



NORTH CAROLINA

Specific requirement to report sexual assault? No.

Requirement to report non-accidental or intentional injuries? No.

Requirement to report injuries caused by criminal conduct? No.

Additional statutes that may impact competent adult victims of sexual assault? It is mandatory to report gunshot and stab wounds as well as certain burns and illness caused by poisoning.

STATUTES ADDRESSING PAYMENT FOR EXAMINATIONS

N.C. Gen. Stat. § 143B-480.2. Victim assistance

Repealed by Session Laws 2009-354, s. 1(a), effective July 27, 2009.

N.C. Gen. Stat. § 143B-480.1. 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 accept payment made under this section as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill victims, their personal insurance, Medicaid, Medicare, or any other collateral source for the examination. 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	\$350.00
Hospital/Facility Fee	\$250.00



Other Expenses Deemed Eligible by the Program	\$200.00
Total:	\$800.00

(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 should include at a minimum an examination of physical trauma, a patient interview, a determination of penetration or force, and a collection and evaluation of evidence. This definition shall be interpreted consistently with 28 C.F.R. § 90.2(b) 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 medical examinations of rape victims or victims of related sexual offenses.

(3) Sexual assault. – Any of the following crimes:

- a. First-degree rape as defined in G.S. 14-27.2.
- b. Second degree rape as defined in G.S. 14-27.3.
- c. First-degree sexual offense as defined in G.S. 14-27.4.
- d. Second degree sexual offense as defined in G.S. 14-27.5.
- e. Statutory rape as defined in G.S. 14-27.7A.

(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.

HISTORY: 1981, c. 931, s. 2; 1981 (Reg. Sess., 1982), c. 1191, s. 16; 2009-354, s.1(b).

N.C. Admin. Code tit. 14A, r. 11.0303 ALLOWABLE COSTS AND BENEFITS



RAPE REPORTING REQUIREMENTS FOR COMPETENT ADULT VICTIMS

UPDATED JULY 16, 2010

(a) Immediate costs. Payment for medical and hospital costs incurred within 72 hours of the incident and associated with the immediate diagnosis and medical treatment of a victim of rape or sexual offense, or an attempted rape or sexual offense will be authorized by the Director, Division of Victim and Justice Services, subject to the limitations of Rule .0304.

(b) Charges permitted include, but are not restricted to, the following:

- (1) hospital and emergency room;
- (2) professional services;
- (3) laboratory fees such as:
 - (A) pelvic tray,
 - (B) physical evidence collection in a manner and with materials approved by the State Bureau of Investigation,
 - (C) venereal disease test,
 - (D) pregnancy test,
 - (E) sperm smear,
 - (F) blood alcohol test;
- (4) hospital or professional services or both in connection with the immediate treatment of associated injuries;
- (5) medications and drugs.

(c) Short-term costs. Payment for medical and hospital costs incurred within 90 days of the incident associated with the short-term medical treatment of a victim of a rape or sexual offense, or an attempted rape or sexual offense, will be authorized by the Director, Division of Victim and Justice Services, subject to the limitations of Rule .0304. Charges permitted include, but are not restricted to, the following:

- (1) hospital room accommodation, including bed, board and general nursing care;
- (2) professional services;
- (3) laboratory fees such as:
 - (A) venereal disease tests,
 - (B) pregnancy test;
- (4) medications and drugs;
- (5) mental health services ordered by a licensed physician, subject to the prevailing state rates per visit for such services;
- (6) ambulance services.

(d) The Director, Division of Victim and Justice Services, may utilize program funds to purchase approved evidence collection kits.

HISTORY: Authority G.S. 143B-480.2(a); Eff. December 1, 1984.

For more information, please contact the Sexual Assault Prevention and Response Office at 703-696-9422



REPORTING STATUTES WHICH MAY IMPACT RAPE VICTIMS

N.C. Gen. Stat. § 90-21.20. Reporting by physicians and hospitals of wounds, injuries and illnesses

(a) Such cases of wounds, injuries or illnesses as are enumerated in subsection (b) shall be reported as soon as it becomes practicable before, during or after completion of treatment of a person suffering such wounds, injuries, or illnesses. If such case is treated in a hospital, sanitarium or other medical institution or facility, such report shall be made by the Director, Administrator, or other person designated by the Director or Administrator, or if such case is treated elsewhere, such report shall be made by the physician or surgeon treating the case, to the chief of police or the police authorities of the city or town of this State in which the hospital or other institution, or place of treatment is located. If such hospital or other institution or place of treatment is located outside the corporate limits of a city or town, then the report shall be made by the proper person in the manner set forth above to the sheriff of the respective county or to one of his deputies.

(b) Cases of wounds, injuries or illnesses which shall be reported by physicians, and hospitals include every case of a bullet wound, gunshot wound, powder burn or any other injury arising from or caused by, or appearing to arise from or be caused by, the discharge of a gun or firearm, every case of illness apparently caused by poisoning, every case of a wound or injury caused, or apparently caused, by a knife or sharp or pointed instrument if it appears to the physician or surgeon treating the case that a criminal act was involved, and every case of a wound, injury or illness in which there is grave bodily harm or grave illness if it appears to the physician or surgeon treating the case that the wound, injury or illness resulted from a criminal act of violence.

(c) Each report made pursuant to subsections (a) and (b) above shall state the name of the wounded, ill or injured person, if known, and the age, sex, race, residence or present location, if known, and the character and extent of his injuries.

(c1) In addition to the reporting requirements of subsection (b) of this section, cases involving recurrent illness or serious physical injury to any child under the age of 18 years where the illness or injury appears, in the physician's professional judgment, to be the result of non-accidental trauma shall be reported by the physician as soon as it becomes practicable before, during, or after completion of treatment. If the case is treated in a hospital, sanitarium, or other medical institution or facility, the report shall be made by the Director, Administrator, or other person designated by the Director or Administrator of the medical institution or facility, or if the case is treated elsewhere, the report shall be made by the physician or surgeon treating the case to the chief of police or the police authorities of the city or town in this State in which the hospital or other institution or place of treatment is located. If the hospital or other institution or place of treatment is located outside the corporate limits of a city or town, then the report shall be made by the proper person in the manner set forth above to the sheriff of the respective county or to one of the sheriff's deputies. This reporting requirement is in addition to the duty set forth in G.S. 7B-301 to report child abuse, neglect, dependence, or the death of any juvenile



RAPE REPORTING REQUIREMENTS FOR COMPETENT ADULT VICTIMS

UPDATED JULY 16, 2010

as the result of maltreatment to the director of the department of social services in the county where the juvenile resides or is found.

(d) Any hospital, sanitarium, or other like institution or Director, Administrator, or other designated person, or physician or surgeon participating in good faith in the making of a report pursuant to this section shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed as the result of the making of such report.

HISTORY: 1971, c. 4;1977, c. 31; c. 843, s. 2; 2008-179, s. 1.