



Coverage for Forensic Costs for Immigrant Crime Victims: Medical Coverage and Services

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Coverage for Forensic Costs for Undocumented Immigrants - Medical Coverage and Services for Immigrants

Introduction

Recognizing the importance of having evidence to prosecute criminal actions against perpetrators of sexual assault and in light of the federal goal of encouraging states to bear the costs of forensic examinations that help the police locate and prosecute perpetrators of sexual assault, most states pay for forensic examinations necessary to prosecute the perpetrators of sexual assaults. In general, some states require the victim to report the crime, sometimes within a specified period of time after the assault; however, states are increasingly adopting laws that do not require the crime to be reported to law enforcement or the victim to cooperate in the prosecution. A majority of the states provide that the forensic examination must be for the purpose of gathering evidence for the prosecution of a crime. Income, residency and immigration status of the victim is generally not relevant.

Generally, the victim who reports the sexual assault is not billed for the cost of the examination. Payment is made by the law enforcement agency, the county or the Victims' Compensation Board directly to the medical provider based on the provider's application for reimbursement. In some states, the victim's insurance must be used for the examination, unless the victim expresses privacy concerns or does not have insurance.

In those jurisdictions with Sexual Assault Nurse Examiners, the victim can request that an examination be provided by a Sexual Assault Nurse Examiner at no cost to the victim, generally even if the victim does not report the crime.

Victims and medical providers must pay close attention to the requirements in the particular state in which they were assaulted, particularly the need to report the crime and the time period within which the crime must be reported and the examination must occur, to avoid being billed for the forensic examination. A few states will pay the cost of an examination incurred by a resident who is assaulted in a different state when such state will not pay for the forensic examination. Several states have amended their laws to allow for a longer time period before the examination must have occurred.

There follows a summary of the federal law that encourages states to pay for forensic examinations and a chart that sets forth a state-by-state summary of the laws or procedures governing the provision of forensic examinations to victims of sexual assault.

Relevant Federal Laws

The Violence Against Women Act of 2004 created a grant program known as STOP (Service, Training, Officers, and Prosecutors) where states receive grants to develop and strengthen law enforcement and prosecution strategies to combat violent crimes against women. In order to receive STOP grants the state or local government must incur the full out-of-pocket cost of forensic medical exams for victims of sexual assault (see 42 U.S.C. §3796gg-4). A state or local government is deemed to assume the full out-of-pocket costs if it (1) provides such exams to the victim free of charge, (2) arranges for the victim to obtain the exam free of charge, or (3) reimburses the victim for the costs of the exam if (i) the reimbursement covers the full cost of the exam, (ii) the victim is permitted at least one year to apply for reimbursement, (iii) the victim is reimbursed within 90 days after written notification of the expense, and (iv) the victim is provided with notice at the time of the exam regarding how to obtain reimbursement.

Jurisdiction	Eligibility (Income, Law Enforcement Cooperation, Residency or Time Period Requirements)	Coverage (What services are covered? How are key terms defined?)	Application Process	Law Enforcement Notice/Recordkeeping Requirements
Alabama	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. The reasonableness of the charges for sexual assault examinations performed after 72 hours will be determined on a case-by-case basis. The age, mental capacity, and the victim's ability to seek a sexual assault examination within 72 hours of the assault will be considered when making a determination regarding the reasonableness of a sexual assault exam performed more than 72 hours after the sexual assault. Ala. Admin. Code 262-X-11.01(5)	You cannot be prevented from nor charged for receiving a sexual assault medical forensic evaluation. (*A healthcare provider may bill a health insurer for providing a medical forensic examination). State of Alabama Sexual Assault Survivor's Bill of Rights, Section 15-23-121, Ala. Code A hospital, medical clinic, or SANE facility should not bill the victim of sexual violence for the sexual assault examination. Ala. Admin. Code 262-X-11.01(3)(c)(1). Attorney General's Protocol for the Examination and Treatment or Victims of Sexual Assault (AAG Protocol) Alabama's Sexual Assault Examination Payment Program provides for payment of the initial forensic examination performed on victims of sexual violence for the purpose of obtaining evidence to potentially pursue criminal charges against sexual assault offenders and for the prevention and treatment of sexually transmitted infections. Ala. Admin. Code 262-X-11.01. Key terms are defined below:	The examination costs should be charged to the Alabama Victims' Compensation Committee. Ala. Admin. Code 262-X-11.01. Section 9 sets forth the various Sexual Assault Examination Payment Categories for various exams, which range in cost from \$300 to \$550 with a \$50 lab processing fee. See Ala. Admin. Code 262-X-11.01(9). See also, International Association of Forensic Nurses (IAFN) Payment Resources Page for Alabama • Any expense associated with a sexual assault exam covered or paid by a collateral source will not be reimbursed by the Commission. See Ala. Admin. Code 262-X-11.01(3).	You have the right to have a sexual assault evidence kit collected and tested, regardless of whether you report the assault to law enforcement. State of Alabama Sexual Assault Survivor's Bill of Rights, Section 15-23-121, Ala. Code Exams Performed by a SANE The Commission will not reimburse for "Jane Doe" sexual assault examinations for children. Minors. Signed, written confirmation from an employee of the SANE facility that the sexual assault was reported to the Department of Human Resources (DHR) or law enforcement must be provided in cases in which the victim is a minor. If confirmation is not received, the sexual assault examination will not be considered for payment.

		Sexual Assault Examination: a physical examination performed by a registered nurse or physician in a hospital or medical clinic or a Sexual Assault Nurse Examiner in a SANE facility on adult victims of sexual assault for the purpose of gathering and preserving evidence for potential use in a criminal prosecution and the treatment and prevention of sexually transmitted infections.		
		Ala. Admin. Code 262-X-11.01(2).		
		Ineligible Expenses		
		 Treatment for injuries; Medication for any purposes other than treatment and prevention of sexually transmitted infections; Hospital admissions. Ala. Admin. Code 262-X-11.01(6). 		
		Sexual Assault Examination Payment Categories; HIV Prophylaxis		
		Code provides itemized bills and payments for various types of examinations		
		Code also describes when the Commission may consider payments for certain drug regimens that combat HIV.		
Alaska	There are no eligibility restrictions based on income,	Ala. Admin. Code 262-X-11.01(9) A law enforcement agency, health care facility, or other entity may not require	No process required as billing is prohibited.	The 2021 Guidelines for Sexual Assault Response Teams in Alaska states "an adult

coo	operation, residency, time		Sexual assault examination kits will be provided at no charge to health care providers. AS 18.68.010 See also, IAFN Payment Resources Page for Alaska	victim (non-vulnerable) is entitled to a medical forensic exam regardless of their cooperation or participation with law enforcement and the criminal justice system."
res law coo imi Me pro ass:	w enforcement operation, residency, or amigration status. edical forensic exams can be ovided up to 120 hours after sault.	Arizona law provides that any medical or forensic interview or examination expenses arising out of the need to secure evidence that a person has been the victim of a sexual offense pursuant to section 13-1404, 13-1405, 13-1406 or 13-3212 shall be paid by the county in which the offense occurred with any of the following: (1) federal monies, (2) state monies that are appropriated by the legislature for these investigation expenses, and (3) any applicable combination of (1) and (2). A.R.S. § 13-1414. Under this statute, counties reimburse costs of the forensic examination; other costs (e.g., hospital exam charges) are not reimbursed and remain the responsibility of the victim, but may be recoverable under Arizona's Victim Compensation law. When it is not possible to contact the parents or legal guardian within the	Claims for examination costs are submitted to the county in which the offense occurred. The victim is not billed for forensic examination charges. If you are reporting to law enforcement, the kit will be sent to the DPS Crime Lab for processing. If you are not reporting to law enforcement, the kit will not be processed and will be stored by law enforcement. There is no statute of limitations to report sexual assault in the state of Arizona. If you do not report to law enforcement, evidentiary kits will be kept in storage in case you decide to report to police at a later date. You can report to police at any time, but your kit may be destroyed within one year of receiving the exam. Arizona Coalition to End Sexual and Domestic Violence See also, IAFN Payment Resources Page for Arizona	None specified by statute.

short time span in which the examination should be conducted a minor twelve years of age or older alleged to be the victim of a violation of section 13-1406 may give consent to hospital, medical and surgical examination, diagnosis and care in connection with such violation. Such consent shall not be subject to incapacity because of the victim's age. The consent of the parent, parents or legal guardian of such minor shall not be necessary to authorize such hospital, medical and surgical examination, diagnosis and care, and such parent, parents or legal guardian shall not be liable for payment for any services rendered pursuant to this section.

A.R.S. § 13-1413.

If you are over the age of 18, you have the option to receive a medical forensic exam at no cost to you whether or not you are reporting to law enforcement.

Medical forensic exams are performed by Forensic Nurse Examiners (FNEs) or other specially trained medical professionals. ... Medical forensic exams can be provided up to 120 hours after assault. They may be offered in a hospital emergency department, a Family Advocacy Center (FAC), or a Community Health Center.

Arizona Coalition to End Sexual and Domestic Violence

Arkansas	law enforcement cooperation, residency, or immigration status. All victims shall be exempted from the payment of expenses incurred as a result of receiving a medical-legal examination provided the victim must receive the medical-legal examination within ninety-six (96) hours of the attack. Ark. Code Ann. § 12-12-403(b)(1)(A). However, the ninety-six hour time limitation may be waived if the victim is a minor or if the Crime Victims Reparations Board finds that good cause exists for the failure to provide the medical-legal examination within the required time. Ark. Code Ann. § 12-12-403(b)(1)(B).	All licensed emergency departments shall provide prompt, appropriate emergency medical-legal examinations for sexual assault victims. Ark. Code Ann. §§ 12-12-403(a). This subsection does not require a victim of sexual assault to participate in the criminal justice system or to cooperate with law enforcement in order to be provided with a forensic medical exam or reimbursement for charges incurred on account of a forensic medical exam, or both. Subdivision (b)(2)(A) of this section does not preclude a report of suspected abuse or neglect as permitted or required by the Child Maltreatment Act, § 12-18-101 et seq. Ark. Code Ann. § 12-12-403(b)(2). "Appropriate emergency medical-legal examinations" means health care delivered with emphasis on the collection of evidence for the purpose of prosecution. It shall include, but not be limited to, the appropriate components contained in an evidence collection kit for sexual assault examination distributed by the Forensic DNA Section of the State Crime Laboratory. Ark. Code Ann. § 12-12-401(1).	provider that performs a medical-legal examination shall submit a sexual assault reimbursement form, an itemized statement that meets the requirements of 45 C.F.R. § 164.512(d), as it existed on January 2, 2001, directly to the board for payment. The medical facility or licensed health care provider shall not submit any remaining balance after reimbursement by the board to the victim. Ark. Code Ann. §§ 12-12-403(c)(1-3). See also, IAFN Payment Resources Page for Arkansas	None. Any adult victim presented for medical treatment shall make the decision of whether or not the incident will be reported to a law enforcement agency. No medical facility or licensed health care provider may require an adult victim to report the incident in order to receive medical treatment. Evidence will be collected only with the permission of the victim. Ark. Code Ann. § 12-12-402(b)(1). Should an adult victim wish to report the incident to a law enforcement agency, the appropriate law enforcement agency, the appropriate law enforcement agency has been contacted by the medical facility or licensed health care provider or the victim's designee. If a law enforcement agency has been contacted and with the permission of the victim, the evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident. Ark. Code Ann. § 12-12-402(b)(2). Any victim under eighteen (18) years of age shall be examined and treated, and any injuries requiring medical attention shall be treated in the standard manner. A medicallegal examination shall be performed, and specimens shall be collected for evidence. The evidence shall be turned over to the law enforcement officers when they arrive to assume responsibility for investigation of the incident. Ark. Code Ann. § 12-12-402(c).
California	There are no eligibility restrictions based on income,	A victim of a sexual assault who seeks a medical evidentiary examination, as	No costs incurred by a qualified health care professional, hospital, clinic, sexual assault	None.

law enforcement cooperation, residency, time period, or immigration status.

that term is used in Cal. Penal Code § 13823.93, shall be provided with a standardized medical evidentiary examination report forms and protocols examination of the victim of a sexual for victims of sexual assault developed pursuant to Section 13823.5. No victim of a sexual assault shall be required to participate or to agree to participate in the criminal justice system, either prior to the examination or at any other time. Pursuant to the requirements of the federal Violence Against Women and Department of Justice Reauthorization Act of 2005, and the federal Violence Against Women Reauthorization Act of 2013 through the federal Office of medical evidentiary examinations consistent with Sections 13823.5 and 13823.7 shall be provided to sexual assault victims who are undecided at the time of an examination whether to report to law enforcement within the recommended timeframes for collection committed. of evidence.

Cal. Penal Code § 13823.95(b)(1).

Post-coital contraception shall be offered to a female victim of sexual assault, and provided to the victim if she requests it. Postcoital contraception shall be dispensed by a physician or other health care provider upon the request of the victim at no cost to the victim.

Cal. Penal Code § 13823.11(e), and California Attorney General's Office

forensic examination team, or other emergency medical facility for the medical evidentiary examination portion of the assault, when the examination is performed pursuant to Cal. Penal Code §§ 13823.5 and 13823.7, shall be charged directly or indirectly to the victim of the assault.

Cal. Penal Code § 13823.95(a).

The cost of a medical evidentiary examination performed by a qualified health care professional, hospital, or other emergency medical facility for a victim of a sexual assault shall be treated as local costs Violence Against Women, standardized and charged to and reimbursed within 60 days by the local law enforcement agency in whose jurisdiction the offense was committed. Health care providers must submit bills for the examination costs to the law enforcement agency in the jurisdiction in which the alleged offense was

> The amount that may be charged by a qualified health care professional, hospital, or other emergency medical facility to perform the medical evidentiary examination portion of a medical examination of a victim of a sexual assault shall not exceed three hundred dollars (\$300). The Office of Emergency Services shall use the discretionary funds from federal grants awarded to the agency pursuant to the federal Violence Against Women and Department of Justice Reauthorization Act of 2005 and the federal Violence Against Women Reauthorization Act of 2013 through the federal Office of

A victim is to be informed that he or she may refuse to consent to examination for evidence of a sexual assault, including collection of physical evidence, and that a refusal is not a ground for denial of treatment for injuries and for possible pregnancy and STDs, if the person wishes to obtain such treatment and consents. A minor may consent to hospital, medical, and surgical care related to a sexual assault without the consent of a parent or guardian, and a minor may consent to, or withhold consent for, a medical evidentiary examination without the consent of a parent or guardian. In cases of known or suspected child abuse, the consent of the parents or legal guardian is not required.

Cal. Penal Code § 13823.11(c)(3-5), and California Attorney General's Office Women's Rights Handbook, Chapter 7.

