

A public hearing will be held by the Office of Attorney General Mike DeWine on Tuesday, March 8, 2016 at 10:30 a.m. in the B-1 Hearing Room of the Rhodes State Office Tower, located at 30 East Broad Street, Columbus, Ohio 43215.

The purpose of the hearing is to solicit comment on amended rules **109-7-01, 02, 03** and **109-7-05 (NEW)**.

**109:7-1-01 Sexual assault examination protocol.**

When conducting a medical examination of a victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution, ~~including the cost of any antibiotics administered as part of the examination,~~ a hospital, children's advocacy center, or other emergency medical facility shall follow the protocol designated in this rule and shall only use a sexual assault evidence collection kit that meets that protocol in order to qualify for payment from the reparations fund established pursuant to section 2743.191 of the Revised Code. The protocol shall be as follows:

(A) For victims other than children, the hospital or other emergency medical facility shall follow the protocol adopted by the Ohio department of health.

(B) For victims who are children, the hospital, children's advocacy center, or other emergency medical facility shall follow the protocol adopted by the committee on child abuse and neglect of the Ohio chapter of the American academy of pediatrics.

**109:7-1-02 Sexual assault examination payment amount.**

A hospital, children's advocacy center, or other emergency medical facility shall accept a flat fee payment of ~~five~~**six** hundred ~~thirty-two~~ dollars as payment in full for any cost incurred in conducting a medical examination and test of a victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for the purpose of gathering physical evidence for a possible prosecution of a person, including the cost of any antibiotics administered as part of the examination.

The attorney general may increase the payment amount for inflation by a reasonable percentage according to the consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor.

### **109:7-1-03 Definitions.**

As used in ~~this chapter~~ **these rules**, unless otherwise stated:

(A) "Administrative costs" means expenses incurred in managing the rape crisis trust fund. Administrative expenses include, but are not limited to, salaries, benefits, and other expenses incurred in the course of operating the fund.

(B) "Rape crisis program" means any of the following:

(1) The nonprofit state sexual assault coalition designated by the center for injury prevention and control of the federal centers for disease control and prevention;

(2) A victim witness assistance program operated by a prosecuting attorney; or

(3) A program operated by a government-based or nonprofit entity that provides a full continuum of services to victims of sexual assault, including hotlines, victim advocacy, and support services from the onset of the need for services through the completion of healing, that does not provide medical services, and that may refer victims to physicians for medical care but does not engage in or refer for services for which the use of genetic services funds is prohibited by section 3701.511 of the Revised Code.

(C) "Rape crisis trust fund" means the fund created in the state treasury, consisting of money paid into the fund pursuant to sections 307.515 and 311.172 of the Revised Code and any money appropriated to the fund by the general assembly or donated to the fund.

(D) "Sexual assault" means any of the following:

(1) A violation of section 2907.02, 2907.03, 2907.04, 2907.05, or former section 2907.12 of the Revised Code;

(2) A violation of an existing or former municipal ordinance or law of this or any other state of the United States that is or was substantially equivalent to any section listed in paragraph (D)(1) of this rule.

**(E) "AIDS" means the illness designated as acquired immunodeficiency syndrome.**

**(F) "HIV" means the human immunodeficiency virus identified as the causative agent of AIDS.**

**109:7-1-05 Services related to sexual assault examinations requiring antibiotics and HIV post-exposure prophylaxis.**

When conducting a medical examination of a victim of an offense under any provision of sections 2907.02 to 2907.06 of the Revised Code for possible prosecution, the cost of antibiotics and HIV post-exposure prophylaxis provided as a part of an examination may be eligible for payment from the reparations fund established pursuant to section 2743.191 of the Revised Code.

The reimbursement for HIV post-exposure prophylaxis shall be the actual amount billed and shall not exceed the following limits:

(A) Five (5) day supply of HIV prophylaxis medication not to exceed \$482.00.(B) Laboratory testing not to exceed \$452.00.

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Amber Aimar, Policy and Public Affairs Section, Office of the Ohio Attorney General Mike DeWine, 30 East Broad Street, Columbus, Ohio 43215, or [Amber.Aimar@OhioAttorneyGeneral.gov](mailto:Amber.Aimar@OhioAttorneyGeneral.gov) no later than Monday, March 7, 2016 by close of business.