

**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 Pa. C.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).**

Hospitals or licensed health care providers, which include Child Advocacy Centers, requesting reimbursement of costs associated with a forensic rape examination must have given the forensic evidence to the police, district attorney's office or the county children and youth services agency, in order for the payments to be considered. If the evidence was not given to one of those entities, 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 the VCAP to reimburse the costs. 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. Inform them 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. Inform them that they can submit a standard VCAP claim form, which can be obtained at [www.pccd.state.pa.us](http://www.pccd.state.pa.us) or by calling the VCAP at 800-233-2339.

**A. Filing**

1. An application for payment of the forensic rape examination shall consist of the original completed Forensic Rape Examination Claim Form, along with an itemized bill. The claim form is available from the Pennsylvania Commission on Crime and Delinquency, Victims Compensation Assistance Program or at [www.pccd.state.pa.us](http://www.pccd.state.pa.us).

2. Hospitals or licensed health care providers filing forensic rape examination claim forms electronically will no longer need to submit a paper claim. 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 in Section 1 and submitting the required information to the VCAP.

3. 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.

4. If the hospital or licensed health care provider is filing a paper claim, 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.

## **B. Awards**

1. Payment made to a hospital or licensed health care provider by the VCAP shall be considered by the provider as payment in full for the costs associated with the forensic rape examination and medications provided, as delineated under 18 Pa. C.S. Ch. 31.

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 or Champus, before applying to the VCAP. In instances where the victim or person responsible for the victim requests that the provider not access insurance, the claim may be submitted directly to the VCAP for consideration of payment.

## **C. Payment Procedures**

1. Payment will 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 the VCAP for forensic rape examination costs must include eligible forensic rape examination services.

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.

## **E. Confidentiality**

Providers are reminded of the strict confidentiality provisions of the Crime Victims Act set forth at 18 Pa. C.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.

## **F. Additional Information for Child Advocacy Centers**

Forensic interviews, primarily occurring with children, must be conducted in conjunction with a forensic rape examination or physical examination. The bills for the examination and interview must be submitted together on one forensic rape examination claim form.

This means that the individual entity providing the forensic rape examination and the entity providing the interview must coordinate the submission of both bills to VCAP. The forensic interview must be conducted by a licensed health care provider in order for the VCAP to reimburse the cost of the interview. VCAP will not reimburse forensic interview

bills if not received at the same time as the bill for the forensic or physical examination.

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 or interview 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 have given the forensic evidence to the police, district attorney's office or the county children and youth services agency, in order for the payments to be considered. If the evidence was not provided to one of those entities, the hospital or licensed health care provider may be responsible for the costs of the examination, interview or medications provided.