		Women's Rights Handbook, Chapter 7.	Violence Against Women, specifically, the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program, to cover the cost of the medical evidentiary examination portion of a medical examination of a sexual assault victim. Cal. Penal Code §§ 13823.95(c-d). See also, IAFN Payment Resources Page for California	
Colorado	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. Colo. Rev. Stat. § 18-3-407.5.	Law Enforcement Report. A law enforcement agency with jurisdiction over a sexual assault must pay for any direct cost associated with the collection of forensic evidence from a victim who reports the assault to the law enforcement agency. Colo. Rev. Stat. §§ 18-3-407.5(1). Medical Report or Anonymous Report. A law enforcement agency, prosecuting officer, or other government official may not ask or require a victim of a sexual offense to participate in the criminal justice system process or cooperate with the law enforcement agency, prosecuting officer, or other government official as a condition of receiving a forensic medical examination that includes the collection of evidence. A victim of a sexual offense shall not bear the cost of a forensic medical examination that includes the collection of evidence that is used for the purpose of evidence collection even if the victim does not want to participate in the criminal	A medical-reporting victim must request and receive a medical forensic examination to be eligible to have medical costs and fees covered through the SAVE Program. The total amount paid for all expenses must not exceed the annual cap established by the division of criminal justice. Colo. Rev. Stat. §18-3-407.7(2)(a). Victim/Survivor elects not to participate with law enforcement The Division of Criminal Justice will pay for the evidence collection portion of a medical forensic exam. If the victim has insurance and requests that their insurance is billed, the hospital bills the survivor's insurance for related costs. If the victim makes an anonymous or medical report, the SAVE program will pay for insurance deductibles and co-pays. After the SAVE program has paid the hospital for eligible medical expenses (up to the cap), the patient is responsible for paying any outstanding balances.	a medical report submitted pursuant to Colo. Rev. Stat. § 12-36-135, when the victim has consented to evidence testing, shall be submitted to the Colorado bureau of investigation or another laboratory and tested, pursuant to Colo. Rev. Stat. § 24-33.5-113, regardless of whether the victim has chosen to participate in the criminal justice system.

justice system or otherwise cooperate with the law enforcement agency, prosecuting officer, or other government official. The division of criminal justice in the department of public safety shall pay the cost of the examination.

Colo. Rev. Stat. §§ 18-3-407.5(3)(a-b).

SAVE Program. Colorado has created the Sexual Assault Victim Emergency Payment Program (SAVE) to assist medical-reporting victims of sexual assault that are not otherwise covered pursuant to 18-3-407.5 (described above) or any other victim compensation program. The Colorado Division of Criminal Justice (DCJ) is the designated administrator of SAVE. The Program shall be the payer of last resort.

Colo. Rev. Stat. §18-3-407.7(2).

Only medical and anonymous reporting victims are eligible for the SAVE program. This program provides payment assistance to medical and anonymous reporting victims for (in priority order):

- The cost of the evidence collection portion of the medical forensic exam. Survivors never pay this cost.
- Routine costs associated with accessing a medical forensic exam (MFE).
- Some medical expenses related to injuries sustained from the sexual assault.

Victim/Survivor reports the sexual assault to law enforcement

- The law enforcement agency will pay the cost of the evidence collection portion of the medical exam.
- A law enforcement reporting victim may be able to request <u>Victim</u> <u>Compensation</u> to cover additional costs associated with the assault.

Colorado DCJ Sexual Assault Information and Resources

See also, <u>IAFN Payment Resources Page</u> for Colorado

		For FY (fiscal year) 2024, the current per incident cap payable by the SAVE program is \$5,000. This amount is inclusive of the MFE and associated medical costs incurred from a sexual assault. The cap is subject to change based on the availability of funds. The program must cover medical fees and costs associated with obtaining the medical forensic examination, including but not limited to emergency department fees and costs, laboratory fees, prescription medication, and physician's fees. The program may also cover medical fees and costs for injuries directly related to the sexual assault. The program may also pay for any uncovered direct costs of the medical forensic examination for a medical-reporting victim. Colorado DCJ Sexual Assault Information and Resources		
Connecticut	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. Conn. Gen. Stat. Ann. § 19a-112a.	No costs incurred by a health care facility for the examination of a victim of sexual assault, when such examination is performed for the purpose of gathering evidence as prescribed in the protocol, including the costs of testing for pregnancy and sexually transmitted diseases and the costs of prophylactic treatment as provided in the protocol, and no costs incurred for a medical forensic assessment interview conducted by a health care facility or provider or by an examiner working in conjunction with a multidisciplinary team established	The Gail Burns-Smith Sexual Assault Forensic Examiners (SAFE) Program is both a response program and a training program. As a response program, it provides specially trained sexual assault forensic examiners to participating hospitals for the purpose of providing care and the collection of evidence for patients, ages 13 and older, who report sexual assault. The SAFE Program is available through an on-call system at the following acute care hospitals listed on OVS website.	None

pursuant to section 17a-106a or with a child advocacy center, shall be charged directly or indirectly to such victim. Any such costs shall be charged to the Forensic Sex Evidence Exams account in the Judicial Department.

No costs incurred by a health care facility for any toxicology screening of a victim of sexual assault, when such screening is performed as prescribed in the protocol, shall be charged directly or indirectly to such victim. Any such costs shall be charged to the Division of Scientific Services within the Department of Emergency Services and Public Protection.

Conn. Gen. Stat. Ann. § 19a-112a(e)(1-2).

The health care facility must obtain the consent of the victim before collecting sexual assault evidence.

The Department of Public Health shall provide to victims of a sexual act constituting a violation of various sections of Penal Code related to sexual assault or rape, regardless of whether any person is convicted or adjudicated delinquent for such violation, the following services: (1) Counseling regarding human immunodeficiency virus and acquired immune deficiency syndrome; (2) HIV-related testing; and (3) referral service for appropriate health care and support services. Such services shall be provided through counseling and testing sites funded by the Department of Public Health.

Reimbursement rates for SAFE Programs services set forth on State of Connecticut Judicial Branch OVS website.

For additional information, please contact: The Office of Victim Services Sexual Assault Forensic Examiners Program 800-822-8428

Additional information regarding <u>Victim</u> <u>Compensation Program</u>.

See also, <u>IAFN Payment Resources Page</u> for Connecticut

		Conn. Gen. Stat. Ann. § 19a-112b. If the evidence is transferred to the division, the division shall analyze the evidence not later than sixty days after the collection of the evidence or, if the victim chose to remain anonymous and not report the sexual assault to the police department at the time of collection, shall hold the evidence for at least five years after the collection of the evidence. Conn. Gen. Stat. Ann. § 19a-112a(d).		
Delaware	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	The cost of a forensic medical examination done for the purpose of gathering evidence that can be used in the prosecution of a sexual offense may be paid from the Victim's Compensation Fund. Compensation Fund. Compensation for Innocent Victims of Crime. Del. Code Ann. Tit. 11, § 9023(a). Hospitals and health-care professionals shall provide forensic medical examinations free of charge to the victims of sexual offenses. Del. Code Ann. Tit. 11, § 9023(c). The term "forensic medical examination" means medical diagnostic procedures examining for physical trauma, and determining penetration, force or lack of consent. The cost of the examination shall include collecting all evidence as called for in the sexual offense evidence collection kits and may include any of the following, if done as part of the	The victim is not responsible for applying for the cost of the forensic medical examination. The victim of the sexual offense shall not pay any out-of-pocket costs associated with the forensic medical examination and shall not be required to file an application with the Agency. Notwithstanding other language in this chapter, all forensic medical examinations of victims of a sexual offense not covered by insurance must be paid for through the Victims' Compensation Fund and the payment must be considered full compensation to the hospital or health-care professional providing the services. Del. Code Ann. Tit. 11, § 9023(d).	Additional Victim's Compensation Assistance Program Information: In addition, a person whose domicile is in Delaware and who is the victim (or secondary victim) of a violent crime which occurs in another state, possession or territory of the U.S. may apply for compensation if the crimes would be compensable had they occurred in Delaware and the crimes occurred in states, possessions or territories of the U.S. that do not have eligible crime victim compensation programs that provide benefits equal to the benefits provided pursuant to Delaware law. Del. Code Ann. Tit. 11, § 9009(9). Generally speaking, claimants (but remember, a sexual assault victim is not responsible for filing a claim with the Victims' Compensation Assistance Program for coverage of a forensic medical examination) must have reported the crime

		forensic medical examination: (1) Physician's fees for the collection of the patient history, physical, collection of specimens and treatment for the prevention of venereal disease or the provision of emergency contraception, including one return follow-up visit; (2) Emergency department expenses, including emergency room fees, cost of pelvic tray, and transportation by ambulance; and (3) Laboratory expenses for wet mount for sperm, swabs for acid phosphates and ABH antigen; blood typing, serology for syphilis and Hepatitis B; cultures for gonorrhea, chlamydia, trichomonas and other sexually transmitted diseases; pregnancy testing; urinalysis; and any other laboratory test needed to collect evidence that could be used in the prosecution of the offense.		 to a law enforcement agency within 72 hours of its occurrence unless: The crime has been reported to an appropriate governmental agency, such as child and/or adult protective services or the Family Court; The claimant can provide a protection from abuse order; The claimant has cooperated with law enforcement or an appropriate government agency in cases of crimes involving domestic violence, sexual assault or abuse; or Where the Victims' Compensation Assistance Program in its discretion determines that the circumstances of the crime render this requirement unreasonable. Del. Code Ann. Tit. 11, § 9010(a)(5).
		Del. Code Ann. Tit. 11, § 9023(b).		
District of Columbia	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	The hospital shall not bill a sexual assault victim for costs associated with a PERK, including the costs of the PERK, its administration, and the processing of the PERK or any biological specimens.	None established by statute. See also, <u>IAFN Payment Resources Page</u> for DC	Upon request by the sexual assault victim, the Metropolitan Police Department shall inform the victim of the toxicology results and findings of his or her sexual assault forensic kit examination. Certain restrictions apply.
		D.C. Code § 4-561.03. "PERK" means a Physical Evidence Recovery Kit used to collect and		D.C. Code § 23-1910. A victim may also be eligible for compensation by the DC Crime Victims

preserve physical evidence related to a sexual assault or alleged sexual assault.

Compensation Program if certain eligibility criteria set forth in § 4-506 are met.

D.C. Code § 4-561.01(10) A "sexual assault victim" is defined as "an individual against whom sexual assault has been committed or is alleged to have been committed."

D.C. Code § 4-561.01(13)

The forensic exam is always free. For sexual assault patients, the emergency room visit at MedStar Washington Hospital center is also free. If you require any additional testing or treatment, you will receive a bill. Your advocate can help you apply for Crime Victims Compensation and seek reimbursement for your medical bills.

All of DC FNE's services are available whether or not you choose to report your assault to the police. We will keep your information confidential unless you ask us to share it or we are required to make a mandatory report.

DC FNE's services are available regardless of immigration status, sex, gender, income level, and disability. DC FNE's nurses can provide medical forensic exams to:

- People who have experienced a sexual assault (ages 13+)
- People who have experienced an assault by a current or former intimate partner (ages 12+)

See also <u>DC Courts - Crime Victims</u> Compensation website

D.C. Code § 4-506.

• People who have experienced an assault by a relative or family member (ages 18+) During a sexual assault exam, the FNE will collect physical evidence and administer medications to prevent sexually transmitted infections, pregnancy, and/or HIV. DC Forensic Nurse Examiners FAOs website Access to emergency care for victims of sexual assault. All hospitals that provide emergency care to victims of sexual assault shall: (1) Provide each victim of sexual assault written information developed pursuant to § 7-2122; (2) Provide each victim of sexual assault an oral explanation of the written information distributed pursuant to paragraph (1) of this section; (3) Inform each victim of sexual assault, orally and in writing, in a language he or she understands, of the (A) Victim of sexual assault's rights under § 23-1908; and (B) option to be provided, by the hospital, prophylactic antibiotics for the treatment of sexually transmitted diseases and emergency contraception for the prevention of pregnancy; (4) Consistent with accepted medical practice and protocols, immediately provide prophylactic antibiotics for the

treatment of sexually transmitted

		diseases and emergency contraception for the prevention of pregnancy to each victim of sexual assault, if the victim requests it and if the requested treatment is not medically contraindicated; and (5) If the sexual assault victim, who is 13 years of age or older, consents, immediately notify the sexual assault victim advocate dispatch system described in § 23-1909(e). D.C. Code § 7-2123		
Florida	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period or immigration status.	Under Florida law, a medical provider who performs an initial forensic physical examination may not bill a victim (or the victim's parent or guardian if the victim is a minor) directly or indirectly for that examination. Fla. Stat. Ann. § 960.28(1) (2010). The Crime Victims' Services Office of the Department of Legal Affairs shall pay for medical expenses connected	The payment shall be made only out of moneys allocated to the Crime Victims' Services Office for the purposes of this section, and the payment must not exceed \$1,000 with respect to any violation. The department shall develop and maintain separate protocols for the initial forensic physical examination of adults and children. Payment made to the medical provider by the department shall be considered by the provider as payment in full for the initial	None. Information received or maintained by the department identifying an alleged victim who seeks payment of medical expenses under this section is confidential and exempt from the provisions of Section 119.07(1), the public records statute. Fla. Stat. Ann. § 960.28(4) (2010).
		with an initial forensic physical examination of a victim of sexual battery or a lewd or lascivious offense, regardless of whether the victim is covered by health or disability insurance and whether the victim participates in the criminal justice system or cooperates with law enforcement. Payment under this section is limited to medical expenses connected with the initial forensic physical examination,	forensic physical examination associated with the collection of evidence. The department may allow, deny, controvert, or litigate claims made against it under this section. Fla. Stat. Ann. § 960.28(2-3) (2010). See also, IAFN Payment Resources Page for Florida	

		and payment may be made to a medical provider using an examiner qualified under part I of chapter 464, excluding s. 464.003(15); chapter 458; or chapter 459. Fla. Stat. Ann. § 960.28(2) (2010).	See also, Florida Council Against Sexual Violence website.	
Georgia	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. The crime must have been committed in Georgia, or in a state which does not have a victims' compensation program, if the claimant is a resident of Georgia; or in a state which has compensated the claimant in an amount less than the claimant would be entitled to Georgia law, if the claimant is a resident of Georgia. O.C.G.A. § 17-15-2.	A victim shall have the right to have a forensic medical examination regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime. O.C.G.A. § 17-5-72 A victim shall not be required to pay, directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic medical examination shall be paid for by the Georgia Crime Victims Emergency Fund. O.C.G.A. § 17-5-72 Two chapters of Georgia's criminal procedure law govern the cost of forensic medical examinations, and there are two definitions of such term. The first definition is used in the context of the statute that entitles a victim to a forensic medical examination is used in the new victim compensation statute, enacted in 2014. Investigating Sexual Assault (1) "Forensic medical examination" means an examination by a health care provider of a person who is a victim of	The victim is not responsible for applying for reimbursement. Rather, the medical provider must bill directly the Georgia Crime Victims Compensation Program by submitting a specific form. Payment for the Forensic Medical Examinations (FME) is done through the Georgia Crime Victim Compensation Program.	None.

		a sexual assault. Such examination shall include a physical examination, documentation of biological and physical findings, and collection of physical evidence from the victim. Victim Compensation "Forensic medical examination" means an examination provided to a person pursuant to subsection (c) of Code Section 16-6-1 [i.e., victim of rape] or subsection (c) of Code Section 16-6-2 [i.e., victim of forcible sodomy] by trained medical personnel in order to gather evidence. Such examination shall include, but shall not be limited to: (A) An examination for physical trauma; (B) A determination as to the nature and extent of the physical trauma; (C) A patient interview; (D) Collection and evaluation of the evidence collected; and (E) Any additional testing deemed necessary by the examiner in order to collect evidence and provide treatment. Ga. Code Ann. § 17-15-2(6).		
Guam	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. Residents of Guam who are victims of crimes that occurred outside of Guam are still eligible for	Victims of sexual assault shall receive medical forensic services free of charge. Survivor's Bill of Rights of 2022 Victims of sexual assault shall have the following rights: (a) to be notified of existing medical, counseling, mental health, or other services available for victims of criminal sexual	An application must be completed and filled out for each victim. If the victim is a minor or incompetent adult, the person filling out the form for the victim must be an adult who is responsible for the victim's welfare. The victim qualifies for financial assistance through Guam's Criminal Injuries Compensation Program if the victim satisfies the eligibility requirements as follows:	None.

compensation as if the crime occurred within Guam "upon a showing that the state, territory, country or political subdivision of a country in which the crime occurred does not have a crime victim's compensation law which covers the injury or death suffered by the resident."

