

**WAYS AND MEANS COMMITTEE PRINT 117-3**

**Requiring Coverage of Forensic Medical Exams with No Cost Sharing**

1 **SECTION 1. REQUIRING COVERAGE OF FORENSIC MEDICAL**  
2 **EXAMS WITH NO COST SHARING.**

3 (a) PHSA.—Part D of title XXVII of the Public  
4 Health Service Act (42 U.S.C. 300gg-111 et seq.) is  
5 amended—

6 (1) in section 2799A-1(a)(3)(C)(ii), by insert-  
7 ing “forensic medical exams (as defined in section  
8 2799A-11(d)) furnished on or after January 1,  
9 2025 and” after “shall include”; and

10 (2) by adding at the end the following new sec-  
11 tion:

12 **“SEC. 2799A-11. REQUIRED COVERAGE OF FORENSIC MED-**  
13 **ICAL EXAMS WITH NO COST SHARING.**

14 “(a) IN GENERAL.—Except as provided in subsection  
15 (b), a group health plan and a health insurance issuer of-  
16 fering group or individual health insurance coverage shall  
17 provide coverage for and shall not impose any cost sharing  
18 requirements for a forensic medical exam (as defined in  
19 subsection (d)) furnished by a sexual assault forensic ex-  
20 aminer (as defined for purposes of section 304 of the DNA  
21 Sexual Assault Justice Act of 2004), a sexual assault

1 nurse examiner (as so defined), or any other provider spec-  
2 ified by the Secretary, regardless of whether such forensic  
3 examiner, nurse examiner, or other provider has in effect  
4 a contractual relationship with such plan or coverage for  
5 the furnishing of such exam or item or service.

6 “(b) NONAPPLICATION TO CERTAIN FORENSIC MED-  
7 ICAL EXAMS OTHERWISE COVERED.—

8 “(1) IN GENERAL.—The provisions of sub-  
9 section (a) shall not apply with respect to a forensic  
10 medical exam furnished in a State for which such  
11 State is responsible for incurring the full out-of-  
12 pocket costs under section 2010 of the Omnibus  
13 Crime Control and Safe Streets Act of 1968.

14 “(2) NOTIFICATION.—In the case that a group  
15 health plan or health insurance issuer offering group  
16 or individual health insurance coverage receives a  
17 claim for a forensic medical exam to which the provi-  
18 sions of subsection (a) would apply but for applica-  
19 tion of paragraph (1) and such plan or issuer denies  
20 such claim or imposes cost sharing on such claim,  
21 such plan or issuer shall—

22 “(A) at the time of such denial or imposi-  
23 tion, notify the individual with respect to whom  
24 such exam was furnished of the manner in  
25 which such individual may seek reimbursement

1           for such exam (or for the amount of such cost  
2           sharing so imposed, as applicable) from the  
3           State in which such exam was furnished; and

4                   “(B) after receiving authorization from  
5           such individual, notify the appropriate State  
6           agency of the State in which such exam was  
7           furnished of such claim.

8           “(c) APPLICATION OF SURPRISE BILLING PROVI-  
9           SIONS.—

10                   “(1) IN GENERAL.—The provisions of sections  
11           2799A–1 and 2799B–1, 716 of the Employee Re-  
12           tirement Income Security Act of 1974, and 9816 of  
13           the Internal Revenue Code of 1986 shall apply to a  
14           forensic medical exam for which a group health plan  
15           or health insurance issuer offering group or indi-  
16           vidual health insurance coverage is responsible for  
17           providing coverage at no cost sharing under this sec-  
18           tion furnished to an enrollee of such plan or group  
19           or individual health insurance coverage by a provider  
20           that does not have in effect a contractual relation-  
21           ship described in subsection (a) with such plan or  
22           coverage (as applicable) for furnishing such exam as  
23           if such exam was an emergency service furnished by  
24           a nonparticipating provider in an emergency depart-  
25           ment of a hospital.

1           “(2) DEFINITIONS.—In this subsection, the  
2 terms ‘emergency service’ and ‘nonparticipating pro-  
3 vider’ have the meanings given such terms in sub-  
4 paragraphs (C)(i) and (G), respectively, of sections  
5 2799A–1(a)(3), 716(a)(3) of the Employee Retirement  
6 Income Security Act of 1974, and section  
7 9816(a)(3) of the Internal Revenue Code of 1986.

8           “(d) DEFINITION.—For purposes of this section, the  
9 term ‘forensic medical exam’ means, with respect to an  
10 individual—

11           “(1) an examination for physical trauma;

12           “(2) a determination of penetration or force;

13           “(3) an interview of such individual; and

14           “(4) the collection and evaluation of evidence  
15 from such individual.”.

