

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO COMMITTEE PRINT 117-3  
OFFERED BY M . \_\_\_\_\_**

In lieu of the matter proposed by the Committee  
Print, insert the following:

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

1 subsection (d)) furnished by a sexual assault forensic ex-  
2 aminer (as defined for purposes of section 304 of the DNA  
3 Sexual Assault Justice Act of 2004), a sexual assault  
4 nurse examiner (as so defined), or any other provider spec-  
5 ified by the Secretary, regardless of whether such forensic  
6 examiner, nurse examiner, or other provider has in effect  
7 a contractual relationship with such plan or coverage for  
8 the furnishing of such exam or item or service.

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

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

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

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

8           “(B) after receiving authorization from  
9           such individual, notify the appropriate State  
10          agency of the State in which such exam was  
11          furnished of such claim.

12          “(c) APPLICATION OF SURPRISE BILLING PROVI-  
13          SIONS.—

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

1 coverage (as applicable) for furnishing such exam as  
2 if such exam was an emergency service furnished by  
3 a nonparticipating provider in an emergency depart-  
4 ment of a hospital.

5 “(2) DEFINITIONS.—In this subsection, the  
6 terms ‘emergency service’ and ‘nonparticipating pro-  
7 vider’ have the meanings given such terms in sub-  
8 paragraphs (C)(i) and (G), respectively, of sections  
9 2799A–1(a)(3), 716(a)(3) of the Employee Retirement  
10 Income Security Act of 1974, and section  
11 9816(a)(3) of the Internal Revenue Code of 1986.

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

15 “(1) an examination for physical trauma;

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

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

18 “(4) the collection and evaluation of evidence  
19 from such individual.”.

20 (b) ERISA.—

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

24 (A) in section 716(a)(3)(C)(ii), by insert-  
25 ing “forensic medical exams (as defined in sec-

1           tion 726(d)) furnished on or after January 1,  
2           2025 and” after “shall include”; and

3                   (B) by adding at the end the following new  
4           section:

5   **“SEC. 726. REQUIRED COVERAGE OF FORENSIC MEDICAL**  
6                   **EXAMS WITH NO COST SHARING.**

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

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

22                   “(1) IN GENERAL.—The provisions of sub-  
23 section (a) shall not apply with respect to a forensic  
24 medical exam furnished in a State for which such  
25 State is responsible for incurring the full out-of-

1 pocket costs under section 2010 of the Omnibus  
2 Crime Control and Safe Streets Act of 1968.

3 “(2) NOTIFICATION.—In the case that a group  
4 health plan or health insurance issuer offering group  
5 health insurance coverage receives a claim for a fo-  
6 rensic medical exam to which the provisions of sub-  
7 section (a) would apply but for application of para-  
8 graph (1) and such plan or issuer denies such claim  
9 or imposes cost sharing on such claim, such plan or  
10 issuer shall—

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

18 “(B) after receiving authorization from  
19 such individual, notify the appropriate State  
20 agency of the State in which such exam was  
21 furnished of such claim.

22 “(c) APPLICATION OF SURPRISE BILLING PROVI-  
23 SIONS.—

24 “(1) IN GENERAL.—The provisions of sections  
25 2799A–1 and 2799B–1 of the Public Health Service

1 Act, 716, and 9816 of the Internal Revenue Code of  
2 1986 shall apply to a forensic medical exam for  
3 which a group health plan or health insurance issuer  
4 offering group health insurance coverage is respon-  
5 sible for providing coverage at no cost sharing under  
6 this section furnished to a participant or beneficiary  
7 of such plan or group health insurance coverage by  
8 a provider that does not have in effect a contractual  
9 relationship described in subsection (a) with such  
10 plan or coverage (as applicable) for furnishing such  
11 exam as if such exam was an emergency services  
12 furnished by a nonparticipating provider in an emer-  
13 gency department of a hospital.

14 “(2) DEFINITIONS.—In this subsection, the  
15 terms ‘emergency service’ and ‘nonparticipating pro-  
16 vider’ have the meanings given such terms in sub-  
17 paragraphs (C)(i) and (G), respectively, of sections  
18 2799A–1(a)(3) of the Public Health Service Act,  
19 716(a)(3), and section 9816(a)(3) of the Internal  
20 Revenue Code of 1986.

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

24 “(1) an examination for physical trauma;

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

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

2 “(4) the collection and evaluation of evidence  
3 from such individual.”.

4 (2) TECHNICAL AMENDMENT.—The table of  
5 contents in section 1 of such Act is amended by in-  
6 serting after the item relating to section 725 the fol-  
7 lowing new item:

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

8 (c) IRC.—

9 (1) IN GENERAL.—Subchapter B of chapter  
10 100 of the Internal Revenue Code of 1986 is amend-  
11 ed—

12 (A) in section 9816(a)(3)(C)(ii), by insert-  
13 ing “forensic medical exams (as defined in sec-  
14 tion 9826(d)) furnished on or after January 1,  
15 2025 and” after “shall include”; and

16 (B) by adding at the end the following new  
17 section:

18 **“SEC. 9826. REQUIRED COVERAGE OF FORENSIC MEDICAL**  
19 **EXAMS WITH NO COST SHARING.**

20 “(a) IN GENERAL.—Except as provided in subsection  
21 (b), a group health plan shall provide coverage for and  
22 shall not impose any cost sharing requirements for a fo-  
23 rensic medical exam (as defined in subsection (d)) fur-  
24 nished by a sexual assault forensic examiner (as defined  
25 for purposes of section 304 of the DNA Sexual Assault



1 Justice Act of 2004), a sexual assault nurse examiner (as  
2 so defined), or any other provider specified by the Sec-  
3 retary, regardless of whether such forensic examiner,  
4 nurse examiner, or other provider has in effect a contrac-  
5 tual relationship with such plan for the furnishing of such  
6 exam or item or service.

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

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

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

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

1 sharing so imposed, as applicable) from the  
2 State in which such exam was furnished; and

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

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

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

22 “(2) DEFINITIONS.—In this subsection, the  
23 terms ‘emergency service’ and ‘nonparticipating pro-  
24 vider’ have the meanings given such terms in sub-  
25 paragraphs (C)(i) and (G), respectively, of sections

1       2799A–1(a)(3) of the Public Health Service Act,  
2       716(a)(3) of the Employee Retirement Income Secu-  
3       rity Act of 1974, and section 9816(a)(3).

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

7           “(1) an examination for physical trauma;

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

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

10          “(4) the collection and evaluation of evidence  
11 from such individual.”.

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

“Sec. 9826. Required coverage of forensic medical exams with no cost shar-  
ing.”.

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

18           “(H) SAFE HARBOR FOR FORENSIC MED-  
19           ICAL EXAMS.—A plan shall not fail to be treat-  
20           ed as a high deductible health plan by reason  
21           of failing to have a deductible for any item or  
22           service for which such plan is required to pro-  
23           vide coverage at no cost sharing under section  
24           9826.”.

1           (e) IMPLEMENTATION.—The Secretaries of Labor,  
2 Health and Human Services, and the Treasury may imple-  
3 ment the amendments made by this section through in-  
4 terim final rules, subregulatory guidance, program in-  
5 struction, or otherwise.

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