8 Guam Code Ann. 161.50(f) (2004).

- conduct, whether or not the crime is reported to law enforcement;
- (c) to be free from any suggestion that victims are to report the crimes to be assured of any other guaranteed right....;
- (d) when applicable, to access the services, at no cost, of Guam's Sexual Assault Response Team (SART) comprised of: the Healing Hearts Crisis Center, the Guam Police Department, Child Protective Services, and the Office of the Attorney General, as well as advocacy agencies such as Victim Advocates Reaching Out, and the choice to opt into or out of any of SART's services;
- (e) to be informed of, and assisted in exercising, the right to be confidentially or anonymously tested for acquired immune deficiency syndrome (AIDS), or the human immunodeficiency virus (HIV), or any other related virus identified as a probable cause agent of AIDS pursuant to 8 GCA § 120.60; and to be informed of, and assisted in exercising, any rights that may be provided by law to compel and disclose the test results of a person convicted of criminal sexual conduct, for communicable diseases pursuant to 8 GCA § 120.60(a);
- (f) to not be prevented from, or charged for, receiving a medical forensic examination:

- a) The victim is filing the application within 18 months from date of injury or death:
- b) Arrest made OR crime reported to police without undue delay;
- c) The act or omission resulted in the death or injury to the victim;
- d) The crime occurred in Guam, OR if crime did not occur in Guam, Victim is a resident of Guam and place where crime occurred does not have a criminal injuries compensation program;
- e) The act or omission resulted from a violent crime enumerated in 8 G.C.A. § 161.55 (including Criminal Sexual Conduct);

An initial review of eligibility is conducted by the Criminal Injuries Compensation Program and ultimate determination of award is made by the Criminal Injuries Compensation Commission pursuant to Guam law.

The <u>application</u> is available at the Office of the Attorney General, Victim Service Center or on our website at www.guamag.org.

See also, IAFN Payment Resources Page for Guam

(g) to have forensic medical evidence, if collected, preserved without charge for the duration of the maximum applicable statute of limitations, or twenty (20) years, whichever is shorter; (h) to choose whether or not to participate in any investigation of the sexual assault, unless subpoenaed under 8 GCA Chapter 75; (i) to reasonable efforts to provide treatment and interviews in a language in which the victim is fluent and the right to be given access to appropriate assistive devices to accommodate disabilities that the victim may have, whether temporary or long term; (j) to information and assistance in accessing specialized mental health services; protection from further violence; and other appropriate community or governmental services. including	
further violence; and other appropriate community or governmental services, including services provided by the Criminal Injuries Compensation Program; and all other assistance available to	
crime victims under current law; and (k) to be apprised of the availability and process by which to seek protection through a temporary or permanent restraining order if the victim believes that the victim is at risk for re-victimization	
or further harm by the perpetrator. 8 Guam Code Ann. 163.40.	

		Compensation for Damages from Criminal Activities The Criminal Injuries Compensation Commission "may appoint an impartial licensed physician to examine any person making application under this Chapter, and the fees for the examination shall be paid from funds appropriated for expenses of administration." 8 Guam Code Ann. 161.35 (2004).		
res law coo per	estrictions based on income, we enforcement soperation, residency, time eriod, or immigration atus.	Victims' right to notification and other information.	Hawaii Sexual Assault Response and Training (HSART) Program. Each county's policies and procedures for follow-up medical care is different, however a sexual assault victim advocate can help explain the process to you. If you choose to have a medical-legal examination, the Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE) can also provide you with information on how to receive post-exam medical care. CPJAD Website	None.

- (1) The victim reported a sexual offense to a law enforcement agency; or
- (2) The victim reported a sexual offense to a law enforcement agency and a formal complaint was generated; the victim subsequently requested that the complaint be withdrawn; but the victim subsequently chose to reinstate the complaint.

"Sexual assault evidence collection kit" means a kit that contains a human biological specimen or specimens collected by a health care provider during a medical forensic examination from the victim of a suspected criminal sexual offense.

"Unreported sexual assault evidence collection kit" or "unreported kit" means a sexual assault evidence collection kit for a case in which:

- (1) The victim chose not to report a sexual offense to a law enforcement agency; or
- (2) The victim reported a sexual offense to a law enforcement agency and a formal complaint was generated; but the complaint was subsequently withdrawn at the victim's request.

Counseling and testing of sexual assault victims; testing of sex offenders upon request of victim.

Any sexual assault victim, or the parent or guardian of a minor or incapacitated victim, shall be informed as soon as

		practicable after the assault (and after conviction), of the availability of human immunodeficiency virus testing for the victim, the availability of counseling for the victim, and the right of the victim to request that the person charged with an offense listed in section 325-16(c)(7-8), involving the victim, be tested for human immunodeficiency virus. The victim, or the parent or guardian of a minor or incapacitated victim, and the charged (convicted) person shall be provided human immunodeficiency virus counseling prior to being tested, and follow-up counseling at the time the results are presented to the victim or the parent or guardian of a minor or incapacitated victim and the charged (convicted) person. HI Rev Stat § 325-16.5(a) (2023)		
Idaho	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. Reimbursement will be made ONLY when the crime was committed in Idaho. Idaho CVC Program website	Adult (age 18 years and over): Private insurance should not be billed for the sexual assault forensic examination. Payments by all federal or federally-financed third parties (e.g., Medicaid, Medicare, VA Benefits) shall continue to be required prior to CVCP payment. Minor (age 17 and under): All third-party payment sources must pay prior to the CVCP payment. Examples of these sources include: private health insurance, Medicaid, Indian Health Services, VA Benefits, and any other	If crime has been reported to law enforcement or if the victim wants to report the crime, the victim should fill out the CVC Program Application for Compensation. If the victim does not wish to disclose the sexual assault to law enforcement, the victim is encouraged to complete the Sexual Assault Forensic Examination Reimbursement Applications. Applications are available on the CVC Program website.	None.

source that provides payment for medical services.

An entity that performs a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall do so without regard to the ability or inability of a victim of a reported sexual assault to pay for such an examination.

An entity qualified and reasonably able to perform a medical examination of a victim of a reported sexual assault using a sexual assault evidence kit shall not deny a medical examination to a victim of a reported sexual assault.

Idaho Code § 67-2919(2)(a-b).

Payment for the costs of forensic and medical examinations of alleged victims of sexual assault performed for the purposes of gathering evidence for possible prosecution, after collections from any federal or federally financed third party who has liability, shall be made by the commission; provided however that payment for the costs of forensic and medical examinations of alleged victims under eighteen (18) years of age shall be made by the commission after collections from any third party who has liability.

Idaho Code § 72-1019(2).

When the victim of any crime is directed or authorized by a law enforcement agency to obtain a medical

		examination for the purpose of procuring evidence for use by a law enforcement agency in the investigation or prosecution of the crime, the expense incurred shall be paid by the law enforcement agency. Provided however, the cost of forensic and/or medical examinations of alleged victims of sexual assault shall be paid for from the crime victims compensation account, as established by section 72-1009, Idaho Code. The provisions of this section shall not be construed to require a law enforcement agency to bear the expense of any medical treatment of the victim. Idaho Code § 19-5303.		
Illinois	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. The exam can be administered up to 10 years after the assault.	A treatment hospital must provide the following services: Appropriate medical forensic services without delay, in a private, ageappropriate or developmentallyappropriate space, required to ensure the health, safety, and welfare of a sexual assault survivor and which may be used as evidence in a criminal proceeding against a person accused of the sexual assault, in a proceeding under the Juvenile Court Act of 1987 [705 ILCS 405/1-1 et seq.], or in an investigation under the Abused and Neglected Child Reporting Act [325 ILCS 5/1 et seq.]. "Medical forensic services" means health care delivered to patients within	(1) If a sexual assault survivor is eligible to receive benefits under the medical assistance program under Article V of the Illinois Public Aid Code, the ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy must submit the bill to the Department of Healthcare and Family Services or the appropriate Medicaid managed care organization and accept the amount paid as full payment. (2) If a sexual assault survivor is covered by one or more policies of health insurance or is a beneficiary under a public or private health coverage program, the ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy shall bill the insurance company or program.	Hospitals are required to maintain records of the results of a forensic medical examination. 410 Ill. Comp. Stat. 70/5(a-5)(1).

or under the care and supervision of personnel working in a designated emergency department of a hospital or an approved pediatric health care facility. "Medical forensic services" includes, but is not limited to, taking a medical history, performing photo documentation, performing a physical and anogenital examination, assessing the patient for evidence collection, collecting evidence in accordance with a statewide sexual assault evidence collection program administered by the Department of State Police using the Illinois State Police Sexual Assault Evidence Collection Kit, if appropriate, eligible to receive benefits under the or alcohol-facilitated sexual assault, providing an evaluation of and care for sexually transmitted infection and human immunodeficiency virus (HIV), pregnancy risk evaluation and care, and discharge and follow-up healthcare planning.

"Sexual assault services voucher" means a document generated by a hospital or approved pediatric health care facility at the time the sexual assault survivor receives outpatient medical forensic services that may be used to seek payment for any ambulance services, medical forensic services, laboratory services, pharmacy services, and follow-up healthcare provided as a result of the sexual assault that a sexual assault survivor may present to providers for follow-up healthcare. 410 ILCS 70/1a (2017). (a) (effective 2024).

With respect to such insured patients, applicable deductible, co-pay, co-insurance, denial of claim, or any other out-of-pocket insurance-related expense may be submitted to the Illinois Sexual Assault Emergency Treatment Program of the Department of Healthcare and Family Services. The ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy shall accept the amounts paid by the insurance company or health coverage program and the Illinois Sexual Assault Treatment Program as full payment. (3) If a sexual assault survivor (i) is neither assessing the patient for drug-facilitated medical assistance program under Article V of the Illinois Public Aid Code nor covered by a policy of insurance or a public or private health coverage program or (ii) opts out of billing a private insurance provider, the ambulance provider, hospital, approved pediatric health care facility, health care professional, laboratory, or pharmacy shall submit the request for reimbursement to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code. (4) If a sexual assault survivor presents a sexual assault services voucher for followup healthcare, the healthcare professional. pediatric health care facility, or laboratory that provides follow-up healthcare or the

			care facility, laboratory, or pharmacy services to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services. 410 ILCS 70/7 (2024) See also, IAFN Payment Resources Page for Illinois	
Indiana	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration. The sex crime must have occurred in Indiana. Ind. Code Ann. § 16-21-8-5 (2023)	When a provider provides forensic medical exams and/or additional forensic services to a victim, the provider shall furnish the services without charge. The victim services division of the Indiana criminal justice institute will reimburse providers. Ind. Code Ann. § 16-21-8-6 (2023) "Forensic medical exam", for purposes of IC 16-21-8, means the following: (1) Appropriate procedures for acquiring evidence that may be used in a criminal proceeding against a person charged with a sex crime. (2) Suturing and care of wounds that stem directly from the sex crime, including anesthesia and prescribed medication. Ind. Code Ann. § 16-18-2-139.5 (2023) "Additional forensic services" for purposes of 16-21-8 means: • Initial pregnancy and STD testing related to an alleged sex crime.	See Indiana Know Your Rights Brochure and IAFN Payment Resources Page for Indiana	After a hospital notifies law enforcement about the medical examination, law enforcement must keep the sample (the result collected from a forensic medical examination of the victim by a provider, when the victim has not yet reported the sex crime to law enforcement) in secured storage until the earlier of (1) one year after the date the sample is placed in secured storage; and (2) the victim reports the sex crime to law enforcement. Notification of sample destruction may be provided by the Indiana victim services division of the Indiana criminal justice institute through the web based claims reimbursement and sexual assault examination kit tracking system. Law enforcement agencies and prosecuting attorneys shall cooperate with the division by providing storage updates to the division via the web based claims reimbursement and sexual assault examination kit tracking system. A victim may register for notification through the web based claims reimbursement and sexual assault examination kit tracking system. Ind. Code Ann. § 16-21-8-10 (2023)

		 Prophylactic medication related to pregnancy, pregnancy testing, or STD testing. However, this does not include HIV prophylactic medication. Alcohol and drug testing Syphilis testing up to 90 days after an alleged sex crime Pregnancy testing up to 30 days after an alleged sex crime Mental health counseling concerning problems directly related to an alleged sex crime Ind. Code Ann. § 16-18-2-1.8 (2023) 		
Iowa	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration.	The Sexual Assault Examination Payment program covers: 1. Physician and Sexual Assault Nurse Examiner primary examiner fee up to \$200 • History and documentation • Physical examination • Collection of specimens • Follow up tests and treatment for the prevention of STIs 2. Facility fees up to \$300 • The examination room • Nursing supplies • Medical supplies • Medical equipment use, such as colposcope and camera 3. Reasonable laboratory fees paid at 75%	SAE Billing Procedures: Bills for an SAE examination are submitted to the program directly by the examiner, facility, laboratory, or pharmacy The bill must itemize each cost and include the name of each service provided The diagnosis must be properly coded for sexual abuse The bill must include the Federal identification number of the provider, the date of service, and the victim's name and date of birth Medical records must be attached See also, Sample Provider Reimbursement Invoice and IAFN Payment Resources Page for Iowa	 Mandatory: If a child (i.e., anyone under the age of 18) is under the age of 12 and sexually abused by any person, a report must be made by the examiner If any child is sexually abused by the person responsible for the care of the child (sometimes called a "caretaker"), a report must be made by the examiner Examiners are additionally required to report other forms of child abuse perpetrated against a child by a caretaker (such as non-sexual physical abuse). Permissive: If a child is aged 12 or older and sexually abused by any other person, a report may be made by the examiner

