

# **Sexual Assault Victims' Emergency Medical Response Fund**

Presented by:

**Attorney General's  
Sexual Assault Task Force**

**&**

**Oregon Department of Justice  
Crime Victims' Assistance Section**

February, 2004

# Why the SAVEMR Fund?

- Inconsistent billing practices
  - Over-billing of insurance vs. law enforcement;
  - Huge disparity in costs/billing;
  - Confusion over who to bill for what services;
  - Difficulty identifying forensic evidence collection vs. medical costs;
  - LE with limited or no resources denied the Kit;
    - Victims were subsequently denied services
    - Victims who chose not to report had limited options

# History of the Fund

- Requested by the AG's SATF.
- Created by the passage of Senate Bill 752.
- Repeals ORS 147.375 mandating LE to pay for forensic evidence collection – LE will no longer pay for SAFE Kits.
- Takes effect on March 1, 2004.

# Fund Impact - Overview

Implementation of the Fund will NOT change:

- Provider responsibility to address patient medical needs;
- Need for LE approval for a SAFE Kit;
- LE responsibility to pay for evidence (beyond Fund coverage – i.e.; blood draw);
- Crime Victims' Compensation Program – eligibility and application process.

# **Fund Context**

## **SATF - SANE - SART**

- **AG's Sexual Assault Task Force (SATF)**
  - Working to improve the response to sexual assault.
- **Sexual Assault Nurse Examiner (SANE)**
  - SANE Training – April 26-30, Eagle Crest Resort
  - SANE Program (OR)
- **Sexual Assault Response Team (SART)**
  - Collaborative response to sexual assault.
  - Fund supports collaboration (LE approval, evidence collection, SANE preference, use of Advocates, etc.)

# Funding the Fund

No General Fund \$\$

- Private Donations
  - Insurers, health care systems, private foundations and pharmaceutical companies.
- Criminal Injuries and Compensation Account
  - Criminal fines, restitution and awards from the criminal justice system that are dedicated to victim services – also funds the Crime Victims' Compensation Program.
- Federal VOCA Reimbursement
  - 60% of costs can be reimbursed beginning spring '06.

# Purpose of the Fund

*To improve the response to adult and adolescent sexual assault by:*

- Providing quality medical and forensic exams of sexual assault victims when examined in an acute care setting within 3.5 days (84 hours) of assault;
- Providing quality medical exams of sexual assault victims who present no later than 7 days (168 hours) post assault;
- Provide payment for the first time for non-reporting victims.

# **Complete Medical Assessment**

(within 3.5 days/84 hours post-assault)

- Collection of forensic evidence;
  - Authorized by law enforcement agency
  - Must be OSP SAFE Kit
- Sexual assault medical exam including room, supplies, and medical practitioner;
- Urine pregnancy test;
- Emergency contraception;
- Sexually transmitted disease prophylaxis.

# Maximum Payments

- \$380 for complete medical assessment which includes using an OSP SAFE Kit.
- Complete Medical Assessment – use of an OSP SAFE Kit in conjunction with a medical exam of a victim of sexual assault conducted within the accepted patient standard of care by an eligible medical services provider.
- OSP SAFE Kit – the sexual assault evidence collection kit, including protocol guidelines, approved by and distributed by the Oregon Dept. of State Police Forensic Division.

# Maximum Payments (cont.)

- \$55 for emergency contraception.
- Emergency Contraception – prophylactic drugs to prevent pregnancy, or providing a prescription for such medication to be filled on-site, in conjunction with a complete or partial medical assessment.

## **Maximum Payments (cont.)**

- \$100 for STI/STD prophylaxis.
- Sexually Transmitted Disease Prophylaxis – prophylactic drugs to prevent sexually transmitted disease, or providing a prescription for such medication to be filled on-site, in conjunction with a complete medical or partial medical assessment.

# **Partial Medical Assessment**

(within 7 days/168 hours post-assault)




- Sexual assault medical exam including room, supplies, medical practitioner;
- Urine pregnancy test;
- Emergency contraception;
- Sexually transmitted disease prophylaxis.

# Maximum Payments

- \$175 for partial medical assessment;
- Partial Medical Assessment – medical exam of a victim of sexual assault conducted within the accepted patient standard of care by an eligible medical services provider; AND
- \$55 for emergency contraception;
- \$100 for STD prophylaxis.

# Emergency Contraception – Provider Exception

Hospitals that have a policy against administering EC after three days or 72-hours will need to:

-  Provide the victim with a copy of the original application to take to the referred provider;
-  Instruct the victim that the referred EC provider must complete the Fund application;
-  Only the EC can be covered – the office visit cost or additional costs related to the visit are considered duplicative and are not eligible.

# Complete vs. Partial Assessment

All victims, reporting and non-reporting, who present to a provider within 7 days can access the Fund.