16           (b) ERISA.—

17           (1) IN GENERAL.—Subpart B of part 7 of sub-  
18 title B of title I of the Employee Retirement Income  
19 Security Act of 1974 is amended—

20           (A) in section 716(a)(3)(C)(ii), by insert-  
21 ing “forensic medical exams (as defined in sec-  
22 tion 726(d)) furnished on or after January 1,  
23 2025 and” after “shall include”; and

24           (B) by adding at the end the following new  
25 section:

1 **“SEC. 726. REQUIRED COVERAGE OF FORENSIC MEDICAL**  
2 **EXAMS WITH NO COST SHARING.**

3 “(a) IN GENERAL.—Except as provided in subsection  
4 (b), a group health plan and a health insurance issuer of-  
5 fering group health insurance coverage shall provide cov-  
6 erage for and shall not impose any cost sharing require-  
7 ments for a forensic medical exam (as defined in sub-  
8 section (d)) furnished by a sexual assault forensic exam-  
9 iner (as defined for purposes of section 304 of the DNA  
10 Sexual Assault Justice Act of 2004), a sexual assault  
11 nurse examiner (as so defined), or any other provider spec-  
12 ified by the Secretary, regardless of whether such forensic  
13 examiner, nurse examiner, or other provider has in effect  
14 a contractual relationship with such plan or coverage for  
15 the furnishing of such exam or item or service.

16 “(b) NONAPPLICATION TO CERTAIN FORENSIC MED-  
17 ICAL EXAMS OTHERWISE COVERED.—

18 “(1) IN GENERAL.—The provisions of sub-  
19 section (a) shall not apply with respect to a forensic  
20 medical exam furnished in a State for which such  
21 State is responsible for incurring the full out-of-  
22 pocket costs under section 2010 of the Omnibus  
23 Crime Control and Safe Streets Act of 1968.

24 “(2) NOTIFICATION.—In the case that a group  
25 health plan or health insurance issuer offering group  
26 health insurance coverage receives a claim for a fo-

1 forensic medical exam to which the provisions of sub-  
2 section (a) would apply but for application of para-  
3 graph (1) and such plan or issuer denies such claim  
4 or imposes cost sharing on such claim, such plan or  
5 issuer shall—

6 “(A) at the time of such denial or imposi-  
7 tion, notify the individual with respect to whom  
8 such exam was furnished of the manner in  
9 which such individual may seek reimbursement  
10 for such exam (or for the amount of such cost  
11 sharing so imposed, as applicable) from the  
12 State in which such exam was furnished; and

13 “(B) after receiving authorization from  
14 such individual, notify the appropriate State  
15 agency of the State in which such exam was  
16 furnished of such claim.

17 “(c) APPLICATION OF SURPRISE BILLING PROVI-  
18 SIONS.—

19 “(1) IN GENERAL.—The provisions of sections  
20 2799A–1 and 2799B–1 of the Public Health Service  
21 Act, 716, and 9816 of the Internal Revenue Code of  
22 1986 shall apply to a forensic medical exam for  
23 which a group health plan or health insurance issuer  
24 offering group health insurance coverage is respon-  
25 sible for providing coverage at no cost sharing under

1 this section furnished to a participant or beneficiary  
2 of such plan or group health insurance coverage by  
3 a provider that does not have in effect a contractual  
4 relationship described in subsection (a) with such  
5 plan or coverage (as applicable) for furnishing such  
6 exam as if such exam was an emergency services  
7 furnished by a nonparticipating provider in an emer-  
8 gency department of a hospital.

9 “(2) DEFINITIONS.—In this subsection, the  
10 terms ‘emergency service’ and ‘nonparticipating pro-  
11 vider’ have the meanings given such terms in sub-  
12 paragraphs (C)(i) and (G), respectively, of sections  
13 2799A–1(a)(3) of the Public Health Service Act,  
14 716(a)(3), and section 9816(a)(3) of the Internal  
15 Revenue Code of 1986.

16 “(d) DEFINITION.—For purposes of this section, the  
17 term ‘forensic medical exam’ means, with respect to an  
18 individual—

19 “(1) an examination for physical trauma;

20 “(2) a determination of penetration or force;

21 “(3) an interview of such individual; and

22 “(4) the collection and evaluation of evidence  
23 from such individual.”.

24 (2) TECHNICAL AMENDMENT.—The table of  
25 contents in section 1 of such Act is amended by in-

1       serting after the item relating to section 725 the fol-  
2       lowing new item:

“Sec. 726. Required coverage of forensic medical exams with no cost sharing.”.