		 Collection of laboratory specimens STI testing, including HIV and hepatitis screening Pregnancy testing Drug and alcohol screens Reasonable pharmacy fees paid at 75% Prescriptions to prevent STIs Return visit fees Testing and prescriptions for the prevention of STIs Examiner and facility fees have the same payment limits as the initial examination Iowa Code §915.40 et seq. See also, Sexual Assault Examination Program Brochure and Iowa Attorney General: Information for Medical Providers 		When a report is mandatory, an examiner must make an oral report to the Department of Human Services (DHS) within 24 hours and a written report within 48 hours. DHS is required to report sexual abuse allegations to local law enforcement within 72 hours. There are civil and criminal penalties for failure to comply with mandatory-reporter obligations. See also, Iowa Sexual Assault Nurse Examiner (SANE) Protocols
Kansas	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	The victim of sexual assault will not have to pay for the collection of evidence related to the sexual assault. This expense is paid for by the county where the assault occurred. However, the victim will likely have to pay for medical treatment such as treatment of injuries, STIs testing, and pregnancy testing. The victim's health insurance may be billed for these costs if the medical care facility is provided with insurance information. Refusal of the victim to report the alleged offense to law enforcement	Examination fees shall not be charged or billed to the victim or the victim's insurance carrier and is to be charged and billed directly to the county where the alleged offense occurred. K.S.A. §65-448(c) See also, IAFN Payment Resources Page for Kansas	If an examination takes place solely upon the request of the victim, the medical care facility, child advocacy center or other facility where the examination takes place shall not notify any law enforcement agency without the written consent of the victim, unless otherwise required by law. The medical care facility, child advocacy center or other facility shall give written notice to the parent or guardian of a minor that such an examination has taken place, except when: (A) The medical care facility, child advocacy center or other facility has information that a parent, guardian or

		shall not excuse or exempt the county from paying such fee. If the victim decides to report the sexual assault to law enforcement, they may be eligible for Crime Victims Compensation to cover the medical costs. K.S.A § 65-448 See also, Kansas Coalition Against Sexual & Domestic Violence		family or household member is the subject of a related criminal investigation; or (B) the physician, licensed physician assistant or registered professional nurse, after consultation with law enforcement, reasonably believes that the child will be harmed if such notice is given. All unreported sexual assault kits shall be sealed by either the sexual assault nurse examiner program or the facility that provided the examination and sent to the Kansas bureau of investigation. The Kansas bureau of investigation shall retain all unreported sexual assault kits connected to a report of sexual assault in evidence storage for 20 years. After 20 years, such kits shall be destroyed by the Kansas bureau of investigation. K.S.A. § 65-448
Kentucky	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	State law prohibits the hospital, the sexual assault examination facility, the physician, the pharmacist, the health department, the sexual assault nurse examiner, other qualified medical professional, the victim's insurance carrier, or the Commonwealth from billing the victim. Expenses not related to the examination process (e.g., ambulance expenses, follow-up care, hospitalizations, surgical procedures, and triage) are not covered. In such cases, the victim may file a separate claim or these expenses with the CVCB program.	Hospitals and Medical Centers must submit the SAFE Forms, the UB-04 and in cases where the patient has insurance, the Explanation of Benefits. In cases where the patient has been prescribed HIV Prophylaxis, the HIV Forms should be filled out when the medication is dispensed or when the follow up exams are done. Claims can be mailed, e-mailed or submitted via fax. The mailing address is 500 Mero St., 2SC1, Frankfort, KY 40601 See also, IAFN Payment Resources Page for Kentucky	None.

		If a patient has insurance, whether Medicaid or Private insurance, that insurance should be billed first before billing the SAEP, but no co-pay or deductible may be charged as a condition for payment. See, SAEP Program and SAEP Frequently Asked Questions Victim must be informed of available services for treatment of STDs, pregnancy services and other medical and psychiatric services. Pregnancy counseling is expressly not to include abortion counseling or abortion referrals. Ky. Rev. Stat. Ann. §216B.400		
Louisiana	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	 Sexual assault examination Laboratory testing, including drug screening, urinalysis, pregnancy screening, syphilis screening, chlamydia culture, gonorrhea coverage culture, blood test for HIV screening, hepatitis B and C, herpes culture, and any other STD testing Medication provided during the forensic medical examination La. Rev. Stat. 40:1216.1(A)(6) 	The healthcare provider who performed the forensic medical exam and the healthcare facility shall submit a claim for payment for conducting a forensic medical exam directly to the Crime Victim Reparations Board to be paid in strict accordance with the provisions of R.S. 46:1822. A victim of a sexually oriented criminal offense shall not be billed directly or indirectly for the performance of any forensic medical exam. La. R.S. § 40:1216.1(A)(7) See also, IAFN Payment Resources Page for Louisiana	A medical facility must report to law enforcement an alleged crime involving any victim 17 years old or younger or a crime involving a victim physically or mentally incapable of making a decision to report. La. R.S. § 40:1216.1(A)(4)
Maine	There are no eligibility restrictions based on income, law enforcement	Sexual assault victims are not required to pay for forensic examination and treatment incurred as a result of sexual	A licensed hospital or licensed health care practitioner that performs forensic examinations for alleged victims of sexual	The medical facility may not require an adult victim to report the incident in order to receive medical treatment or have

	cooperation, residency, time period, or immigration status. 5 MRSA § 3360-M(2)	assault forensic examination services. These expenses are paid to the licensed hospital or licensed health care practitioner that conducted the examination. The Victims' Compensation Program will pay the hospital up to \$750 for the sexual assault examination. The hospital may not bill the patient or the patient's insurer for the sexual assault examination nor for any balance over the \$750. This will be paid even if the patient does not report the assault to law enforcement. To be eligible for payment, the g forensic examination must include at least all services directly related to the gathering of forensic evidence and related testing and treatment for pregnancy and sexually transmitted diseases. The hospital is allowed to bill the patient or the patient's insurer for charges unrelated to the sexual assault examination, for x-rays for example. 5 MRSA § 3360-M(2)	assault shall submit a bill to the Victims' Compensation Board directly for payment of the forensic examinations. The hospital or health care practitioner that performs a forensic examination shall take steps necessary to ensure the confidentiality of the alleged victim's identity. The bill submitted by the hospital or health care practitioner may not identify the alleged victim by name but must be assigned a tracking number assigned by the manufacturer of the forensic examination kit. If there questions about the payment process: call the Victims' Compensation Program at (207) 624-7882. For more information see: 5 MRSA § 3360-M(2) See also, IAFN Payment Resources Page for Maine	forensic evidence collected. Should the adult victim wish to report the incident, the appropriate law enforcement agency shall be contacted by the medical facility. As for an alleged victim under the age of eighteen (18), the licensed hospital or licensed health care practitioner performing a sexual assault forensic examination shall follow the reporting rules required by law. 5 MRSA § 3360-M(2)
Maryland	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status.	Maryland Sexual Assault Forensic Exam (SAFE) Hospital Programs are located at various hospitals, and offer free forensic medical exams at no cost,	Reimbursements are made directly to physicians, hospitals, and laboratories on behalf of victims of rape, sexual assault, and child sexual abuse for medical treatment and evidence collection.	A physician or forensic nurse examiner shall submit the evidence collected to the appropriate law enforcement jurisdiction.

A victim has 120 hours (5 days) to receive a SAFE Exam after the incident.

even if the patient chooses not to involve law enforcement.

A provider:

- (1) May not charge the victim or the victim's family for a physical examination or an initial assessment for the purpose of establishing and gathering information and evidence as to the alleged crime or for emergency hospital treatment and follow-up medical testing performed up to 90 days after the initial physical examination;
- (2) May not bill a victim or the victim's family or private insurance, for any difference between charges and [the Maryland Department of Health] reimbursement.

A sexual assault forensic examination shall be performed by a:

- (a) Physician who is a person licensed to practice medicine in Maryland; or
- (b) Forensic nurse examiner who is a registered nurse examiner certified by the Maryland Board of Nursing.

Services Covered:

- Emergency room treatment, inhospital treatment, and follow up medical testing obtained within 90 days of the initial examination for injuries sustained as a result of the alleged rape or sexual assault
- Screening for pregnancy and sexually transmitted infections

The following requirements must be met in order for reimbursement to be provided:

- A police complaint number, for victims who choose to report to police, must be documented. For victims who do not wish to report to police, a property held number, Jane Doe number, CPS/CHESSIE number or similar case identifier for evidence collection much be documented
- If one is unable to obtain a case number or case identifier from law enforcement, the exam should still be completed per the victim's request (write 'not provided but requested' on the line for the police case identifier).

For more information see: <u>Sexual Assault</u> Reimbursement Unit

See also, <u>IAFN Payment Resources Page</u> for Maryland

C.M.R. 10.12.02

Magazahuzatta	There are no dicibility	 Diagnostic tests directly associated with the assault Laboratory tests necessary to establish and gather information and evidence of the crime Toxicology screening Postcoital medications Prophylactic medications for sexually transmitted infections and tetanus; nPEP therapy and follow-up care (Program for Preventing Human Immunodeficiency Virus (HIV) Infection for Rape Victims) Pain and antiemetic medications Any medication directly related to the assault. When performing a sexual assault forensic examination, a physician or a forensic nurse examiner shall use the Maryland State Police victim sexual assault evidence collection kit or a comparable evidence collection kit and shall follow the kit instructions, and shall follow other the procedures indicated in the Code of Maryland Regulations 10.12.02, Rape and Sexual Offenses – Physician and Hospital Charges C.M.R. 10.12.02 	The Masse sharetts Attorney Consults	Magazhuratta Con aral I arr raguings the
Massachusetts	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status.	All patients are eligible to have the cost of their forensic examination covered by the state of Massachusetts. The victim does not pay for the examination. The Sexual Assault Nurse	The Massachusetts Attorney General's Office, the Executive Office of Public Safety and Security, the Executive Office of Health and Human Services, and the Massachusetts Hospital Association developed detailed guidance regarding the	Massachusetts General Law requires the Provider Sexual Crime Report (PSCR) to be completed by medical providers for every victim of rape or sexual assault.

The assault must have occurred in Massachusetts and the treatment with forensic examination is sought within 5 days from the date of the crime.

Examiner's (SANE) program pays for the examination.

SANEs will document the account of the assault, perform necessary medical exams, testing and treatment, then collect crucial, time sensitive evidence using the Massachusetts Sexual Assault Evidence Collection Kit distributed by the Executive Office of Public Safety.

For a patient whose assault occurs in Massachusetts, and who has a MA Sexual Assault Evidence Collection Kit | 02108 Attn: Victim Compensation & (MSAECK) completed at a Massachusetts hospital, all expenses incurred from the time the patient enters the ED until they are discharged from the ED are covered. This includes:

- Physician fees that are part of or assigned to the facility and included in the overall facility fee (independent physician fees should be submitted separately)
- Facility fees
- ED Room and Board, Nursing and ancillary staff costs, Non-SANE staff (hospital clinicians) who administer the SAECK costs,
- Ancillary services (labs, tox screens, etc.)
- Imaging services, and
- Medications (e.g., starter pack of prophylactic medications including Truvada, Flagyl, HIV meds, etc.) provided during treatment and prior to discharge

billing procedures for a sexual assault forensic examination. This guidance ensures that a victim is not billed for any services provided within the emergency department, unless a patient chooses to use their health insurance for this purpose.

Medical facilities should submit claims to: - Secured email:

VCCorrespondence@state.ma.u s; or

- Fax: 617-742-6262; or

- Mail: Office of the Attorney General, One Ashburton Place, 19th Floor, Boston, MA Assistance Division -

Ouestions: Tel: (617) 963-2160 Email:VCCorrespondence@stat e.ma.us

See also, IAFN Payment Resources Page for Massachusetts

Massachusetts General Law requires that every physician attending, treating, or examining a victim of rape or sexual assault, or, whenever any such case is treated in a hospital, sanatorium or other institution, the manager, superintendent or other person or other person in charge thereof, shall report such case at once to the criminal history systems board and to the town where the rape or sexual assault occurred but shall not include the victim's name, address, or any other identifying information. The report shall describe the general area where the attack occurred.

Mass. Gen. Laws ch. 112, § 12A½.

Further, SANEs and Emergency Department Clinicians are mandated by law to report a number of adverse events to designated state agencies. Mandated reporters must report any concerns for abuse/neglect of vulnerable people such as children, the elderly, the physically and/or intellectually disabled, and those who have been the victims of violent crimes. SANEs are required by law to file a report to appropriate agencies within the Commonwealth when abuse is observed or suspected for any of these populations.

For more information see: MA SANE **Protocols**

Expenses not covered under this process:

- Ambulance services
- Inpatient medical/surgical/postacute treatment
- Follow up outpatient and/or inpatient visits
- Expenses related to an assault that occurred in another state

While a patient's primary health care can be used if the patient affirmatively opts in, direct billing to VCAD should be implemented for patients who have privacy/confidentiality or other concerns about their primary health insurance being billed. Hospitals may not bill patients for any co-payments or other patient-incurred costs from their primary health insurance. Those should be submitted to the VCAD for payment.

See, MA SANE Protocols

A Rape Crisis Center (RCC) counselor can help a sexual assault survivor in the hospital emergency department during a sexual assault exam.

