

FORENSIC RAPE EXAMINATIONS (18 P.S. §11.707 and 37 Pa Code §411.42)

Who?

A hospital or licensed healthcare provider may be eligible for compensation.

Forensic Rape Exam (FRE) services provided by SAFE/SANE nurses are eligible. However, SAFE/SANE nurses are not eligible to file a claim individually. The claim must be submitted through a hospital or licensed health care provider.

What?

Up to \$1,000 for the FRE or other physical examination conducted for the purpose of gathering evidence or for medications prescribed, as a direct result of a sexual offense.

Please Note: By law, a provider cannot bill the victim for the costs associated with a FRE. Payment by VCAP is to be considered by the provider as payment in full. If it is brought to your attention that a hospital is billing a victim for the costs associated with a FRE, please contact VCAP immediately. 18 P.S. §11.707(h)

Several possible scenarios where a victim might be unlawfully billed are:

- A hospital charges \$1,800 for a FRE and medications. They receive \$1,000 from VCAP and bill the victim for the remaining \$800.
- A hospital performs a FRE, does not file with VCAP, and bills the victim.
- A victim agrees to have their insurance used to cover the FRE and medications. However, the insurance only covers \$300 of the \$1,400 charge. The hospital files a claim for compensation and receives \$1,000 and bills the victim the remaining \$100.
- A FRE claim is rejected for payment because it was filed past the deadline. The hospital then bills the victim.

****The victim should not be billed in any of these scenarios or at any other time.****

Please Note: For crimes occurring on or after 12/12/09, VCAP will reimburse a direct victim who is erroneously billed and subsequently pays the cost of the forensic rape examination or medications directly related to the sexual offense. The reimbursement will be subject to the \$1,000 monetary limitations, §411.42B)(3)(1v).

The victim, or a person responsible for the victim, has the right to choose if their insurance should be accessed for a FRE and related medications. To ensure that victims are being notified of this right, the signature is required on the claim form of the person who has the authority and affirms that the request is for the reimbursement of only eligible expenses for the forensic rape examination and medications provided. Their signature certifies that the victim was informed of

Option #1, #2, and #3, and that only eligible forensic rape examination expenses, as described in Billing and Protocol Procedures, are being submitted to VCAP for reimbursement. In addition, that the victim was informed that they may still be billed directly for expenses not related to the forensic rape examination.

How?

1. The Victim Does Nothing.

The sexual assault victim does not apply for the reimbursement of the expenses related to a FRE and related medications. **Therefore, the regular VCAP claim form cannot be used to file a claim for a FRE. A separate claim form exists specifically for the FRE and is only filed by the hospital or licensed healthcare provider who performed the FRE.**

***Exception:** When the victim is erroneously billed by a hospital or licensed health care provider and pays the costs of an FRE and the medications provided, the victim then can submit a request on the standard claim for reimbursement on the VCAP standard claim form up to the \$1,000 monetary limitation.*

Eligibility requirements that apply when a victim is filing for the reimbursement of the costs associated with an FRE and medications provided are that:

- the crime occurred in Pennsylvania
- the claim is filed within one year from the date of the crime or one year from the date of discovery of the crime

If a victim submits the standard VCAP Claim Form because they were erroneously billed and paid the costs associated with an FRE and medications provided, VCAP eligibility requirements do not need to be met. VCAP will reimburse the victim directly for the costs associated with the FRE.

If a victim submits the standard VCAP Claim Form because they incur costs for other crime related expenses, other than the FRE, (counseling, loss of earnings, etc.), all VCAP eligibility requirements will then need to be met.

A sexual assault victim does not have to apply for any other type of compensation or meet the minimum loss requirements in order for the forensic rape expenses to be considered.

In instances where the victim has additional expenses beyond the date of the exam (i.e., HIV testing, HIV Cocktail or the “morning after pill”), refer to the VCAP Claim Form and the specific benefit chapters in this manual for information on additional expenses related to the crime, i.e. additional medical bills, prescriptions, counseling, loss of earnings, relocation, etc.

2. The hospital or healthcare provider:

Providers must file a Forensic Rape Examination Claim Form online on behalf of the patient. Please visit the website www.dave.pa.gov to submit FRE claims to the Program. **As of January 1, 2016 all FRE claims are required to be submitted electronically with invoices uploaded in this system prior to submission.**

Please note: It is not necessary for a victim of a sexual assault to cooperate with law enforcement or proceed with the prosecution of the case for the FRE to be considered for an award.

Hospitals may sign up to file claims online after completing proper DAVE training. Hospitals may contact the VCAP for more information.