

During the 2026 General Assembly Session, legislators remained focused on ways to reduce barriers to care for victims of crime while addressing longstanding challenges with inconsistent access and provider reimbursement. Providers and victims have historically faced confusion around costs and requirements to engage with law enforcement. Likewise, providers have experienced administrative and funding burdens with reimbursement pathways. This document provides a summary of the changes to law and provides background and guidance to assist you in compliance.

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Summary

AMENDS EXISTING LAW

HB1464 (Shin)/SB812 (Boysko) provides that medical fees expended in the gathering of evidence through anonymous trace evidence collection kit examinations, defined in § 19.2-11.5, conducted on victims complaining of strangulation in violation of § 18.2-51.6 shall be paid by the Commonwealth through the Criminal Injuries Compensation Fund (also known as the Virginia Victims Fund). Such victims shall not be required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with such forensic medical exams. The legislation also directs the Director of the Department of Criminal Justice Services to convene a work group of relevant stakeholders to discuss and submit recommendations for certain matters related to the reimbursement process for forensic medical examinations, enumerated in the legislation. The legislation directs the work group to submit a report with recommendations to the Chairs of the House Committee on Health and Human Services, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations by November 1, 2026. **The law is effective July 1, 2026.**

Action Required

Hospitals should review and update policies, procedures, and staff training to ensure that forensic exams for sexual assault and strangulation are provided without requiring law enforcement involvement. Billing and finance processes must be aligned so that eligible forensic exam costs for anonymous strangulation cases are billed directly to the Criminal Injuries Compensation Fund rather than the patient. Hospitals should also ensure forensic nursing and clinical staff are prepared for consistent documentation and streamlined reimbursement workflows. Finally, hospitals should monitor and be prepared to implement additional guidance or process changes resulting from the state work group's forthcoming recommendations on reimbursement and forensic exam practices.

Background Information

This legislation was introduced to address longstanding gaps and inefficiencies in Virginia's forensic medical exam reimbursement system, particularly for victims of strangulation. While sexual assault exams are covered through a centralized process with the Criminal Injuries Compensation Fund, reimbursement for other forensic exams has been fragmented, inconsistent, and administratively burdensome, requiring hospitals and forensic nurses to navigate multiple systems. This has led to delays in payment, increased workload, and challenges sustaining these highly specialized services.

The intent of the legislation was to streamline reimbursement by aligning anonymous forensic exams for victims of strangulation with the exist payment process for sexual assault exams, ensuring providers have a clear and reliable funding pathway. It also addresses the unintended gap created by prior legislation that authorized anonymous evidence collection for strangulation victims but did not establish a funding mechanism, leaving hospitals unable to recover costs. Importantly, the legislation reinforces that victims can receive these exams without engaging law enforcement, preserving access to trauma-informed care while still allowing evidence to be collected should they choose to pursue charges later.

Statutory Text

(NOTE: The language in *italics* and ~~strikethrough~~ are the only changes to the law. All other language and requirements under the law remain unchanged.)

1. That §§ 19.2-165.1, 19.2-368.2, 19.2-368.3, and 19.2-368.11:1 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-165.1. Payment of medical fees in certain criminal cases; reimbursement.

A. Except as provided in subsection B, all medical fees expended in the gathering of evidence for all criminal cases where medical evidence is necessary to establish a crime has occurred and for cases involving abuse of children under the age of *younger than 18 years of age* shall be paid by the Commonwealth out of the appropriation for criminal charges, provided that any medical evaluation, examination, or service rendered be performed by a physician or facility specifically designated by the attorney for the Commonwealth in the city or county having jurisdiction of such case for such a purpose. If no such physician or facility is reasonably available in such city or county, then the attorney for the Commonwealth may designate a physician or facility located outside and adjacent to such city or county.

Where there has been no prior designation of such a physician or facility, such medical fees shall be paid out of the appropriation for criminal charges upon authorization by the attorney for the Commonwealth of the city or county having jurisdiction over the case. Such authorization may be granted prior to or within 48 hours after the medical evaluation, examination, or service rendered.

B. All medical fees expended in the gathering of evidence through (i) physical evidence recovery kit examinations, *defined in § 19.2-11.5*, conducted on victims complaining of sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 and (ii) *anonymous trace evidence collection kit examinations, defined in § 19.2-11.5, conducted on victims complaining of strangulation in violation of § 18.2-51.6* shall be paid by the Commonwealth pursuant to subsection F of § 19.2-368.11:1. Victims complaining of sexual assault *Such victims* shall not be required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with such forensic medical exams.