Every female rape victim of childbearing age who presents at a facility after a rape shall promptly be provided with medically and factually accurate written information prepared

		by the commissioner about emergency contraception. Facilities that provide emergency care shall promptly offer emergency contraception at the facility to each female rape victim of childbearing age, and shall initiate emergency contraception upon her request. Mass. Gen. Laws ch. 111, § 70E. For more information see: http://www.mass.gov/dph/sane http://www.mass.gov/dph/sexualassault-services http://www.mass.gov/emergencycontra-ception		
Michigan	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. Victim has 120 hours to seek the exam. Crime must have occurred in Michigan or in another state that does not pay for forensic exams to a Michigan resident. Mich. Comp. Laws § 18.351(c)(i-ii).	If you are a victim of sexual assault, you can get a forensic exam without being billed for it. A hospital, doctor or nurse cannot require a sexual assault victim to talk to the police in order to get a medical forensic examination. If a victim believes submitting a claim to their insurance carrier would substantially interfere with his or her personal privacy or safety, the doctor or nurse can bill SAFE Response for the forensic examination. Michigan Health & Human Services – SAFE Response Health care personnel must: 1) immediately inform the person of the availability of a sexual assault medical forensic examination, including the	certain statements to the patient as set forth on the SAFE Response Claim Form. The examining physician or nurse must sign and initial the exam certification where indicated. SAFE Response will only pay for exams that consist of all of the 4	A victim of sexual assault is not required to report the assault to the police or talk to the police or prosecutor in order to get a medical forensic exam, or to have the costs of the exam paid by SAFE Response. However, hospitals, pharmacies, physicians, and surgeons have a duty to immediately report certain information required by MCL 750.411 to their local police department when a person under their care is suffering from an injury inflicted by means of violence.

		administration of a "sexual assault evidence kit"; 2) with the person's consent, perform the sexual assault medical forensic examination, including the procedures required by the sexual assault evidence kit; and 3) inform the individual of the provisions for payment for the sexual medical forensic examination. See Mich. Comp. Laws § 333.21527. Victims do not have to talk to the police for you to get a sexual assault medical forensic exam or have it paid. The SAFE Response Program will pay up to \$1,200 for a forensic exam. Victims will not be billed for additional costs related to the forensic exam. SAFE Response Claim Form For more information see: Michigan Health and Human Services - Crime Victim Compensation	of State Police. SAFE Response will only pay for an exam if the evidence kit is approved by the Department of State Police.) Note that conducting additional evidence collection that is not contained in the standardized kit will not disqualify an examination from payment by SAFE Response, as long as the procedures in the standardized kit were also performed where medically indicated. See SAFE Claim Form See also, IAFN Payment Resources Page for Michigan	
Minnesota	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. See Minn. Stat. § 609.35.	Reimbursable costs include, but are not limited to, the cost of the medical forensic examination, associated tests and treatments relating to sexually transmitted infection, and pregnancy status, including emergency contraception. Reimbursement for an examination and any associated test and treatments shall	A hospital, emergency medical facility, or health care provider shall submit the costs for examination and any associated tests and treatment to the Office of Justice Programs for payment. Upon receipt of the costs, the commissioner shall provide payment to the facility or health care provider. See Minn. Stat. § 609.35.	None.

		not exceed \$1,400. Beginning on January 1, 2024, the maximum amount of an award shall be adjusted annually by the inflation rate. The hospital or other licensed health care provider performing the examination may seek insurance reimbursement from the victim's insurer only if authorized by the victim. This authorization may only be sought after the examination is performed. When seeking this authorization, the hospital or other licensed health care provider shall inform the victim that if the victim does not authorize this, the state is required by law to pay for the examination and that the victim is in no way liable for these costs or obligated to authorize the reimbursement. See Minn. Stat. § 609.35.	See also, <u>IAFN Payment Resources Page</u> for Minnesota	
Mississippi	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. Examination must be completed within 120 hours for an adult and 72 hours for a prepubescent juvenile. See Miss. Code § 99-37-25.	The bill for the medical forensic examination and the preparation of the sexual assault evidence collection kit will be sent to the Division of Victim Compensation, Office of the Attorney General. The victim does not pay for the examination. The Office of the Attorney General will pay up to \$1,000 per case. This fee includes the following limits: • All Physician, Nurse Practitioner, or Sexual Assault Nurse Examiner's (SANE) fee (\$350)	All bills submitted for payment should be accompanied by 1) a copy of the completed Mississippi Forensics Laboratory Adolescent/Adult Acute \le 120 hours form or a copy of the Mississippi Forensics Laboratory Prepubescent Acute \le 72 hours form and 2) a UB-04 or appropriate billing form and should be mailed to: Office of the Attorney General Victim Compensation Division Post Office Box 220 Jackson, MS 39205	None required by statute. Though it is strongly encouraged that the victim reports the sexual assault to law enforcement, reporting the assault is the victim's decision. This does not apply to state mandated reporting requirements such as for minors, vulnerable adults, and certain violent crimes.

		 Facility fee (\$450) - this fee includes supplies, equipment and medications for the prevention of STDs, ECP, Hepatitis B, pregnancy (ECP) and a three-day supply of HIV prophylaxis Fees for lab tests (\$200) Such payment shall be made by the Division of Victim Compensation directly to the health care provider. No bill for the examination will be submitted to the victim, nor shall the medical facility hold the victim responsible for payment. Miss. Code § 99-37-25. In cases where the damage caused by the alleged sexual assault requires medical treatment or diagnosis in addition to the examination, the patient will be given information about the availability of victim compensation and the procedure for applying for such compensation. 	All requests for payment must be postmarked and received by the Office of the Attorney General, Victim Compensation Division, within 120 days of the sexual assault medical forensic examination. The 120 days may be waived if the medical provider can show good cause for failure to submit the payment request within such time frame. See also, Sexual Assault Examination Payment Policy and Bureau of Victim Assistance See also, IAFN Payment Resources Page for Mississippi	
Missouri	There are no eligibility restrictions based on law enforcement cooperation, residency, or immigration status. There is no specific time period within which the assault must be reported. For a forensic examination to	The Missouri Department of Public Safety, Sexual Assault Forensic Examination (SAFE) Program provides payment to cover the cost of gathering evidence during the forensic examination for victims of sexual crimes in Missouri. Forensic exam charges should be billed to the SAFE Program as the primary	Claims for payment of forensic examination expenses shall be submitted to, and received by, the Missouri Department of Public Safety, Sexual Assault Forensic Examination (SAFE) Program within ninety (90) days from the date of the forensic examination. Claims shall be made on the Sexual Assault Forensic Examination Program Report form approved by the Missouri attorney	None required by statute.

be eligible for reimbursement, the victim of the alleged sexual offense must be a Missouri resident or the alleged sexual offense must have occurred in Missouri.

Mo. Code Regs. tit. 11, § 30-12.010.

For more information see: http://dps.mo.gov/dir/programs/safe/

payer; however the charges may also be billed to the patient's health insurance carrier.

Allowable reimbursements include charges for the hospital facility fee (ER visit), the professional fee for the medical provider who performs the forensic exam, and certain lab tests.

Reimbursement for lab testing is dependent upon the age of the patient and the type of test

Unallowable costs are allowed to be billed to the patient and include but are not limited to:

- Testing for STD's or HIV unless victim is under age 14
- Treatment/prophylaxis of STD's or HIV
- Any antibiotic prophylaxis
- Pregnancy testing unless under age 14
- Emergency contraception
- Tetanus immunization
- Wound care, laceration repair Fractures/sprain treatment
- Surgical procedures
- Discharge instruction counseling
- Outpatient follow-up

The patient may also seek compensation from the Crime Victims' Compensation Program

For more information see: http://dps.mo.gov/dir/programs/safe/

general. The appropriate medical provider must ensure that all lines of the report form are completely and legibly filled out. The appropriate medical provider shall sign and date the report. If the report is incomplete, unsigned, or not dated, the claim may be denied.

To qualify for payment, all claims shall include the Sexual Assault Forensic Examination Program Report, the Sexual Assault Forensic Examination Checklist, and an itemized billing statement.

Mo. Code Regs. tit. 11, § 30-12.010.

For more information see: http://dps.mo.gov/dir/programs/safe/

See also, <u>IAFN Payment Resources Page</u> for Missouri

There are no eligibility Montana Montana's forensic rape examination The healthcare provider applies for direct None required by statute. payment program (FREPP) provides restrictions based on law reimbursement by submitting a FREPP direct payment to healthcare providers Claim Form, ensuring that a sexual assault enforcement cooperation, for forensic rape examinations of survivor will not pay for her/his own residency, or immigration forensic examination. If the victim opts to victims who have an exam within status. five days of the assault, even if use his/her insurance to pay for the cost of they choose not to report the crime the exam, the healthcare provider can The victim does not pay for the examination as long as the immediately to law enforcement. charge FREPP for the remaining balance. examination is within five days of the assault. Covered costs include: complete and For more information see: customary sexual assault examination, https://doimt.gov/victims/forensic-rape-For more information see: emergency room/facility charge, examination-payment-program/ physician/nurse examiner charge, STD https://dojmt.gov/victims/foren and pregnancy prophylaxis, blood and See also, IAFN Payment Resources Page sic-rape-examination-paymenturine specimens for toxicology testing, for Montana program/ supplies, laboratory testing, pharmaceuticals, and mailing charges. FREPP pays the cost of a sexual assault examination up to a maximum of \$600. Sexual assault victims cannot be billed for costs, fees, or charges associated with a forensic rape examination and may decline to use their private insurance or any other payment sources, including Medicaid or Medicare. However, medical services provided to a victim as a result of any physical injuries that may have occurred at the time of the sexual assault may be billed to the victim. See M.C.A § 46-15-411 and FREPP

Frequently Asked Questions.

Nebraska	There are no eligibility restrictions based on law enforcement cooperation, residency, time period or immigration status.	The full out-of-pocket cost or expense that may be charged to a sexual assault victim in connection with a forensic medical examination shall be paid from the Sexual Assault Payment Program Cash Fund. A report of a forensic medical examination shall not be remitted to the patient or his or her insurance for payment. The full out-of-pocket cost or expense to be paid from the Sexual Assault Payment Program Cash Fund for a forensic medical examination includes: • An examiner's fee for: Examination of physical trauma; Determination of penetration or force; Patient interview; and Collection and evaluation of evidence; • An examination facility fee for the Emergency room, clinic room, office room, or child advocacy center; and Pelvic tray and other medically required supplies; The laboratory fees for collection and processing of specimens for criminal evidence, the determination of the presence of any sexually transmitted disease, and pregnancy testing. Neb. Rev. St. § 81-1429.03.	None established by statute. See also, <u>IAFN Payment Resources Page</u> for Nebraska	None established by statute.
Nevada	There are no eligibility restrictions based on law enforcement cooperation, time period, or immigration status. Victims include persons harmed regardless of whether the person is a resident of	The county in whose jurisdiction a sexual assault is committed shall: • Pay any costs incurred for medical care for any physical injuries resulting from the sexual assault which is provided to the victim not later than 72 hours after the victim first arrives for treatment.	None required by statute for initial emergency medical care provided. Application procedure for funding for counseling and/or additional medical treatment varies by county. See also, IAFN Payment Resources Page for Nevada	None required by statute.

	Nevada, a citizen of the United States or is lawfully entitled to reside in the United States. Nev. Rev. Stat § 217.070.2	• Pay any costs incurred by a hospital for the forensic medical examination of the victim. Such costs must not be charged directly to the victim of sexual assault and the filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a forensic medical examination. Nev. Rev. Stat § 217.300. If any victim of sexual assault requires medical treatment for physical injuries as a result of the sexual assault, in addition to any initial emergency medical care provided, or if any victim or spouse of such a victim suffers emotional trauma as a result of the sexual assault, the victim or spouse may apply to the board of county commissioners in the county where the sexual assault occurred for treatment at county expense, up to \$1,000. Nev. Rev. Stat § 217.310.		
New Hampshire	There are no eligibility restrictions based on law enforcement cooperation, residency, time period, or immigration status.	If a physician or a hospital provides any physical examination of a victim of an alleged sexual offense to gather information and evidence of the alleged crime, these services shall be provided without charge to the individual. An examination includes: Medical-forensic history, for the purpose of diagnosis and treatment. Head to toe physical exam, looking for trauma.	Upon submission of appropriate documentation, the physician or hospital shall be reimbursed for the cost of such examination by the department of justice to the extent such costs are not the responsibility of a third party under a health insurance policy or similar third party obligation. The bill for the medical examination of a sexual assault victim shall not be sent or given to the victim or the family of the victim.	The privacy of the victim shall be maintained to the extent possible during third party billings. Billing forms shall be subject to the same principles of confidentiality applicable to any other medical record under RSA 151:13. Where such forms are released for statistical or accounting services, all personal identifying information shall be deleted from the forms prior to release. RSA 21-M:8-c

		Detailed genital exam, looking for trauma. Collection of forensic evidence (evidence that can be used for legal purposes, should you choose to report the crime.) Possible prescriptions for treatable sexually transmitted diseases. If a victim chooses to receive antiretroviral post-exposure prophylaxis, the NH Sexual Assault protocol requires the hospital to provide them with the full 28-day dose pack without charge to the victim The victim will also receive a voucher to cover the costs of a follow-up exam. See also, NH Coalition Against Domestic & Sexual Violence — Medical Exams	RSA 21-M:8-c The Forensic Sexual Assault Examination Billing Form for providers is available here See also, IAFN Payment Resources Page for New Hampshire	
New Jersey	There are no eligibility restrictions based on law enforcement cooperation, residency, or immigration status. All victims of sexual assault who are 13 years of age or older and disclose a sexual assault within five days of when the incident occurred shall be offered a medical forensic exam. Victims who disclose a sexual assault more than five	Victims of sexual assault are not charged any fee for services that are directly associated with forensic sexual assault examinations, including routine medical screening, medications for prophylaxis of sexually transmitted infections, pregnancy tests, emergency contraception, supplies, equipment and use of space. N.J. Stat. Ann. § 52:4B-52 An emergency health care facility shall provide emergency care to a sexual assault victim. It shall be the standard of care for an emergency health care facility to:	None established by statute See also, IAFN Payment Resources Page for New Jersey	None established by statute

New Mexico	days after the assault may, but will not routinely, undergo a medical forensic exam.	a. provide each sexual assault victim with medically and factually accurate and objective oral and written information about emergency contraception and sexually transmitted diseases, as provided for in section 4 of this act; b. orally inform each sexual assault victim of her option to be provided emergency contraception at the health care facility; and c. provide emergency contraception to the sexual assault victim, upon her request, unless contraindicated. If the emergency contraceptive is in the form of pills, the provision of the emergency contraception shall include the initial dose that the victim may take at the emergency health care facility, as well as the follow-up dose that the victim can self-administer later. An emergency health care facility shall not be required to provide emergency contraception to a sexual assault victim who is pregnant. N.J. Stat. Ann. § 26:2H-12.6c Additional information can be found in the 2018 Attorney General Standards for Providing Services to Victims of Sexual Assault The director of the mental health	None established by statute	None established by statute
New Mexico	There are no eligibility restrictions based on law enforcement cooperation, residency, or immigration status.	The director of the mental health division of the department of health shall: provide free forensic medical exams to victims of sexual crimes; arrange for victims of sexual crimes to obtain free forensic medical exams; or	None established by statute. However, the New Mexico Coalition of Sexual Assault Programs states the following on its website: "Sexual Assault Medical Billing Verification and Payment – As of July 1995, the State of New Mexico	None established by statute

The victim of a sexual crime is entitled to apply for reimbursement for a period of one year from the date of the forensic medical exam.

N.M. Stat. Ann. § 29-11-7

reimburse victims of sexual crimes for the cost of forensic medical exams.

N.M. Stat. Ann. § 29-11-7

A hospital that provides emergency care for sexual assault survivors shall:
1. provide each sexual assault survivor with medically and factually accurate and objective written and oral information about emergency contraception;

- 2. orally and in writing inform each sexual assault survivor of her option to be provided emergency contraception at the hospital; and
- 3. provide emergency contraception at the hospital to each sexual assault survivor who requests it.

The provision of emergency contraception pills shall include the initial dose that the sexual assault survivor can take at the hospital as well as the subsequent dose that the sexual assault survivor may self-administer twelve hours following the initial dose.

