

PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY
Office of Victims' Services
Victims Compensation Assistance Program (VCAP)
(800) 233-2339 or (717) 783-5153

Protocol and Billing Procedures for Forensic Rape Examinations

Pennsylvania law, 18 P.S. § 11.707, provides that the costs of the forensic rape examination and medications provided as a direct result of a sexual offense shall not be charged to the victim. **The victim of a sexual offense does not need to 'report' the sexual offense or 'talk' to law enforcement in order for the costs to be paid by the Victims Compensation Assistance Program (VCAP).**

In order for payments to be considered, hospitals or licensed health care providers requesting reimbursement of costs associated with a forensic rape examination are required to notify the local law enforcement agency where the reported sexual assault occurred within 12 hours of collection of the sexual assault evidence as per the Sexual Assault Testing and Evidence Collection Act (Act 165 of 2006). Further, if the local law enforcement agency has not taken possession of the evidence within 72 hours of the notification, the hospital or licensed health care provider shall notify the PA Department of Health. If the notification process is not followed, the hospital or licensed health care provider may be responsible for the costs of the forensic rape examination and medications provided.

Counties that have developed coordinating teams and implemented procedures to keep the 'names' of victims who have obtained forensic rape examinations anonymous must provide the name, address and date of birth of the victim on the claim form, in addition to the Anonymous Identification Number assigned to the forensic rape kit in order for VCAP to reimburse the costs. The names of the victim will not be provided to anyone outside of PCCD. Please submit itemized bills, which include the victim's name showing eligible forensic rape examination costs.

Hospitals or licensed health care providers must inform victims of their choice in selecting Option #1, #2 or #3 on the claim form. They must inform the victim that they may be billed for services in instances where they have additional expenses beyond the forensic rape examination costs, such as x-rays or other medical treatment not associated with a forensic rape examination. They also must inform the victim that they can submit a standard VCAP claim form, which can be obtained at www.pccd.pa.gov or by calling VCAP at 800-233-2339.

A. Filing

1. An application for payment of the forensic rape examination shall consist of the completed online Forensic Rape Examination Claim Form, along with an itemized bill with the diagnosis code.
2. Hospitals or licensed health care providers filing forensic rape examination claim forms are required to file electronically. The required signature of the person, who has the authority and affirms that the request is for the reimbursement of only eligible forensic rape

examination expenses, can be electronically submitted by typing their name on the appropriate line under the Authorization section and submitting the required information to VCAP. 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 the Protocol and Billing Procedures are being submitted to VCAP for reimbursement. Their signature also certifies that the victim was informed that they may still be billed directly for expenses not related to the forensic rape examination.

3. All supporting documentation (medical bills, insurance benefit statements, medical records) must be uploaded into the DAVE system at the time of the filing. Only files of .pdf, .jpeg, .jpg, .png, and .tiff can be uploaded. You can upload multiple files at once.
4. The claim must be filed by a hospital or other licensed health care provider, within one year of the date of the crime or discovery of the crime. Failure to file within the prescribed time frame will result in non-payment of the claim and the victim cannot be billed for those costs.
5. Any provider performing a forensic rape examination on a sexual assault victim may file a claim with VCAP if the crime occurred in Pennsylvania, **OR** if a Pennsylvania resident that is sexually assaulted in another state returns to Pennsylvania to have the exam done by a hospital or licensed health care provider as defined by the Crime Victims Act.

B. Awards

1. Payment made to a hospital or licensed health care provider by VCAP shall be considered by the provider as payment in full for the costs associated with the forensic rape examination and medications provided.
2. Health care providers must utilize the victim's insurance to include Medical Assistance, Health Maintenance Organizations or federally financed insurance programs such as Medicare, before applying to VCAP. In instances where the victim or person responsible for the victim requests that the provider not access insurance, the claim may be electronically submitted directly to VCAP for consideration of payment.

C. Payment Procedures

1. Payment shall not exceed \$1,000 for a forensic rape examination and materials used to obtain evidence for law enforcement to pursue charges for sexual offenses pursuant to 18 Pa. C.S. Ch. 31, and for medications directly related to the sexual offense or rape, which are prescribed at the time of the forensic rape examination.
2. The bill submitted to VCAP for forensic rape examination costs must include eligible forensic rape examination services as well as the diagnosis codes.

Expenses eligible for reimbursement include the following:

- (i) Physician/ARNP Office or Other Outpatient Services; Emergency Department Services (which may include the collection of forensic evidence obtained for the forensic rape kit).
- (ii) Alcohol Test – administered only to determine immediate medical treatment for victims of rape or sexual assault.
- (iii) Venipuncture for the collection of whole blood samples.
- (iv) Laboratory tests for baseline sexually transmitted diseases and pregnancy:
 - a. Chlamydia;
 - b. Syphilis;
 - c. Gonorrhea Culture;
 - d. Pregnancy Test;
 - e. HIV Screening; (follow-up HIV costs need to be submitted on a standard VCAP Claim Form by the victim or the person responsible for victim)
 - f. Hepatitis;
 - g. Gram Smear; and
 - h. Urine.

The costs for any follow up treatments will need to be submitted on a standard VCAP Claim Form by the victim or the person responsible for the victim.

- (v) Use of medical facility for forensic rape evidence collection examination.
 - (vi) Forensic evidence collection kit.
 - (vii) Colposcopy.
 - (viii) Drug Screening – administered only to determine immediate medical treatment for victims of rape or sexual assault. Does not include the costs for Rohypnol, DNA, or other similar testing.
3. Expenses for procedures other than those listed in paragraph (C)(2) must be justified and submitted, in writing, as being necessary and directly related to the forensic rape examination.

D. Confidentiality

Providers are reminded of the strict confidentiality provisions of the Crime Victims Act set forth at 18 P.S. §11.709, which prohibits disclosure of information relating to this claim except as provided by law or with the written consent of the patient.

E. Additional Information for Child Advocacy Centers

Child Advocacy Centers cannot request payment from the VCAP directly for the costs associated with forensic rape examinations or forensic interviews because they are not licensed health care providers. However, the licensed health care provider or hospital that conducted the examination may file for reimbursement of those costs on behalf of the Child Advocacy Center. The Federal Employer Identification Number (FEIN) of either the hospital or licensed health care provider must be listed on the Forensic Rape Examination Claim Form.

Child Advocacy Centers must also follow the notification procedures as required under the Sexual Assault Testing and Evidence Collection Act (Act 165 of 2006) in order for payments to be considered.