When things don’t go right: sexual assault exam billing and payment- It’s TIME for a change!

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After attending this presentation you will be able to:

- Outline the current VAWA requirements for the medical forensic exam
- Discuss some of the current events in the news related to billing for exams
- Strategize approaches that can be unique to assist states/tribes/communities/institutions to assure that victims’ healthcare needs are met AND that they are not being billed in error
- Strategize methods of support for victims who are failed by the system

Objectives

What is a medical forensic exam?
1. Examination provided to a sexual assault victim
2. By medical personnel trained to gather evidence of a sexual assault
3. In a manner suitable for use in a court of law.
Minimum requirements for the exam include:
- Examination of physical trauma;
- Determination of penetration or force;
- Patient interview (history);
- Collection and evaluation of evidence.

VAWA defines the Medical Forensic Exam

What does your state pay for?
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Full out-of-pocket cost for exams covered
- For the purpose of gathering evidence of sexual assault

No requirement to report or cooperate with LE
- To receive medical forensic exam

VAWA 2005
Violence Against Women Act

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Notify victims that the exams are available without cost

VAWA 2013
Violence Against Women Act

From: FAQs about Stop Formula Grants, 2017

WHO pays for exams in your state?
Can Insurance be billed?

VAWA 2013
Violence Against Women Act

From: FAQs about Stop Formula Grants, 2017

Can Insurance be billed?

The Division will reimburse the provider for reasonable forensic medical exam expenses. Those include appropriate procedures for acquiring evidence that may be used in a criminal proceeding against a person charged with a sex crime, and screening and care of sexually assaulted individuals with the rape kit, including evidence and prescribed medications. The interpretation of these services is at the discretion of the Division.

The Division is unable to process this invoice and the same is denied because the evidence collected was not the 120 hour guideline set by the National Protocol for Sexual Assault Medical Forensic Examinations 2nd Edition.

Please note that pursuant to LC 16-21-1-44 and LC 5-2-6-1-39, a provider may not charge a victim for services provided under LC 16-21-1-4 as a result of a sexual assault.

How much does an exam cost??
What is the reimbursement for the exam?

Florida:
COST for exam: $1,151
Reimburse: $500
(44% of total avg cost)

Restrictions?

What about pre-existing conditions?
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• From: FAQs about Stop Formula Grants, 2017

A hospital, children’s advocacy center, or other emergency medical facility shall accept payment of the actual amount billed, not to exceed twenty-five hundred dollars ($2,500), as payment in full for any cost incurred in administration of HIV post-exposure prophylaxis protocol in 109:7-1-02(B) of the Ohio Administrative Code.

http://www.ohioattorneygeneral.gov/Files/Forms/Victims/Sexual-Assault-Forensic-Examination/Safe-Reimbursement-Instructions
WHO needs to know about not billing the patient???

- Forensic Examiner
- Emergency Department staff (including providers so they do not send bills)
- Registration to code them accurately initially
- Coding/Billing personnel when processing bills
- Pre-hospital:
  - Law Enforcement/EMS to be able to educate the patient if concerned about cost of healthcare.
  - Advocates to be able to educate and assist with completion of reimbursement application.

Contact the International Forensic Nurses Association
@ info@ForensicNurses.org
1-410-626-7805

Thank you!