N.M. Stat. Ann. § 24-10D-3

Specific to reimbursement:

- It must cover the full cost of the forensic medical exam, without any deductible requirement or limit on the amount of the reimbursement;
- the victim of a sexual crime is entitled to apply for reimbursement for a period of one year from the

pays 100% of the forensic medical exam per victim per year on bills resulting from rape exams, evidence collection, or child sexual abuse exams. . . The Coalition sends packets with billing instructions to medical providers throughout New Mexico on how to obtain these payments. The bills and verification forms are then sent to the Coalition where they are verified for payable services. The verified bills are then paid by the Coalition through a special Division of Mental Health fund."

http://nmcsap.org/resources/

		date of the forensic medical exam; • reimbursement is provided not later than ninety days after the administrator receives written notification of the expense incurred by the victim for the forensic medical exam; and all victims of sexual crimes, including victims with limited or no English proficiency, are provided with information at the time of the forensic medical exam regarding how to obtain reimbursement for the cost of the exam. N.M. Stat. Ann. § 29-11-7		
New York	There are no eligibility restrictions based on law enforcement cooperation, residency, or immigration status. Generally, a forensic exam must be performed within 96 hours of the assault in order to obtain essential evidence. However, the Office of Victim Services will cover the cost of a forensic exam conducted beyond 96 hours for a child survivor, or for any survivor where good cause is shown for the delay.	This measure is an exception to the	Medical Provider Forensic Rape Examination Direct Reimbursement Claim Forms are available on the OVS website and are included in the Sexual Offense Evidence Collection Kit provided free of charge to hospitals and healthcare providers throughout the State. No later than one year from the date of the forensic examination, the healthcare provider in whose facility the exam took place must submit a completed Medical Provider Forensic Rape Examination Direct Reimbursement Claim Form, an itemized bill and any necessary supporting documentation to OVS at the address below. New York State Office of Victim Services Attn: FRE Processing AE Smith Building 80 S. Swan Street, Second Floor	OVS will accept the Medical Provider Forensic Rape Examination Direct Reimbursement Claim Form, along with the itemized bill, as documentation of the sexual assault forensic examination in lieu of a police or criminal justice agency report and will provide direct reimbursement for the forensic examination to the healthcare provider.

- Tier 2 1,200 for an exam of a sexual assault survivor where a Sexual Offense Evidence Collection Kit is used
- Tier 3 \$1,500 for an exam of a sexual assault survivor who is 18 or older, with or without the use of a Sexual Offense Evidence Collection Kit, and with the provision of an initial 7-day supply ("starter pack") of HIV post-exposure prophylaxis (PEP)
- Tier 4 \$2,500 for an exam of a sexual assault survivor who is younger than 18, with or without the use of a Sexual Offense Evidence Collection Kit, and with the provision of the full regimen of HIV PEP

Follow-up HIV PEP costs beyond the initial 7-day supply as well as any long-term pharmaceuticals related to the sexual assault other than HIV PEP are not intended to be covered by the FRE direct reimbursement program and will continue to be reimbursed through the survivor/patient's insurance, Medicaid, other insurance program, or if the survivor chooses to file a full Office of Victim Services (OVS) claim application, according to previously established OVS procedure as a payer of last resort.

Services included under a "forensic exam" include:

• Facility services such as personnel, overhead, space, necessary

Albany, NY 12210

See also, <u>IAFN Payment Resources Page</u> for New York

supplies and use of equipment which are directly related to the sexual assault forensic examination. This includes an Emergency Room Physician for a survivor seen in the ER if the services provided by the ER Physician are related to the Forensic Exam.	
The services of a licensed healthcare provider performing a forensic examination within the scope of the discipline in which the provider is licensed, including a physician, registered physician's assistant, nurse practitioner or registered nurse or a sexual assault examiner certified by the state Department of Health to perform a sexual assault forensic examination, including those designated and certified by the Health Department as Sexual Assault Examiner, Sexual Assault Nurse Examiner, Sexual Assault Nurse Examiner, Sexual Assault Response Team, Forensic Nurse Examiner or Nurse Examiner.	
Laboratory tests and pharmaceuticals directly related to the forensic examination.	
<u>PBH § 2805</u>	
Additional information is available on the Office of Victim Services website	

North Carolina

There are no eligibility restrictions based on law enforcement cooperation, residency, time period, or immigration status.

In order for the Program to cover the cost of the forensic medical examination, medical facilities and medical professionals must seek reimbursement from the Program within one year of the date of the exam.

G.S. § 143B-1200

The victim does not pay for the exam.
Whenever a forensic medical
examination is conducted as a result of
a sexual assault or an attempted sexual
assault that occurred in North Carolina,
the Program shall pay for the cost of the
examination.

A medical facility
that performs a for
examination on the
assault or attempte
seek payment for the
from the Program.
G.S. § 143B-1200

G.S. § 143B-1200

Payments by the Program for the forensic medical examination are limited to the following:

- Physician or SANE Nurse \$600.00
- Hospital/Facility Fee \$500.00
- Other Eligible Expenses \$400.00
- Total \$1,500.00

Id.

Medical facilities and medical professionals who perform forensic medical examinations shall do so using a Sexual Assault Evidence Collection Kit. Id.

A medical facility or medical professional that performs a forensic medical examination shall accept payment made by the Program as payment in full of the amount owed for the cost of the examination and other eligible expenses and shall not bill victims, their personal insurance, Medicaid, Medicare, or any other collateral source for the examination. The following definitions apply to N. C. Gen. Stat. Ann. § 143B-1200:

A medical facility or medical professional that performs a forensic medical examination on the victim of a sexual assault or attempted sexual assault shall not seek payment for the examination except from the Program.

G.S. § 143B-1200

The Program will pay the expenses for the forensic medical examination directly to the service provider. Id.

See also, Rape Victim Assistance Program and IAFN Payment Resources Page for North Carolina

The program is required to verify the chain of custody of the rape kit and confirm receipt of the kit by law enforcement. This information must be verified before payment can be submitted to the medical facility or medical professional who performs the forensic medical examination.

See also, Rape Victim Assistance Program

		"Forensic medical examination" means an examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a matter suitable for use in a court of law. The examination should include at a minimum an examination of physical trauma, a patient interview, a determination of penetration or force, and a collection and evaluation of evidence. This term also includes any costs associated with the items listed in this subdivision, such as equipment, supplies, and facility fees.		
North Dakota	There are no eligibility restrictions based on law enforcement cooperation, residency, or immigration status. Forensic exams must be completed within 96 hours of a sexual assault. N. D. Cent. Code § 12.1-34-07.	When an acute forensic medical examination is performed, the costs incurred by a health care facility or healthcare professional for performing the acute forensic medical examination or any preliminary medical screening examination may not be charged, either directly or through a third-party payer, to the alleged victim. N. D. Cent. Code. § 12.1-34-07. The victim will be responsible for the costs of additional care they may receive not related to the collection of evidence, such as x-rays, stitches, hospitalization, pain medication, and counseling. See North Dakota's Crime Victims Compensation Act codified at N. D. Cent. Code 54-23.4. The victim may apply for additional compensation from the North Dakota Crime Victims Compensation Fund if they report the crime to law	Medical providers must submit appropriate documentation to the attorney general for reimbursement. N. D. Cent. Code § 12.1-34-07. See also, IAFN Payment Resources Page for North Dakota	Any physician, physician assistant, or any individual licensed under N. D. Cent. Code § 43.12.1 who performs any diagnosis or treatment of any individual in which there is reasonable cause to suspect the wound or injury was inflicted in violation of any criminal law of the State are required to report the injury to a law enforcement agency. N. D. Cent. Code § 43-17.41.

		enforcement within 96 hours of the occurrence and cooperate with law enforcement and prosecution. Id.		
Ohio	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. For victims 18 years of age or older, sexual assaults must be reported within 96 hours in order for the forensic medical examination to be billable to the Sexual Assault Forensic Examination (SAFE) Program. Exceptions to this rule include where the victim was unconscious or sedentary or where the exam may corroborate chronic injury or excessive force related to sexual assault. https://www.ohioattorneygen eral.gov/Files/Forms/Forms-for-Victims/Sexual-Assault-Forensic-Examination/SAFE-Reimbursement-Instructions For reporting requirements for victims younger than age 18, see Ohio Attorney General SAFE Program Instructions for Reimbursement Form at http://www.ohioattorneygen eral.gov/Files/Forms/Forms-for-Victims/Sexual-Assault-Forensic-	The Ohio Attorney General's SAFE Program provides that no costs incurred by a hospital or emergency facility for the collection of forensic evidence in sexual assault cases, including the costs of any antibiotics used to treat sexually transmitted infections that were administered as part of the forensic examination, shall be billed or charged directly or indirectly to the victim or the victim's insurer. Ohio Rev. Code § 2907.28(B). A hospital, children's advocacy center, or other emergency medical facility shall accept a flat fee payment of \$632 as payment in full for any cost incurred in conducting a medical examination and test of a victim. These facilities can also be reimbursed up to \$2,500 any cost incurred in administration of HIV post-exposure prophylaxis protocol. OAC Rule 109:7-1-02 Services covered by SAFE Payment may include: • ED Level Charge	be directed to the SAFE Program at (614) 466-4797. See also, <u>IAFN Payment Resources Page</u>	Ohio Rev. Code § 2921.22(A) & (B) requires that health care providers report a sexual assault to law enforcement whether a patient chooses to speak with law enforcement or not. If the adult patient chooses to remain anonymous, the provider is mandated to provide the date, time, and general location the assault took place, but not the patient's name or other identifiers. The sexual assault forensic exam and reimbursement is not dependent on the patient cooperating with law enforcement.

Examination/SAFEReimburse • HIV assessment and prophylaxis mentInstructions.aspx. • Anti-emetic medication Services not covered by SAFE Payment include: • Emergency Contraception • Pain Medication • Labs, patient admissions, blood draw, scans, x-rays, and psych services If a victim requires additional emergency services such as a CT scan, MRI, suturing, etc., these costs are billable to the victim and/or victim's insurer. The victim should be encouraged to fill out an application with the Crime Victims Compensation Fund to determine eligibility for reimbursement of medical and other expenses. http://www.ohioattorneygeneral.gov/Fil es/Forms/Forms-for-Victims/Victim-Compensation-Forms/Crime-Victims-Compensation-Application. For more information on the SAFE Program, call (614) 466-4797, email SAFE@ohioattorneygeneral.gov, or visit https://www.ohioattorneygeneral.gov/In dividuals-and-Families/Victims/Sexual-Assault-Forensic-Examination-(SAFE)-Program

See also, <u>OAG SAFE & HIV</u> Prophylaxis Reimbursement Form Oklahoma

There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.

Forensic examinations are funded by the Crime Victims Compensation Program through the Sexual Assault Examinations Fund.

Victims can receive compensation for medical costs up to \$800 for the forensic examination (which may be paid directly to the service provider) and \$100 for medications. Okla. Stat. 21 § 142.20.

A victim of a sexual assault is entitled to receive a medical examination by a qualified licensed health care professional for the procurement of evidence to aid in the investigation and prosecution of a sexual assault offense and to provide to the victim medications as directed by said health care professional. Okla. Stat. 21 § 142.20(A).

Medications provided to the victim shall only be provided on a one-time basis for the immediate trauma and medical examination of the victim. Id.

In order to provide anonymity to the sexual assault victim and maintain confidentiality, any victim who has obtained a forensic sexual assault examination, will not be required to provide information to the Crime Victims Compensation Board relative to employment or insurance and shall not be required to file a claim with any private insurance company for the payment of a forensic sexual assault

In order to be eligible for payment by the fund for expenses of a sexual assault forensic examination, the victim of the crime must sign, prior to the examination, the portion of the Official Sexual Assault Examination Application provided by the Oklahoma Crime Victims Compensation Board. If the victim is under the age of 18, or under the supervision of a legal guardian, the parent or guardian of the victim must sign the application form.

Sexual Assault Examination Fund Rule 185:15-1-3.

The physician or qualified registered nurse who conducts the forensic examination of the victim must complete and sign the portion of the Official Application for Sexual Assault Examination Payment designated "Examining Physician or Qualified Registered Nurse."-Sexual Assault Examination Fund Rule 185:15-1-4.

The payment of a sexual assault examination will be made, regardless of whether the victim is medically insured.

If the victim or claimant chooses to file an insurance claim for the sexual assault examination, reimbursement should be made to the Sexual Assault Examination Fund upon payment from the insurance company. Sexual Assault Examination Fund Rule 185:15-1-6.

For sexual assault exams performed on adults and children, Medicaid or any other federally funded program is considered a collateral source, and payment will not be None.

		examination. Sexual Assault Examination Fund Rule 185:15-1-6.	made unless the denial of benefits is provided. Id. Application available here See also, Oklahoma Sexual Assault Examination Fund and IAFN Payment Resources Page for Oklahoma	
Oregon	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. The victim does not pay for the examination as long as the Complete Medical Assessment is completed within 84 hours (three and one-half days) of the sexual assault or a Partial Medical Assessment is completed within 168 hours (seven days) of the sexual assault. Or. Admin. R. 137-084-0010(4) and (5). ORS 147.397 For more information on the Fund visit: https://www.doj.state.or.us/cri me-victims	The Fund will pay eligible medical services providers the costs incurred for providing sexual assault medical services to victims of sexual assault up to the following maximum amounts: • \$475.00 – Complete medical examination using SAFE Kit, no more than 84 hours after assault • \$215.00 – Partial medical examination without SAFE Kit, no more than 168 hours after assault • \$125.00 – Sexually Transmitted Disease prophylaxis dispensed • \$70.00 – Emergency contraception dispensed (including pregnancy test) • \$95.00 – Examination conducted by SANE (certified through the Oregon Sexual Assault Task Force or the International Association of Forensic Nurses) • \$95.00 – Examination conducted by a Doctor of Medicine or a Doctor of Osteopathy • Up to five days of HIV prophylaxis will be paid at 50% of the amount charged • Payment for all other services will be calculated using the Oregon	collection of forensic evidence using the Oregon State Police SAFE Kit, emergency contraception, or sexually transmitted disease prophylaxis, he or she must indicate to the medical provider that they wish for the provider to submit a completed Application Form to the Oregon Department of Justice. Or. Admin. R. 137-084-0010 (1).	Providers of medical assessments who seek reimbursement through the Fund must: (a) maintain records of medical assessments that protect the identity of victims of sexual assault and keep confidential the identity of victims who have not reported the sexual assault to a law enforcement agency; (b) store forensic evidence collection kits and transfer custody of the kits to a law enforcement agency having jurisdiction over the geographic area where the provider is located; and (c) cooperate with law enforcement agencies to develop and implement procedures that protect the identifies of victims while allowing retrieval and assessment of evidence collection kits and related evidence. Or. Rev. Stat. § 147.397 (5)(a)-(c) (2015).

