

PROCEDURES AND GUIDELINES

For

PAYMENT OF SEXUAL ASSAULT FORENSIC EXAMINATIONS

By

THE CRIMINAL INJURIES COMPENSATION FUND

A division of

THE VIRGINIA WORKERS' COMPENSATION COMMISSION

Criminal Injuries Compensation Fund
Post Office Box 26927
Richmond, Virginia 23261
(800) 552-4007

Workers' Compensation Commission
1000 DMV Drive
Richmond, Virginia 23220
(877) 664-2566

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**Criminal Injuries
Compensation Fund**
Easing the Burden for Crime Victims

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**CICF FORENSIC SEXUAL ASSAULT PAYMENT POLICIES AND
PROCEDURES:**

Per §19.2-165.1(B) of the Code of Virginia, an adult victim of an alleged sexual assault is no longer required to report this offense to law enforcement in order to request a forensic examination, or for the Commonwealth to pay for the examination

In accordance with §19.2-368.3 and §19.2-368.11:1(F) of the Code of Virginia, the following policies and procedures outline the requirements that must be met in order for the Criminal Injuries Compensation Fund (CICF) to consider payment of the Physical Evidence Recovery Kit (PERK) examination in sexual assault cases.

DEFINITIONS:

As used throughout these guidelines, the following words and phrases shall have the following meanings:

“PERK” and “examination” shall mean Physical Evidence Recovery Kit, or the process by which forensic evidence is gathered, per §19.2-165.1 of the Code of Virginia. More specifically, a “PERK” or “examination” shall mean all services directly related to the gathering of forensic evidence and initial testing and treatment for pregnancy and sexually transmitted diseases.

“CICF” shall mean the Criminal Injuries Compensation Fund

“Criminal Fund” shall mean the fund administered by the Supreme Court of Virginia to pay for costs associated with evidence collection, with the exception of sexual assault PERK examinations.

“Facility with capacity” shall mean the health care provider has a Physical Evidence Recovery kit available and staff trained to gather evidence and complete the kit

“FNE” shall mean Forensic Nurse Examiner

“SANE” shall mean Sexual Assault Nurse Examiner

NOTE: FNE and SANE may be used interchangeably.

REQUIREMENTS:

The alleged sexual assault must have occurred after July 1, 2008.

The location of the alleged sexual assault must be within the Commonwealth of Virginia.

Reporting to law enforcement is NOT a pre-condition for evidence collection or for payment by CICF.

The PERK must be conducted in accordance with the guidelines set forth by the Virginia Department of Forensic Science, utilizing an approved PERK.

Reimbursement will only be made for sexual assault-related PERK examinations. [PERKs or forensic examinations for any other purpose must be approved by the local Commonwealth's Attorney or their designee in advance of the examination per rules of the Virginia Supreme Court's Criminal Fund. The Criminal Fund will reimburse non-sexual assault evidence collection in accordance with their rules.]

Facilities should retain records pertaining to the examination for three years for audit purposes if necessary.

CICF will not pay for adult PERKs collected more than seventy-two (72) hours past the date and time of the alleged incident, unless good cause can be shown by the FNE. The seventy-two (72) hour window may not apply for child victims of sexual assault, and state lab protocols with respect to PERK collection on child victims apply.

NOTE: If in a specific case a Forensic Nurse Examiner (FNE/SANE) believes that viable evidence may exist beyond seventy-two hours, the FNE must submit an explanation to the CICF along with the standard required documentation so that the bill may be considered.

Bill must be forwarded to CICF by the health care facility or provider within one year of the date of treatment.

Should a patient inadvertently receive a bill from a facility, or pay any amount out-of-pocket for a sexual assault forensic examination, he/she may seek reimbursement by CICF within one (1) year of the date of the alleged assault.

PATIENT PAYMENT OPTIONS

The patient may select from the following two (2) options:

- 1) For **CICF** to pay for the examination in full.
- 2) For the treatment facility to bill her/his health insurance provider and have CICF pay any remaining balance, **or** the patient is covered by a federally-funded health care program (Medicaid, Medicare, Champus, Tricare, FAMIS or the Veterans Administration) **AND** wants CICF to cover any unpaid eligible balances.

BILLING INSTRUCTIONS FOR HEALTH CARE FACILITY/PROVIDER

Only patients who opt to take responsibility for PERK payment should receive any billing notices from healthcare providers related to the exam.

Once the bill has been sent to CICF for consideration, the patient shall not be placed in collections by a health care provider per §19.2-368.5:2 and §19.2-368.11:1(F) of the Code of Virginia.

The **CICF REQUEST FOR PAYMENT FORM** must be submitted with a detailed, itemized billing statement. **Health Insurance Claim Forms (HICF) will not be accepted.**

ITEMS TO BE INCLUDED FOR PAYMENT:

To be eligible for payment, the gross sexual assault 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 tests and treatments performed shall be based on each patient's individual need and preference. Licensed hospital and licensed health care practitioners must have available and offer to provide at least the following tests and treatments:

1. Professional/practitioner's services
 - History
 - Physical
 - Collection of specimens
 - Completion of the Commonwealth of Virginia's Department of Forensic Sciences' Physical Evidence Recovery Kit (PERK) based on each patient's individual need
 - Treatment for the prevention of sexually transmitted infection
2. Emergency department
 - Emergency room, clinic room or office room fee
 - Pelvic tray
3. Laboratory
 - Blood testing for syphilis and Hepatitis B

- HIV test
 - Cultures for gonorrhea, chlamydia, trichomonas and other sexually transmitted infections (STI)
4. Pregnancy testing (blood test or urinalysis)
 5. Other laboratory tests that are required for the purpose of evidentiary examination that are not traditionally related to a PERK. **NOTE:** an explanation must accompany the Request for Payment Form and itemized bill.
 6. Medications
 - Pregnancy prophylaxis
 - Sexually transmitted disease prophylaxis
 - One dose sedative, antidepressant or tranquilizer
 - Anti-emetic
 7. Ambulance fee to transport the patient to facility with the capacity to complete the PERK.

What is NOT Covered:

- Cost of treating injuries
- Follow-up or second appointments
- Duplicative services
- Medications filled off-site
- Air transport
- Follow-up medications
- Counseling
- Lost wages due to physical or emotional injury

IMPORTANT NOTES FOR COMPLETING THE REQUEST FOR PAYMENT FORM:

The Request for Payment Form must be completed in its entirety even if the patient is not reporting the crime to law enforcement.

If the patient does not wish to receive correspondence from CICF about payment of additional costs, then patient's mailing address may be omitted.

NOTE: If the patient does not wish for CICF to pay for her/his exam, it is not necessary to complete the Patient Information section.

PAYMENT FOR OTHER SERVICES RENDERED AT THE TIME OF PERK EXAMINATION:

If a patient incurs costs for uncovered items, including additional treatment or medications, she/he may wish to file a crime victim compensation application with the Virginia Criminal Injuries Compensation Fund (CICF). In order to be eligible for CICF, the patient must report the crime to law enforcement and cooperate with prosecution efforts. Claim forms can be found at www.cicf.state.va.us, or at local victim-serving programs.

If a patient does not wish to file a crime victim compensation claim through CICF or if the patient is ineligible for crime victim compensation (not reporting the crime to law enforcement, for instance), the patient and/or the patient's health insurance will be responsible for all expenses beyond the PERK exam.