

## **PATIENT/VICTIM INFORMATION**

**August 2009**

- How does this law help me?** If you have been raped or sexually assaulted, you no longer have to worry about how to pay for the cost of the examination to collect evidence necessary to prosecute the perpetrator.
- What if I have been drinking or using drugs?** Don't worry. Evidence collected during the examination cannot be used to prosecute you for a separate offense.
- What is a forensic medical examination?** It is also called a sexual assault examination. When a sexual assault is reported, it is important that the evidence of the assault is collected for purposes of prosecuting the alleged crime.
- Do I have the right to refuse to talk to law enforcement?** Yes. However, the medical provider is a "mandated reporter," which means he or she is required to report the incident to law enforcement. Although it is more difficult for the state to prosecute a sexual assault case without the victim's report or cooperation, the decision to prosecute is the state's and not the victim's. A victim does not press charges – that's the prosecutor's job.
- Do I have to pay any of the costs for the sexual assault (rape) examination?** No. You are not responsible for the cost of a sexual assault examination for the purpose of gathering evidence for a possible prosecution, including the cost of antibiotics and other medications administered as part of the examination. The hospital or clinic where you were examined will be reimbursed directly and cannot bill you for these costs.
- What about the costs of other medical treatment I received?** You will be responsible for the costs of additional care you may receive that is not for the collection of evidence, such as x-rays, stitches, hospitalization, pain medication and counseling. You may be asked to provide insurance information and/or eligibility for Medicaid or Indian Health Services. If you do not have coverage, or there are costs not covered by insurance, you may be eligible to have these costs paid by the North Dakota Crime Victims Compensation Fund, provided you cooperate with law enforcement and prosecution.
- Crime Victims Compensation Fund** For information about eligibility for compensation, contact the North Dakota Crime Victims Compensation Fund, toll-free at 1-800-445-2322. If you have decided not to cooperate with law enforcement, you may not be eligible for these funds.