- Workers Compensation Fee Schedule
- \$840.00 Up to 5 counseling sessions with a licensed therapist

The Fund will not pay for duplicative services, necessary follow-up treatment, or examination services for the same incident. Costs not covered include but are not limited to:

- Follow up treatment
- DNA testing
- Prescriptions filled off-site of the location of the medical examination
- Transportation

Or. Admin. R. 137-084-0010 and Or. Admin. R. 137-084-0020

If a victim chooses to bill insurance then neither the victim, nor the hospital, can bill the Fund for balances or copays remaining after insurance payments. The victim can, however, make an application to the Crime Victims' Compensation Program and, if accepted, will have a co-pay or any outstanding out-of-pocket costs considered for payment. http://www.doj.state.or.us/victims/Page s/compensation.aspx

If the Fund does not pay the bill due to lack of funds or declines to pay the bill for any reasons other than untimely or incomplete submission of the bill to the Fund, then the provider can bill the victim or victim's insurance.

Or. Admin. R. 137-084-0030(2)(3).

			<u> </u>	<u> </u>
		See also, <u>IAFN Payment Resources</u> Page for Oregon.		
Pennsylvania	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status.	The cost of a forensic rape examination and the cost of medications prescribed to the direct victim shall not be charged to the victim. 18 Pa. Stat. Ann. 18 P.S. § 11.707(h)(2). The cost of a forensic rape examination or other physical examination conducted for the purpose of gathering evidence in any criminal investigation and prosecution under provisions of Pennsylvania's Crimes Code relating to sexual offenses and the cost to provide medications prescribed to the victim shall not be charged to the victim. 42 Pa. Cons. Stat. Ann. § 1726.1 (2022). Pennsylvania's Victims Compensation Assistance Program may reimburse up to \$1,000 for the costs associated with the forensic rape examination and medications directly related to the sexual offense. Payment is to be considered by the provider as payment in full for the forensic rape examination and medications provided at the time of the examination. The medical provider may not attempt to collect from the victim any amount exceeding the amount of reimbursement. 18 Pa. Stat. Ann. § 11.707(b)(ii).	provider may submit a claim for reimbursement for the cost of a forensic rape examination if the cost is not covered by insurance or if the victim requests that the insurance carrier not be billed. 18 Pa. Stat. Ann. § 11.707(h)(1). The Forensic Rape Examination Claim form and the Sexual Assault Counseling Claim form can also be found at: https://www.pccd.pa.gov/Victim-Services/Pages/Forensic-Rapeaspx Completed claim forms must be mailed or faxed to: Victims Compensation Assistance Program P.O. Box 1167 Harrisburg, PA 17108-1167 1-800-233-2339 or (717) 783-5153 Fax: (717) 787-4306 See also, IAFN Payment Resources Page for Pennsylvania	Upon filing of a claim, the Office of Victims' Services shall promptly notify the prosecutor of the county where the crime is alleged to have occurred. 18 Pa. Stat. Ann. § 11.707(h)(1).
Puerto Rico	There are no eligibility restrictions based on income, residency or immigration status.	Medical forensic examination.— It shall be any examination performed on a sexual assault victim by qualified medical personnel trained to collect	The claimant must submit in writing the application to the office located at Physical Address	None.

Undergoing the medical forensic exam is in and of itself sufficient to be deemed Law Enforcement Cooperation.

In order to be entitled to benefits, the victim must (a) report the crime within 96 hours following criminal act, unless there is a just cause for delay; and (b) cooperate with the corresponding authorities in the phases of solving and prosecuting the persons responsible for the commission of the crime. The fact that the victim goes to a hospital and undergoes a medical forensic examination shall be deemed as sufficient cooperation.

Impediments to

Compensation: (a) when crime occurs, victim was confined to penal institution or has not served the total penalty imposed; (b) victim engaged in criminal conduct (with certain exceptions for surviving dependents and illegal aliens cooperating with authorities and eligible for U-Visa); (c) events took place prior to July 1, 1998; (d) claimant received compensation for same crime from a crime victims compensation program; (e)

may be allowed to be used in court. Such examination shall at least include: Peñuelas Street Corner

- (1) Examination of physical trauma.
- (2) Determination of forced penetration. San Juan, Puerto Rico
- (3) Victim interview.
- (4) Collection and evaluation of evidence.
- (5) Sexually Transmitted Disease testing.

25 Laws P.R. Ann. § 981.

The cost of the medical forensic examination must be paid directly to the hospital up to a maximum of \$700 per patient. In cases of sexual assault, the hospital cannot require the victim to pay any amount whatsoever for the medical forensic examination.

25 Laws P.R. Ann. § 981h.

evidence related to sexual assault which Metropolitan Building Research Center and San Juan Complaints Guarionex no. 67

> Mailing Address Compensation Office and Victim Services Justice Department PO Box 9020192 San Juan, PR 00902-0192

The application can be found online at https://www.safeta.org/wpcontent/uploads/2022/03/pr solicitud-decompensacion.pdf

The claimant must enclose with the application all the medical reports available regarding the injury for which compensation is requested, provide personal information concerning the victim and the claimant, and provide information concerning the crime.

Upon receipt of the application, the Director shall investigate and resolve all the claims and shall ensure the rights of the parties. Any claimant who is not satisfied with the decision of the Director may request a reconsideration of the decision.

25 Laws P.R. Ann. § 981k.

The victim must apply for the benefits within six (6) months following the date of the crime, unless there is just cause. Id.

See also, IAFN Payment Resources Page for Puerto Rico

	when benefit to be granted to victim turns out to be in favor of person who committed crime; and (f) when victim attempts to obtain benefits through fraud or false info/docs/reps.			
Rhode Island	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	Victims of sexual assault have the right to obtain a sexual assault medical examination from a hospital and have a sexual assault evidence kit collected. The victim does not pay for the examination. If the victim has no insurance, the facility will pay for the examination. A sexual assault evidence kit is part of a medical forensic examination for sexual assaults, and typically includes a physical examination and collection of biological and physical findings, as well as a test for sexually transmitted infections (STI) and, if appropriate, testing for Drug Facilitated Sexual Assaults (DFSA). While victims are encouraged to seek medical care at any time following a sexual assault, a sexual assault evidence kit should be collected as soon as possible and ideally within 72, and not later than 96, hours following the assault. Victims are eligible to receive compensation for the cost of their forensic sexual assault examination, regardless of whether or not they report the assault to law enforcement and/or	Applications can be submitted to the Rhode Island Treasurer at: https://cvcapp.treasury.ri.gov/ See also, IAFN Payment Resources Page for Rhode Island	None indicated

		cooperate with any investigation or prosecution. See also, Sexual Assault Victims Bill of Rights & Resources for Victim Support		
South Carolina	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. The South Carolina Crime Victim's Compensation Fund pays if the offense occurred in South Carolina.	South Carolina must ensure that a victim of criminal sexual conduct in any degree, criminal sexual conduct with a minor in any degree, or child sexual abuse must not bear the cost of his or her routine medicolegal exam following the assault. SC Code Ann. § 16-3-1350. These exams must include treatment for sexually transmitted disease, and must include medication for pregnancy prevention if indicated and if desired. SC Code Ann. § 16-3-1350. Any fees beyond the actual collection of evidence during a forensic examination are the responsibility of the victim; however, the victim may submit for compensation from the Victim's Compensation Fund for these additional costs.	The claim must be filed within 180 days from the date of service. The provider must submit the DCVC Billing Claim Form and the Medical Examination Release Form to the Department of Crime Victim Compensation See also, Sexual Assault Program: Instructions for Reimbursement of Hospital Billing by DCVC and IAFN Payment Resources Page for South Carolina	None.
South Dakota	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. S.D. Codified Laws § 22-22-26.	The county where an alleged rape or sexual offense occurred shall pay the cost of any forensic medical examination performed by a physician, hospital, or clinic on the victim of the alleged rape or sexual offense. S.D. Codified Laws § 22-22-26.	Each physician, hospital, and clinic conducting an examination under § 22-22-26 shall coordinate with the county to establish a payment process by which the county shall pay for the cost of any forensic medical examination performed under § 22-22-26. S.D. Codified Laws § 22-22-26.2.	None indicated

		The term, forensic medical examination, includes: (1) Examination of physical trauma; (2) Patient interview, including medical history, triage, and consultation; and (3) Collection and evaluation of evidence, including any photographic documentation; preservation and maintenance of the chain of custody of evidence; medical specimen collection; and any alcohol- or drug-facilitated sexual assault assessment and toxicology screening deemed necessary by the physician, hospital, or clinic. Id.	See also, <u>IAFN Payment Resources Page</u> for South Dakota	
Tennessee	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. See also, SAFE Program (for Medical Providers)	A victim of a sexually-oriented crime is entitled to a forensic medical examinations without charge. Examination expenses eligible for reimbursement under the SAFE Program may include: • Emergency department, SANE, or physician fee • Collection of specimens • Lab work • Medical examination for sexual trauma • Other necessary forensic-related treatment See also, SAFE Program (for Medical Providers) The SAFE Program can reimburse medical providers for the examination of victims. The victims are not required to report the incident to law enforcement officers or to cooperate in	Medical providers must file claims for reimbursement through the portal. For a facility to file a claim, they will need to ensure they are an active vendor/supplier on the State's Edison system. T.C.A. § 29-13-118. See also, IAFN Payment Resources Page for Tennessee	None indicated

		the prosecution of the crime in order for the medical provider to be eligible for payment of forensic medical examinations. Any medical facility, Sexual Assault Nurse Examiner (SANE) program, child advocacy center, or rape crisis center is eligible for reimbursement.		
Texas	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status. A victim must meet the following eligibility requirements to receive compensation for only the emergency medical care received during a sexual assault exam: The crime must occur in Texas; or the victim is a Texas resident and the crime occurred in a country that does not offer crime victims' compensation. The victim applied within three years from the date	The costs of emergency medical care for victims of sexual assault may be covered if a sexual assault exam was conducted at a hospital. During a sexual assault exam, the medical provider will: Obtain patient's medical forensic history Perform head-to-toe exam to assess for trauma Coordinate treatment of injuries Document biological and physical findings Collect evidence from the patient as indicated by history and findings Victims are only responsible for the medical care costs from the exam (not the forensic costs), which will be eligible for compensation under the Emergency Medical Care Compensation option of the Crime Victims' Compensation Program.	 Receipts for paid bills Insurance Explanation of Benefits (EOB) (if insurance was used) Insurance card (showing coverage effective date) An application can be submitted through the CVC web portal or by mailing a paper 	To be eligible for Crime Victims' Compensation, the crime must be reported to law enforcement and victim must apply within 3 years from date of the crime.
	of the crime unless good cause is shown e.g., age of the victim, mental or	eligible crime-related costs, including payment of the medical costs from the exam, a victim that meets all CVC		

	physical capacity of the victim, etc. The victim must have received emergency medical care during a sexual assault exam at a hospital after August 31, 2015, or been a person who legally takes on the responsibilities or pays the cost of the eligible emergency medical care, or someone authorized to act on behalf of the victim listed above, such as a parent or guardian The victim did not give false information to the program The victim was not incarcerated at the time of the crime. See also, Emergency Medical Care Compensation - Sexual Assault Exam Eligibility Requirements	eligibility requirements may do so. Texas requires emergency rooms to provide a standard information form for sexual assault victims that must include information regarding treatment of sexually transmitted infections and pregnancy, including: • Generally accepted medical procedures • Appropriate medications • Any contraindications of the medications prescribed for treating sexually transmitted infections and preventing pregnancy. Tex. Health and Safety Code Ann. § 323.005.		
U.S. Virgin Islands	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status.	Alleged victims of criminal sexual assault, in any degree, or child sexual abuse shall not bear the cost of the routine medicolegal exam following the assault, provided the victim has filed an incident report with the U.S. Virgin Islands Police Department. 34 V.I.C. § 206 (a). The exams shall include treatment for venereal disease and shall include medication for pregnancy prevention, if	A licensed health care facility, upon completion of a routine sexual assault exam, performed on an alleged victim of criminal sexual conduct in any degree or of child sexual abuse, provided the crime occurred in the United States Virgin Islands, may file a claim for reimbursement directly to the Virgin Islands Criminal Victims Compensation Commission. 34 V.I.C. § 206 (a).	Claim must be made within 2 years of the assault, the crime must be reported within 24 hours of the offense, and the Executive Secretary of the Commission must be notified within 90 days of the offense. V.I. Code tit. 34, § 161(b). Alleged victims of criminal sexual assault, in any degree, or child sexual abuse shall not bear the cost of the routine medicolegal exam following the assault, provided the

		desired. 34 V.I.C. § 206 (b). Victims of sexual assault can obtain reimbursement for medical and other expenses incurred as a result of personal injury through the Criminal Victims Compensation Commission. 34 V. I. C. §151-179.	See also, <u>IAFN Payment Resources Page</u> for Virgin Islands	victim has filed an incident report with the U.S. Virgin Islands Police Department. 34 V.I.C. § 206 (a).
Utah	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	The relevant statutes define medical examinations as "a physical examination necessary to document criminally injurious conduct but does not include mental health evaluations for the prosecution and investigation of a crime." Utah Code § 63M-7-502. Victims shall not be charged for sexual assault examinations. Utah Admin. Code Rule R270-1-24. The Public Employee Rate (if established) or 50% of the fee may be paid for additional medical services including a physical, testing for STDs, a pregnancy test, and the collection of specimens. Victims of a sexual assault can seek reimbursement of medical costs beyond that what is covered in the sexual forensic exam through the Crime Victim Reparations Office. Id. Victims shall not be required to participate in the criminal justice system or cooperate with law enforcement or prosecuting attorneys as	The victim of sexual assault is not billed for the forensic sexual assault exam; rather, the medical provider pays for the exam and seeks reimbursement from the Crime Victims Reparations Office. Utah Admin. Code Rule R270-1-24. The application for reimbursement for the sexual assault examination must be submitted to the Crime Victim Reparations Office within one year of the examination. Utah Code § 63M-7-509 Utah Admin. Code Rule R270-1-242. Application may be made by completing the application found at https://crimevictim.utah.gov/victim-financial-assistance/application-process/350 East 500 South Suite 200 Salt Lake City, Utah 84111 (801) 238-2360 or Toll Free 1-800-621-7444 Fax (801) 533-4127	1

		 a condition of being provided a sexual assault forensic examination. Id. The following services may be considered as part of the sexual assault forensic examination: Fees for the collection of evidence, including history, physical, and collection of specimens Emergency department services, including emergency room, clinic room or office room fee, cultures and tests for sexually transmitted diseases, and pregnancy test Morning after pill or high dose oral contraceptives for the prevention of pregnancy Treatment for the prevention of sexually transmitted diseases up to four weeks 	See also, IAFN Payment Resources Page for Utah	
Vermont	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	Victims of a sexual assault in Vermont have the right to receive a medical forensic examination and any related toxicology testing at no cost, irrespective of whether they report to or cooperate with law enforcement, if the victim does not have health coverage or the victim's health coverage does not cover the entire cost of the examination. The Sexual Assault Program includes coverage for Physical examination of the patient, documentation of biological and physical finding and collection of evidence	The SANE nurse explains the examination process to the victim and will ask the victim to fill out and sign a Sexual Assault Billing Form. The signed Sexual Assault Billing Form gives the Center for Crime Victim Services permission to: • Pay the victim's bill • Contact the medical provider or victim's insurer to obtain initial sexual assault bills • Access follow-up bills • Obtain an explanation of benefits from a victim's insurance company. See also, Center for Crime Victim Services Sexual Assault Program and IAFN Payment Resources Page for Vermont	If you are under the age of 18, the sexual assault will be reported to the VT Dept. of Children and Families. If you over the age of 18, the sexual assault does NOT have to be reported to the police. http://www.ccvs.vermont.gov/helpnowvt

 Treatment of the patient's injuries, providing care for STDs, assessing pregnancy risk, discussing treatment and reproductive options, screening for HIV, and prophylactic treatment.