C. Upon conviction of the defendant in any case requiring the payment of medical fees authorized by this section, the court shall order that the defendant reimburse the Commonwealth for payment of such fees.

§ 19.2-368.2. Definitions.

For the purpose of this chapter:

"Anonymous trace evidence collection kit" means the same as that term is defined in § 19.2-11.5.

"Claimant" means the person filing a claim pursuant to this chapter.

"Commission" means the Virginia Workers' Compensation Commission.

"Crime" means an act committed by any person in the Commonwealth of Virginia which would constitute a crime as defined by the Code of Virginia or at common law. However, no act involving the operation of a motor vehicle which results in injury shall constitute a crime for the purpose of this chapter unless the injuries (i) were intentionally inflicted through the use of such vehicle or (ii) resulted from a violation of § 18.2-51.4 or 18.2-266 or from a felony violation of § 46.2-894.

"Family," when used with reference to a person, means (i) any person related to such person within the third degree of consanguinity or affinity, (ii) any person residing in the same household with such person, or (iii) a spouse.

"Physical evidence recovery kit" means the same as that term is defined in § 19.2-11.5.

"Sexual abuse" means sexual abuse as defined in subdivision 6 of § 18.2-67.10 and acts constituting rape, sodomy, object sexual penetration or sexual battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.

"Victim" means a person who suffers personal physical injury or death as a direct result of a crime including a person who is injured or killed as a result of foreign terrorism or who suffers personal emotional injury as a direct result of being the subject of a violent felony offense as defined in subsection C of § 17.1-805, or stalking as described in § 18.2-60.3, or attempted robbery or abduction.

§ 19.2-368.3. Powers and duties of Commission.

The Commission shall have the following powers and duties in the administration of the provisions of this chapter:

1. To adopt, promulgate, amend, and rescind suitable rules and regulations to carry out the provisions and purposes of this chapter, to include a distinct policy (i) for the payment of physical evidence recovery kit examinations, including mileage at a rate provided by law incurred by a sexual assault forensic examiner as defined in § 19.2-11.5, or *anonymous trace evidence collection kit examinations* and (ii) to require each health care provider as defined in § 8.01-581.1 that provides services under this chapter to negotiate with the Commission or its designee to establish prospective agreements relating to rates for payment of claims for such services allowed under § 19.2-368.11:1, such rates to discharge the obligation to the provider in full except where the provider is an agency of the Commonwealth and the claimant receives a third party recovery in addition to the payment from the Fund.

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§ 19.2-368.11:1. Amount of award.

A. Compensation for Total Loss of Earnings: An award made pursuant to this chapter for total loss of earnings that results directly from incapacity incurred by a crime victim shall be payable during total incapacity to the victim or to such other eligible person, at a weekly compensation rate equal to 66-2/3 percent of the victim's average weekly wages. The victim's average weekly wages shall be determined as provided in § 65.2-101.

B. Compensation for Partial Loss of Earnings: An award made pursuant to this chapter for partial loss of earnings that results directly from incapacity incurred by a crime victim shall be payable during incapacity at a weekly rate equal to 66-2/3 percent of the difference between the victim's average weekly wages before the injury and the weekly wages that the victim is able to earn thereafter. The combined total of actual weekly earnings and compensation for partial loss of earnings shall not exceed \$600 per week.

C. Compensation for Loss of Earnings of Parent of Minor Victim: The parent or guardian of a minor crime victim may receive compensation for loss of earnings, calculated as specified in subsections A and B, for time spent obtaining medical treatment for the child and for accompanying the child to, attending or participating in investigative, prosecutorial, judicial, adjudicatory, and post-conviction proceedings.

D. Compensation for Dependents of a Victim Who Is Killed: If death results to a victim of crime entitled to benefits, dependents of the victim shall be entitled to compensation in accordance with the provisions of §§ 65.2-512 and 65.2-515 in an amount not to exceed the maximum aggregate payment or the maximum weekly compensation that would have been payable to the deceased victim under this section.

