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STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

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Honorable Cassie T. Jones, Executive Director
Alabama Crime Victims' Compensation Commission
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Crime Victims Compensation Commission
– Reimbursement – Medical Expenses –
Rules and Regulations

Section 15-23-5(24) of the Code of Alabama authorizes the Alabama Crime Victims Compensation Commission (“Commission”) determine the amount that the Commission will reimburse health care providers for services rendered as a result of medical examinations and treatment for prevention of venereal diseases in sexual abuse crimes and offenses. Sections 15-23-5(14) and (26) of the Code authorize the Commission to implement rules and regulations to expedite the administration of the affairs of the Commission. Accordingly, the Commission may adopt an administrative rule that establishes the amount of payment that the Commission will reimburse health care providers for medical exams performed for the purpose of collecting and gathering evidence and for treatment for prevention of venereal diseases in sexual abuse crimes.

Dear Ms. Jones:

This opinion of the Attorney General is issued in response to your request on behalf of the Crime Victims' Compensation Commission.

QUESTION

Does the Commission have the authority to place a limit on the amount it will reimburse providers of sexual assault exams or must the Commission pay the bill in full?

FACTS AND ANALYSIS

The Alabama Crime Victims Compensation Commission is a state agency that is created pursuant to section 15-23-1, *et seq.*, of the Code of Alabama. Generally, this particular agency is responsible for providing a means whereby victims of violent crime and their dependents may be provided compensation in the amount of actual expenses incurred as a direct result of criminal acts of other persons. ALA. CODE § 15-23-2 (1995).

In your letter of request, you stated that victims of sexual assault receive a sexual assault exam, which is offered either by a hospital or a Sexual Assault Response Team/Sexual Assault Nurse Examiner (SART/SANE) program. This examination is provided by hospitals in locations in which SART/SANE programs do not exist. In both locations examinations are conducted for the purpose of collection of forensic evidence and treatment for prevention of venereal diseases. The bill for a sexual assault exam performed by a SART/SANE program is submitted directly to the Commission. In instances where the person is taken to the hospital, the hospital initially submits the charges to the assault victim's health insurance, Medicare, or Medicaid for payment. Fees that are not paid by the insurance provider may then be submitted to the Commission for reimbursement.

Your request notes that bills submitted for exams performed in a hospital are often far greater than bills submitted by SART/SANE programs. Hence, you question whether the Commission has the authority to place a limit on the amount it will reimburse providers of sexual assault exams. Specifically, you are contemplating the adoption of an administrative rule that would place a reasonable monetary limit on the amount paid to healthcare providers for sexual assault exams performed solely for the collection of evidence and treatment for prevention of venereal disease in sexual abuse crimes.

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Section 15-23-5 of the Code of Alabama sets forth the powers of the Commission. Specifically, section 15-23-5(24) of the Code authorizes the Commission to pay for sexual assault exams and treatment for prevention of venereal disease. This section states that the Commission shall have the power to “[p]rovide for the cost of medical examinations for the purpose of gathering evidence and treatment for preventing venereal disease in sexual abuse crimes and offenses.” ALA. CODE § 15-23-5(24) (1995).

Under the established rules of statutory construction, words used in a statute must be given their natural, plain, ordinary, and commonly understood meaning, and where plain language is used, a court is bound to interpret that language to mean exactly what it says. *Ex parte Cove Properties, Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Based on the information that the Commission provided and through a subsequent conversation with the Commission, it is apparent that some hospitals are charging the Commission more than the charges for the SART/SANE programs. Based on the plain language in section 15-23-5(24) of the Code, it is the opinion of this Office that the Commission is responsible for determining the amount that the Commission will reimburse health care providers for these services. Sections 15-23-5(14) and (26) of the Code authorize the Commission to adopt rules and regulations necessary or desirable to expedite the administration of the Commission’s affairs and empowers the Commission to use all other powers necessary for the proper administration of the Commission. As such, the Commission may adopt a regulation that sets forth the amount or the manner of determining the amount the Commission will pay for medical examinations in sexual assault matters.

CONCLUSION

Section 15-23-5(24) of the Code authorizes the Commission to determine the amount that the Commission will reimburse health care providers for services rendered as a result of medical examinations and treatment for prevention of venereal diseases in sexual abuse crimes and offenses. Sections 15-23-5(14) and (26) of the Code authorize the Commission to implement rules and regulations to expedite the administration of the affairs of the Commission. Accordingly, the Commission may adopt an administrative rule that establishes the amount of payment that the Commission will reimburse health care providers for medical exams performed for the purpose of collecting and gathering evidence and for treatment for prevention of venereal diseases in sexual abuse crimes.

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I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

TROY KING
Attorney General
By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division

TK/MMG
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