## **Complete:**

- Reporting victims, up to 3.5 days post-assault
- OSP SAFE Kit
- Medical examination
- STD/STI prophylaxis
- Pregnancy test/prophylaxis

## **Partial:**

- Reporting or Non-reporting victims, up to 7 days post-assault
- NO OSP SAFE Kit
- Medical examination
- STD/STI prophylaxis
- Pregnancy test/prophylaxis

*The Fund will not cover STI or EC prophylaxis that are not part of a complete or partial assessment.*

# Sexual Assault Nurse Examiner (SANE) Incentive

- The Fund will pay an **additional \$75** for either a complete or partial medical assessment conducted by a SANE.
- **SANE** – a nurse who has received certification as a SANE-A from the IAFN or Oregon SANE certification from the Attorney General's SANE Certification Commission.

# What is NOT Covered?

- Cost of treating injuries (procedures and/or supplies in addition to the exam or SAFE Kit);
- HIV testing;
- Any necessary follow-up or second appointments;
- Duplicative services;
- Services provided to an ineligible victim or by an ineligible provider;
- Laboratory testing of blood for any purpose;
- Prescriptions filled off-site by an ineligible provider (examples: Fred Meyer or Rite-Aid pharmacies).

# Who is an Eligible Victim?

- A person who has self-identified or been identified by another as a victim of sexual assault;
- Victim whose assault occurred in Oregon;
- Victim presenting within time frame of 84 hours or 3.5 days (complete) or 168 hours or 7 days (partial).

# Who is an Eligible Provider?

- Person with facilities and supplies necessary to conduct a complete medical assessment as described by OAR.
- Licensed in Oregon, Washington, California or Idaho as:
  - OR SANE or SANE-A certified nurse;
  - RN acting under supervision of MD or DO;
  - DO, nurse practitioner, MD;
  - May include: ER's, medical clinics, child abuse assessment centers.

# The Process

- Keep on hand:
  - Sexual Assault Victims' Emergency Medical Response Fund forms;
  - OSP SAFE Kits;
  - Crime Victims' Compensation Program brochures and applications.
  
- Explain to victim that the Fund was created to pay for the costs of eligible sexual assault medical exams and eligible prophylaxis.

- **Emphasize:**
  - Confidentiality;
  - No additional paperwork for victim;
  - May submit CVCP application for additional medical costs (treatment of injuries), other prescriptions and counseling.

# Billing the Fund

- Complete the short section at the top of page one, as well as the two questions on the top of page two.
- *The Fund does not deny victims the right to choose to bill their personal insurance. For victims who choose not to bill the Fund, please ask them to complete page two of the application for statewide data collection purposes.*

# Receiving Payment

- Submit an invoice with the completed Fund application, listing an itemization of the eligible services that were provided.
- **Completed Application & Invoice for Eligible Services = Payment**
- **Incomplete Application and/or No Invoice = Nonpayment**

# Receiving Payment (cont.)

- Applications for payment must be submitted within one year of the assessment.
- Invoices must be submitted with an application to be considered complete.
- Applications for payment will be processed within 60 days.

# Receiving Payment (cont.)

- CVAS will issue one payment per victim/patient application.
  - Hospitals who bill separately for hospital services (including RNs or SANEs) and physician time/services will be responsible for submitting one application (to include one invoice for services).
  - Whatever services the Fund covers will be considered payment in full.

# **Disqualifications**

- Ineligible victim or medical provider;
- Duplication of services;
- Services not provided in accordance with the Fund requirements (timeliness);
- Incomplete Application for Payment;
- Insufficient funds in the Fund.

# **May Bill Other Resources Only When Denied Due to...**

- Ineligible victim or medical provider;
- Duplication of services;
- Services not provided in accordance with the Fund requirements (timeliness);
- Insufficient dollars in the Fund.

- Clinician sends completed form to:
  - Billing department if all services are completed;  
OR
  - On-site pharmacy if prophylaxis is being provided;  
OR
  - If prophylaxis is to be provided by another provider, make double-sided copy of application and give to victim to give to provider of emergency contraception.

Hospitals need a procedure to ensure that all billing invoices accompany the application and have the costs for eligible services on the front of the form for services provided March 1, 2004 or later.

# **Mail Application & Invoice To:**

Sexual Assault Victims' Emergency  
Medical Response Fund

Oregon Department of Justice  
Crime Victims' Assistance Section  
1162 Court Street NE  
Salem, OR 97301-4096

*Do Not Fax*

# Questions About the Fund?

Crime Victims' Assistance Section  
(503) 378-5348

[www.doj.state.or.us/crimev/index.shtml](http://www.doj.state.or.us/crimev/index.shtml)

Director: Connie Gallagher

Assistant Director: Jason Barber

Support: Valerie Smith

# **Questions About Sexual Assault Response Training, and the SANE Program:**

Attorney General's Sexual Assault Task Force

[www.oregonsatf.org](http://www.oregonsatf.org)

541-284-TASK (8275)

Executive Director: Phyllis Barkhurst

Training Coordinator: Heather Fowler

SANE Program Coordinator: Kris Karcher

(541) 396-3121 x 467