E. Compensation for Unreimbursed Medical Costs, Funeral Expenses, Services, etc.: Awards may also be made on claims or portions of claims based upon the claimant's actual expenses incurred as are determined by the Commission to be appropriate, for (i) unreimbursed medical expenses or indebtedness reasonably incurred for medical expenses; (ii) expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, for the benefit of himself and his family, if he had not been a victim of crime; (iii) expenses directly related to funeral or burial, not to exceed \$10,000; (iv) expenses attributable to pregnancy resulting from forcible rape; (v) mental health counseling for survivors as defined under subdivisions A 2 and A 4 of § 19.2-368.4, not to exceed \$3,500 per claim; (vi) reasonable and necessary moving expenses, not to exceed \$2,000, incurred by a victim or survivors as defined under subdivisions A 2 and A 4 of § 19.2-368.4; and (vii) any other reasonable and necessary expenses and indebtedness incurred as a direct result of the injury or death upon which such claim is based, not otherwise specifically provided for. Notwithstanding any other provision of law, a person who is not eligible for an award under subsection A of § 19.2-368.4 who pays expenses directly related to funeral or burial is eligible for reimbursement subject to the limitations of this section.

F. Notwithstanding the provisions of subdivision 3 of § 19.2-368.10, §§ 19.2-368.5, 19.2-368.5:1, 19.2-368.6, 19.2-368.7, and 19.2-368.8, subsection G of this section, and § 19.2-368.16, the Criminal Injuries Compensation Fund shall pay for physical evidence recovery kit examinations conducted on victims of sexual assault and *anonymous trace evidence collection kit examinations conducted on victims of strangulation*. Any individual that submits to and completes a ~~physical evidence recovery kit~~ *any such examination* shall be considered to have met the reporting requirements of this chapter. Funds paid for physical evidence recovery kit or *anonymous trace evidence collection kit* collection shall not be offset against the Fund's maximum allowable award as provided in subsection H. Payments may be subject to negotiated agreements with the provider. Health care providers that complete physical evidence recovery kit or *anonymous trace evidence collection kit* examinations may bill the Fund directly subject to the provisions of § 19.2-368.5:2. The Commission shall develop policies for a

distinct payment process for physical evidence recovery kit *and anonymous trace evidence collection kit* examination expenses as required under subdivision 1 of § 19.2-368.3.

In order for the Fund to consider additional crime-related expenses, victims shall file with the Fund following the provisions of this chapter and Criminal Injuries Compensation Fund policy.

G. Any claim made pursuant to this chapter shall be reduced by the amount of any payments received or to be received as a result of the injury from or on behalf of the person who committed the crime or from any other public or private source, including an emergency award by the Commission pursuant to § 19.2-368.9.

H. To qualify for an award under this chapter, a claim must have a minimum value of \$100, and payments for injury or death to a victim of crime, to the victim's dependents or to others entitled to payment for covered expenses, after being reduced as provided in subsection G, shall not exceed \$35,000 in the aggregate.

2. That the Director of the Department of Criminal Justice Services (the Director) shall convene a work group to include the Commissioner of Health or his designee, the Executive Director of the Virginia Workers' Compensation Commission or his designee, the Executive Secretary of the Supreme Court of Virginia or his designee, one representative from the Virginia Hospital & Healthcare Association, one representative from the Virginia Chapter of the International Association of Forensic Nurses, one representative from the Medical Society of Virginia, one representative from the Virginia Nurses Association, one representative from the Virginia Sexual and Domestic Violence Action Alliance, one representative from the Commonwealth's Attorneys' Services Council, one representative from the Virginia Forensic Nursing Advisory Council, and other stakeholders designated by the Director or his designee. The work group shall discuss and submit recommendations for (i) streamlining and providing clarifying guidelines on the Office of the Executive Secretary reimbursement process for forensic medical examinations; (ii) offering statewide educational training on the reimbursement process for forensic nurses; (iii) establishing clear personnel contacts for forensic nurses during the reimbursement process; (iv) ensuring sustainability of funding for all medical forensic examinations; (v) increasing the percentage of the submitted costs reimbursed by the Criminal Injuries Compensation Fund, created pursuant to § 19.2-368.18 of the Code of Virginia; (vi) reimbursing forensic nursing expert witness preparation and testimony by the Office of the Executive Secretary; and (vii) reimbursing forensic nurses for services including mileage, professional time, and patient transportation costs associated with medical forensic examinations and follow-up care, including (a) travel between examination sites, (b) preparation for and participation in court proceedings, (c) participation in Sexual Assault Response Team (SART) and multidisciplinary team (MDT) meetings, (d) telehealth forensic services and consultations provided by both originating and receiving providers, and (e) transportation of patients to and from forensic and follow-up examinations. The work group shall submit a report with recommendations to the Chairs of the House Committee on Health and Human Services, the House Committee on Appropriations, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations by November 1, 2026.

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