the Office of Emergency Services (OES) and to notify OES of the designation.

2) Require OES to establish a 60-day reimbursement process within one year upon initial appropriation.

3) Specify that each county's SART, SAFE, or other qualified medical evidentiary examiner shall submit invoices to OES.

4) Make clarifying, non-substantive changes.

COMMENTS
As passed by the Assembly, this bill:

1) Included the California Sexual Assault Forensic Examiner Association in the entities which OES must collaborate with, to establish uniform forms and medical protocol for the examination of victims of domestic violence.

2) Made specified changes to the examination forms, including requiring the forms to include information regarding history of neglect, including current or past strangulation history.

3) Stated that documentation of suspected strangulation may be included on a supplemental strangulation form as part of the medical evidentiary exam.

4) Required the forms to be made accessible for use in an electronic format.

5) Stated that when strangulation is suspected, additional diagnostic testing may be necessary to prevent adverse health outcomes or morbidity.

6) Permitted victims receiving forensic medical exams for domestic violence to have a qualified social worker, victim advocate, or support person present during the examination, when available.

7) Required a hospital, clinic, or other emergency medical facility where medical evidentiary examinations are conducted to develop and implement written policies and procedures for maintaining the confidentiality of medical evidentiary examination reports, including proper
preservation and disposition of the reports if the examination program ceases operation, in order to prevent destruction of the reports.

8) Required, on or before July 1, 2023, a hospital, clinic, or other emergency medical facility where medical evidentiary examinations are conducted to implement a system to maintain medical evidentiary examination reports in a manner that facilitates release of the reports as required or authorized by law.

9) Provided that a hospital, clinic, or other emergency medical facility is not required to review a patient's medical records before January 1, 2023, in order to separate medical evidentiary examination reports from the rest of the patient's medical records.

10) Made the costs associated with the medical evidentiary examination of a domestic violence victim separate from diagnostic treatment and procedure costs associated with medical treatment. Costs for the medical evidentiary portion of the examination shall not be charged directly or indirectly to the victim of the assault.

11) Provided that each county shall designate their approved SART, SAFE teams, or other qualified medical evidentiary examiners to receive reimbursement through Cal OES for the performance of medical evidentiary examinations for victims of domestic violence.

12) Stated that the costs associated with these medical evidentiary exams shall be funded by the state, subject to appropriation by the Legislature, and administered by Cal OES.

13) Required a flat reimbursement rate to be established and reimbursement to be made within 60 days.

14) Specified that Cal OES shall assess and determine a fair and reasonable reimbursement rate to be reviewed every five years.

15) Prohibited the rate of reimbursement from being reduced based on patient history or other reasons.

16) Allowed victims of domestic violence to receive a medical evidentiary exam outside of the jurisdiction where the crime occurred and provides that the county's approved SART, SAFE teams, or qualified medical evidentiary examiners shall be reimbursed for the performance of these exams.

According to the Author
"AB 2185 standardizes best practices and increases access of medical evidentiary examinations for victims of domestic violence assault. This bill would also ensure survivors of domestic violence are connected to local social services or child advocacy centers for additional support."

Arguments in Support
According to the San Diego County District Attorney, the sponsor of this bill, "This long overdue proposal will provide victims of domestic violence (DV) equal access to the same right to medical evidentiary exams as sexual assault victims. By law, sexual assault victims currently have access to medical forensic exams and treatment at no cost (Penal Code Section 13823.95), but not domestic violence victims even though both are at risk for the same life-threatening
Arguments in Opposition
According to the California Hospital Association, "The health care professionals who perform these exams must be highly trained and skilled. It is important that they take sufficient time to perform each step of the examination extremely carefully, and they deserve to be paid appropriately for their services. Therefore, the California Hospital Association (CHA) requests an amendment to Assembly Bill 2185 to clarify that government reimbursement for these services must be adequate to cover the costs of providing them."

FISCAL COMMENTS
According to the Senate Appropriations Committee, Costs of approximately $790,000 annually to the Office of Emergency Services (OES) in additional staff (4.0 permanent positions) to create forms for and manage reimbursements to victims that receive domestic violence medical evidentiary exams (General Fund). Additional cost pressures on the General Fund to OES in the millions to tens of millions dollars annually because this bill requires reimbursement in domestic violence cases that is not currently required (General Fund).

VOTES:

ASM PUBLIC SAFETY: 7-0-0
YES: Jones-Sawyer, Lackey, Mia Bonta, Bryan, Quirk, Santiago, Seyarto

ASM APPROPRIATIONS: 12-0-4
YES: Holden, Bryan, Calderon, Carrillo, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson
ABS, ABST OR NV: Bigelow, Megan Dahle, Davies, Fong

ASSEMBLY FLOOR: 76-0-2
ABS, ABST OR NV: Berman, O'Donnell

SENATE FLOOR: 40-0-0