

115TH CONGRESS  
1ST SESSION

# H. R. 3415

To amend title XVIII of the Social Security Act to ensure appropriate care for victims of sexual assault, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 26, 2017

Mr. POE of Texas (for himself and Mrs. CAROLYN B. MALONEY of New York) introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend title XVIII of the Social Security Act to ensure appropriate care for victims of sexual assault, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Megan Rondini Act”.

5 **SEC. 2. HOSPITAL CARE FOR VICTIMS OF SEXUAL ASSAULT.**

6 (a) IN GENERAL.—Part E of title XVIII of the Social  
7 Security Act (42 U.S.C. 1395x et seq.) is amended by add-  
8 ing at the end the following new section:

1 **“SEC. 1899C. EXAMINATION AND TREATMENT FOR VICTIMS**  
2 **OF SEXUAL ASSAULT.**

3 “(a) IN GENERAL.—

4 “(1) TREATMENT.—In the case of a hospital or  
5 critical access hospital that has an emergency de-  
6 partment and with respect to visits to such depart-  
7 ment on or after January 1, 2019, if any individual  
8 (whether or not eligible for benefits under this title)  
9 comes to the emergency department for treatment  
10 relating to sexual assault, such hospital or critical  
11 access hospital shall, if the hospital or critical access  
12 hospital is not designated under subsection (b) as a  
13 SAFE-ready facility—

14 “(A) inform the individual that the hos-  
15 pital is not a SAFE-ready facility;

16 “(B) provide the name and location of the  
17 closest SAFE-ready facility to the hospital;

18 “(C) inform the individual that the indi-  
19 vidual may elect—

20 “(i) to receive treatment at the hos-  
21 pital; or

22 “(ii) to be stabilized and transferred  
23 to the facility described in subparagraph  
24 (B); and

25 “(D) in the case that the individual elects  
26 to be transferred under subparagraph (C)(ii)—

1           “(i) obtain the individual’s written  
2 consent for the transfer;

3           “(ii) contact the facility described in  
4 subparagraph (B) to confirm that a sexual  
5 assault forensic examiner or a telemedicine  
6 system (as described in subsection  
7 (b)(1)(B)) is available at the facility; and

8           “(iii) stabilize and transfer the indi-  
9 vidual to such facility.

10           “(2) STAFF TRAINING.—Not later than Janu-  
11 ary 1, 2019, a hospital or critical access hospital de-  
12 scribed in paragraph (1) shall develop and imple-  
13 ment a plan to train relevant personnel on sexual as-  
14 sault forensic evidence collection.

15           “(b) SAFE-READY DESIGNATION.—

16           “(1) IN GENERAL.—The Secretary shall des-  
17 ignate a hospital or critical access hospital as a  
18 SAFE-ready facility if the hospital or critical access  
19 hospital—

20           “(A) employs or contracts with a sexual  
21 assault forensic examiner; or

22           “(B) uses a telemedicine system of sexual  
23 assault forensic examiners to provide consulta-  
24 tion to a registered professional nurse or physi-

1           cian when conducting a sexual assault forensic  
2           medical examination.

3           “(2) PUBLICATION OF DATA.—The Secretary  
4           shall publish on the public website of the Depart-  
5           ment of Health and Human Services a list of each  
6           hospital or critical access hospital designated as a  
7           SAFE-ready facility under this subsection, including  
8           the address of such hospital or critical access hos-  
9           pital. The Secretary shall update such list annually.

10          “(c) PENALTIES.—A hospital or critical access hos-  
11         pital that recklessly, knowingly, or intentionally violates  
12         a requirement of this section is subject to a civil money  
13         penalty of not more than \$50,000 (or not more than  
14         \$25,000 in the case of a hospital with less than 100 beds)  
15         for each such violation. The provisions of section 1128A  
16         (other than subsections (a) and (b)) shall apply to a civil  
17         money penalty under this subparagraph in the same man-  
18         ner as such provisions apply with respect to a penalty or  
19         proceeding under section 1128A(a).

20          “(d) DEFINITION.—In this section, the term ‘sexual  
21         assault forensic examiner’ means—

22                 “(1) a certified sexual assault nurse examiner;

23                 or

24                 “(2) a physician with specialized training on  
25                 conducting a forensic medical examination.”.

1 (b) ENFORCEMENT.—Section 1866(a)(1)(I) of the  
2 Social Security Act (42 U.S.C. 1395cc(a)(1)(I)) is amend-  
3 ed—

4 (1) in clause (ii), by striking “and” at the end;

5 (2) in clause (iii), by striking the comma at the  
6 end and inserting “, and”; and

7 (3) by adding at the end the following new  
8 clause:

9 “(iv) to adopt and enforce a policy to en-  
10 sure compliance with the requirements of sec-  
11 tion 1899C and to meet the requirements of  
12 such section,”.

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