See also, <u>Center for Crime Victim</u> <u>Services Sexual Assault Program</u>

If the victim opts to have a medical forensic examination, he or she has the following additional rights:

- The right to have the medical forensic examination kit or its probative contents delivered to a forensics laboratory within 72 hours of collection
- The right to have the sexual assault evidence collection kit or its probative contents preserved without charge for the duration of the maximum applicable statute of limitations
- The right to be informed in writing of all policies governing the collection, storage, preservation, and disposal of a sexual assault evidence collection kit
- The right to be informed of the results of all testing if the disclosure would not impede or compromise an ongoing investigation.

13 V.S.A. 3281.

Vermont pays the costs of forensic medical and psychological

		examinations administered to victims of crime committed in the State, in instances where that examination is requested by a law enforcement officer or a prosecuting authority of the State or any of its subdivisions and the victim does not have health coverage or the victim's health coverage does not cover the entire cost of the examination. If, as a result of a sexual assault examination, the alleged victim has been referred for mental health counseling, the State bears the costs of any examination not covered by the victim's health coverage. These costs may be paid from the Victims' Compensation Fund from funds appropriated for that purpose. 32 V.S.A. §1407. Additionally, the Vermont Victims Compensation Program provides limited financial assistance to victims of crime.		
Virginia	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. Generally, victims of crime committed by any person in the Commonwealth of Virginia are eligible to seek compensation.	Except as noted below, with respect to medical fees expended in gathering evidence of sexual assault, 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 18 shall be paid by the Commonwealth out of the appropriation for criminal charges, provided that any medical evaluation, examination, or service rendered be	SAFE Program The following information is required and must be received within one year from the date of service in order to receive payment: The completed two-page SAFE Payment Program Request for Payment Form The itemized, detailed bill containing the provider's name, address, and tax identification number. Health Insurance Claim Forms (HICF) alone may not be considered if the form does not list each expense in detail.	Patients 13 years of age and older shall not be required to participate in the criminal justice system or cooperate with lawenforcement authorities in order to have a PERK collected or paid for (noted on the RPF as a restricted report or unreported crime); however, providers should adhere to all applicable mandatory reporting laws as well as mandatory reporting policies established by the respective healthcare facility.

Va. Code Ann. 19.2-368.2.

Victims complaining of sexual assault shall not be required to participate in the criminal justice system or cooperate with lawenforcement authorities in order to be provided with such forensic medical exams [i.e., physical evidence recovery kit examinations]. Va. Code Ann. 19.2-165.1(B).

For SAFE claims, the alleged sexual assault must have occurred within the Commonwealth of Virginia or, for crimes that occur outside of the Commonwealth, within a military establishment or under investigation by a military entity, or within a jail or correctional institution, the provider should contact the entity requesting the examination for payment instructions.

See also, <u>SAFE Payment</u> <u>Program Procedures and</u> Guidelines

Information is required and must be received within one year from the date of service in order to receive payment 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.

Va. Code Ann. 19.2-165.1(A)...

All medical fees expended in the gathering of evidence through physical evidence recovery kit examinations conducted on victims complaining of sexual assault shall be paid by the Commonwealth pursuant to subsection F of § 19.2-368.11:1.

Va. Code Ann. 19.2-165.1(B).

Eligible Expenses include:

• Forensic Examiner Services: (i) History and documentation of the alleged sexual assault; (ii) Headto-toe physical examination; (iii) Anogenital examination, with or without the use of a colposcope and/or anoscope; (iv) Written and/or photographic documentation of evidence and injuries; (v) Collection of specimens for laboratory testing; (vi) Completion of the Commonwealth of Virginia's Department of Forensic Sciences' PERK for acute forensic examinations: (vii) Administration of prophylactic medication for the prevention of pregnancy and sexually transmitted diseases; and (viii) All space, medical equipment, and supplies required

- The summary or Explanation of Benefits (EOB) from the insurance provider that shows insurance decision, decision code descriptions, and remaining patient responsibility.
- Prescription expenses must show the date filled, patient name, medication name, prescribing physician, and amount owed/paid by the patient.
- Supplemental documentation may be requested or required to aid in the determination of claim or expense eligibility (to include, but not limited to, medical records, forensic documentation, etc.)

Additional compensation may be applied for by submitting a <u>Virginia Victims Fund</u> <u>Claim Form</u>.

See also, <u>IAFN Payment Resources Page</u> for Virginia

See also, <u>SAFE Payment Program</u> Procedures and Guidelines (see "Application Process" column).

Forensic examinations more than 120 hours after the crime require law enforcement or prosecutor authorization for payment. Va. Code Ann. 19.2-165.1(A) to complete above listed services.

- Fees for the services of a physician to conduct a medical screening examination.
- Fees for the patient to be transported by ambulance to a facility with the capacity to conduct the forensic examination.
- Laboratory. (i) Testing for sexually transmitted diseases: (1) culture or nucleic acid amplification test for Chlamydia and Gonorrhea, (2) blood testing for syphilis, Hepatitis B and HIV, (3) wet mount, KOH test or urogenital cultures for trichomonaisis and/or bacterial vaginosis); (ii) qualitative pregnancy testing by blood or urine; and (iii) the following tests may be considered eligible as long as performed for a specific forensic purpose: (1) blood testing for Hepatitis C or Hepatitis Panel, (2) urine or blood testing for alcohol or drugs, (3) cultures for HSV (Herpes simplex virus) or HPV (human papillomavirus), (4) quantitative pregnancy testing and (5) other laboratory testing deemed forensically necessary (justification must be included on the RPF).
- Medications. (i) Pregnancy prophylaxis (emergency contraception), (ii) sexually

transmitted disease prophylaxis: (1) antimicrobial medication for the prevention of Chlamydia, gonorrhea and trichomoniasis, and (2) post-exposure hepatitis B vaccine, without HBIG (Hepatitis B immune globulin); and (iii) one dose sedative, antidepressant or tranquilizer, and (iv) antiemetic.	
Other expenses for services necessary to conduct the forensic examination may be considered, however a detailed explanation must be included.	
HIV PEP and related services: (i) initial (baseline) and follow-up laboratory testing to administer prophylactic medication for the prevention of HIV ((1) HIV test, (2) complete blood count (CBC) and (3) serum chemistry), (ii) full-course of HIV PEP medication as prescribed by the health care provider(s), (iii) anti-nausea medication as prescribed by the health care provider(s), up to a 28-day supply, (iv) follow-up physical examination by a primary care physician, obstetrician/gynecologist, or other health care provider for the purpose of monitoring overall health while taking the HIV PEP medication.	
Ineligible expenses	

		Except as outlined above, the following expenses are not eligible for payment by the SAFE Payment Program; however, certain expenses that are considered crime-related may be eligible for compensation by patient application to VVF: (i) treatment of injuries or existing medical conditions, (ii) follow-up appointments that are not forensic in nature, (iii) follow-up laboratory testing or medication, (iv) duplicative services, (v) medications filled off-site, (vi) air transport, (vii) counseling, and (viii) lost wages due to physical or emotional injury. If a patient incurs costs for ineligible expenses, including treatment for injuries, subsequent medical care, counseling, time missed from work, moving expenses, etc., he or she may wish to file an application with the Virginia Victims Fund. See also, SAFE Payment Program Procedures and Guidelines and the Virginia Victims Fund		
Washington	There are no eligibility restrictions based on income, law enforcement cooperation, residency, time period, or immigration status.	No costs incurred by a hospital or other emergency medical facility for the examination of the victim of a sexual assault, when such examination is performed for the purposes of gathering evidence for possible prosecution, shall be billed or charged directly or indirectly to the victim of such assault. Such costs shall be paid by the state pursuant to this chapter. RCW 7.68.170	Washington State Department of Labor & Industries pays for sexual assault examinations. Victims have a right under law to receive this examination without cost. Providers must bill us [Washington], and not the victim. There are specific guidelines that providers must follow.	Providers who perform the sexual assault examination must submit a report. The report can be the one-page Crime Victims Compensation Program Sexual Assault Exam Report or a narrative report. The report must contain the location of the assault (e.g. city, county, state). The claimant is not required to file a police report to receive a sexual assault exam.

Crime Victims Compensation Program will cover the following items when billed in conjunction with the initial sexual assault examination provided all other conditions satisfy RCW 7.68.170. • Laboratory – Cultures, Diagnostic Tests, Urine Serum Drug & Alcohol screen, CBC, Tests for baselines: HIV, Hep B, Hep C, STDs, Pregnancy. • Diagnostics and Radiology - Xrays, Sonograms, CT Scans, MRI. • Injections, Take-Home Drugs, Self-Administered Drugs -Sedative medications, Pain Medications, Substances related to exam procedure, Vaccines, Antibiotics. • Post coital contraception. • Prophylaxis for sexually transmitted diseases. • Hepatitis B Immune Globulin. • Tetanus Toxoid vaccine. • Up to a 28-day course of HIV therapy medication • Repeat Laboratory tests up to 13 months after exposure • Transportation to a hospital maybe covered if personal transport is not

available or if the emergency transport is medically necessary.

Transportation to another hospital

 Transportation to another hospital maybe covered if personal transport is not available or if the emergency transport is medically necessary. Medical care and stabilization at the first hospital can be covered. For billing it would be helpful to know the patient was sent to another facility.

A maximum of three counseling sessions may be authorized for the purpose of desensitizing a child victim to the physical sexual assault examination. This is used in the event the child victim is unable to complete the physical sexual assault examination, after the exam has been initiated. These counseling sessions are billed with and paid for as part of the sexual assault examination.

If a follow-up visit is a continuation of the initial sexual assault examination, a report must be submitted to support the follow-up visit was for the purpose of gathering evidence. Services that aren't covered

- Supplies associated with the treatment of physical injuries sustained during a sexual assault are not payable with the initial sexual assault exam.
- Follow-up visits that are not a continuation of initial exam,

		treatment of injuries sustained during a sexual assault or therapies for injuries sustained during the sexual assault are not payable under the initial sexual assault claim. • Payment for treatment of injuries sustained during the sexual assault will only be considered when a timely Application for Benefits is filed with the Crime Victims Compensation Program. The claimant must file a police report and an Application for Benefits. If the claimant does not file an Application for Benefits, all follow-up treatment and associated costs will be the claimant's responsibility. See also, Crime Victims Compensation Program Brochure		
West Virginia	There are no eligibility restrictions based on income, law enforcement cooperation, residency, or immigration status. The forensic medical examination must have been conducted within a reasonable time of the alleged violation. W. Va. Code 61-8B-16 (a)	The payment shall cover all reasonable, customary and usual costs of the forensic medical examination. The costs of additional nonforensic procedures performed by the licensed medical facility, including, but not limited to, prophylactic treatment, treatment of injuries, testing for pregnancy and testing for sexually transmitted diseases, may not be paid from the fund. W. Va. Code 61-8B-16 (a)	responsible for submitting the paperwork to the West Virginia Prosecuting Attorneys	Nothing in this section shall be construed to require an alleged victim of sexual assault to participate in the criminal justice system or to cooperate with law enforcement in order to be provided a forensic medical examination pursuant to the provisions of this section. W. Va. Code 61-8B-16 (c)

To be eligible for the SAFE (Sexual Assault Forensic Exam) Fund a victim must meet one or more of the following criteria: Does not wish to report crime to law enforcement Does not wish to cooperate with law enforcement Does not wish to submit	SAFE is available for payment of the costs of eligible services, up to a maximum of \$1308 for each examination in 2021 (adjusted annually by the inflation factor). Eligible services include: • Evaluation, testing, and prophylaxis for sexually transmitted diseases • Medications other than Plan B may be reimbursed if directly related to the assault. • Evaluation of the risk of pregnancy • Collection of blood and urine using the collection kit provided by law enforcement (does not include drug testing conducted by the medical facility) • Collection of the victim's medical history and forensic history of the events of the sexual assault • Physical examination of the victim for evidence of the sexual assault and photographs of the physical evidence of the sex offense • Cost for the use of the medical facility for the examination Wis. Stat. Ann 949.20, 949.26 See also, Wisconsin DOJ's SAFE Fund Info and Fact Sheet	There is no application for compensation, but a Request for Payment Form (which must accompany each bill submitted) is available here: https://www.doj.state.wi.us/ocvs/not-crime-victim/sexual-assault-forensic-exam The individual wishing to receive assistance from the SAFE Fund must contact the billing department at the hospital, inform them that they wish to have the forensic exam paid by the SAFE Fund, and the hospital can then submit the itemized bills to the Fund, along with the completed request for payment form. The Department of Justice will make payment directly to the health care provider.	None required by statute.

Wyoming	There are no eligibility	The costs of any examination relating		None required by statute.
	restrictions based on	to the investigation or prosecution of a	Applications for compensation may be	
	income, residency, time		requested from the Division or any victim	
	period, or immigration	by the victim services division of the	service program, including domestic	
	status.	office of the attorney general contingent	violence shelter programs, by phone, in	
		upon available funding.	person, in writing, or via the internet.	
			Application made by a minor, as defined by	
		These examination costs shall include	Wyoming law, shall be signed by his/her	
		the following: (i) The cost of gathering	parent or legal guardian, unless Wyoming	
		evidence; and (ii) Any other	statutory provisions require otherwise. If a	
		examinations authorized by law	claim is made by a person who is	
		enforcement to aid in the investigation	incompetent, the form shall be signed by	
		and prosecution of the sexual assault.	his/her guardian or such individual who is	
		Wyo. Stat. Ann. 6-2-309 (g)-(i).	authorized to administer his/her estate.	
			Division of Victim Services, Office of the	
		Wyoming Office of the Attorney	Attorney General. Victims Compensation,	
		General, Division of Victim Services	Chapter 3, Section 3.	
		will pay for expenses incurred as a		
		result of the sexual assault for a victim	See also, <u>IAFN Payment Resources Page</u>	
		who chooses not to report the assault to	for Wyoming	
		law enforcement. This payment		
		includes expenses for the		
		emergency room, the emergency		
		physician, the forensic evidence		
		collection examination, STD		
		and pregnancy testing, and emergency		
		contraception (i.e. Plan B® One-Step		
		tablet) and treatment of other injuries		
		received as a result of the sexual		
		assault. Total costs available for		
		reimbursement cannot exceed		
		\$15,000.00 pursuant to Wyo. Stat. Ann.		
		1-40-119 (a).		
		Policy for Payment of Adult Sexual		
		Assault Forensic Examinations.		
		https://dvs.wyo.gov/compensation		