3       (c) IRC.—

4           (1) IN GENERAL.—Subchapter B of chapter  
5       100 of the Internal Revenue Code of 1986 is amend-  
6       ed—

7           (A) in section 9816(a)(3)(C)(ii), by insert-  
8       ing “forensic medical exams (as defined in sec-  
9       tion 9826(d)) furnished on or after January 1,  
10      2025 and” after “shall include”; and

11          (B) by adding at the end the following new  
12      section:

13      **“SEC. 9826. REQUIRED COVERAGE OF FORENSIC MEDICAL**  
14           **EXAMS WITH NO COST SHARING.**

15      “(a) IN GENERAL.—Except as provided in subsection  
16      (b), a group health plan shall provide coverage for and  
17      shall not impose any cost sharing requirements for a fo-  
18      rensic medical exam (as defined in subsection (d)) fur-  
19      nished by a sexual assault forensic examiner (as defined  
20      for purposes of section 304 of the DNA Sexual Assault  
21      Justice Act of 2004), a sexual assault nurse examiner (as  
22      so defined), or any other provider specified by the Sec-  
23      retary, regardless of whether such forensic examiner,  
24      nurse examiner, or other provider has in effect a contrac-



1 tual relationship with such plan for the furnishing of such  
2 exam or item or service.

3 “(b) NONAPPLICATION TO CERTAIN FORENSIC MED-  
4 ICAL EXAMS OTHERWISE COVERED.—

5 “(1) IN GENERAL.—The provisions of sub-  
6 section (a) shall not apply with respect to a forensic  
7 medical exam furnished in a State for which such  
8 State is responsible for incurring the full out-of-  
9 pocket costs under section 2010 of the Omnibus  
10 Crime Control and Safe Streets Act of 1968.

11 “(2) NOTIFICATION.—In the case that a group  
12 health plan receives a claim for a forensic medical  
13 exam to which the provisions of subsection (a) would  
14 apply but for application of paragraph (1) and such  
15 plan denies such claim or imposes cost sharing on  
16 such claim, such plan shall—

17 “(A) at the time of such denial or imposi-  
18 tion, notify the individual with respect to whom  
19 such exam was furnished of the manner in  
20 which such individual may seek reimbursement  
21 for such exam (or for the amount of such cost  
22 sharing so imposed, as applicable) from the  
23 State in which such exam was furnished; and

24 “(B) after receiving authorization from  
25 such individual, notify the appropriate State

1           agency of the State in which such exam was  
2           furnished of such claim.

3           “(c) APPLICATION OF SURPRISE BILLING PROVI-  
4           SIONS.—

5           “(1) IN GENERAL.—The provisions of sections  
6           2799A–1 and 2799B–1 of the Public Health Service  
7           Act, 716 of the Employee Retirement Income Secu-  
8           rity Act of 1974, and 9816 shall apply to a forensic  
9           medical exam for which a group health plan is re-  
10          sponsible for providing coverage at no cost sharing  
11          under this section furnished to an enrollee, partici-  
12          pant, or beneficiary of such plan by a provider that  
13          does not have in effect a contractual relationship de-  
14          scribed in subsection (a) with such plan for fur-  
15          nishing such exam as if such exam was an emer-  
16          gency service furnished by a nonparticipating pro-  
17          vider in an emergency department of a hospital.

18          “(2) DEFINITIONS.—In this subsection, the  
19          terms ‘emergency service’ and ‘nonparticipating pro-  
20          vider’ have the meanings given such terms in sub-  
21          paragraphs (C)(i) and (G), respectively, of sections  
22          2799A–1(a)(3) of the Public Health Service Act,  
23          716(a)(3) of the Employee Retirement Income Secu-  
24          rity Act of 1974, and section 9816(a)(3).

1       “(d) DEFINITION.—For purposes of this section, the  
2 term ‘forensic medical exam’ means, with respect to an  
3 individual—

4           “(1) an examination for physical trauma;

5           “(2) a determination of penetration or force;

6           “(3) an interview of such individual and

7           “(4) the collection and evaluation of evidence  
8 from such individual.”.

9       (2) TECHNICAL AMENDMENT.—The table of  
10 sections for such subchapter is amended by adding  
11 at the end the following new item:

“Sec. 9826. Required coverage of forensic medical exams with no cost sharing.”.

12       (d) CONFORMING AMENDMENT.—Section 223(e)(2)  
13 of the Internal Revenue Code of 1986 is amended by add-  
14 ing at the end the following new subparagraph:

15           “(H) SAFE HARBOR FOR FORENSIC MED-  
16 ICAL EXAMS.—A plan shall not fail to be treat-  
17 ed as a high deductible health plan by reason  
18 of failing to have a deductible for any item or  
19 service for which such plan is required to pro-  
20 vide coverage at no cost sharing under section  
21 9826.”.

22       (e) IMPLEMENTATION.—The Secretaries of Labor,  
23 Health and Human Services, and the Treasury may imple-  
24 ment the amendments made by this section through in-

1 terim final rules, subregulatory guidance, program in-  
2 struction, or otherwise.

3 (f) EFFECTIVE DATE.—The amendments made by  
4 subsections (a) through (d) shall apply with respect to  
5 plan years beginning on or after January 1, 2025.

