



THE FORENSIC MEDICAL EXAM

Reimbursement of forensic exams

Issue 3 of 3 part series

These materials were developed
by FCASV staff for the purpose of providing
advanced technical assistance to
certified rape crisis centers in Florida.

Theresa L. Prichard, Esq., Director of Advocacy and Legal Assistance to Victims Project

Florida Council Against Sexual Violence
1820 E. Park Ave. Suite 100
Tallahassee, FL 32301
850.297.2000 (tel)
850.297.2001 (fax)

In addition to being the most predominant request for legal assistance from victims, some of the most common questions we receive at FCASV are related to reimbursement for forensic exams. FCASV has prepared this document to provide detailed guidance on the issue of forensic exam reimbursement. This document is intended to be used as a guide only. Please contact Theresa Prichard directly at (850) 297-2000 or tprichard@fcasv.org with questions about a specific case.

The forensic medical exam

According to F.S. 960.28, victims of sexual battery under Chapter 794 or lewd or lascivious offenses under Chapter 800 are entitled to receive a forensic exam at no cost regardless of whether they report the offense to law enforcement. This is the only reimbursement option under the victim compensation program which does not require the victim to cooperate with law enforcement to meet eligibility requirements. The Office of the Attorney General Crime Victims' Services Office will reimburse medical providers up to \$500 for a forensic exam, and the payout shall be considered payment in full.ⁱ Exam providers shall not bill the victim or their insurance, if applicable, for the cost of the exam or the costs over the \$500 payout. Medical providers shall apply for reimbursement directly; it is not the victim's responsibility to apply for this reimbursement.

What the reimbursement covers

Common misconceptions exist around what is actually covered by forensic exam reimbursement. The examination is performed to collect evidence for law enforcement to aid in the investigation of an alleged sexual offense. However, when victims present for a forensic exam, medical providers are also charged with assessing and treating victims for injuries in addition to collecting evidence. With respect to the forensic exam costs which are covered by F.S. 960.28, only aspects of the treatment process specific to evidence collection are covered. By statute, those include the evidence collection and lab testing for pregnancy and sexually transmitted diseases (except for HIV or Hepatitis testing; victims can apply for reimbursement for testing for these conditions through the Office of the Attorney General). Reimbursement for forensic exams does *not* cover medical treatment, medications to treat sexually transmitted diseases, or prophylaxis. Victims will be responsible for those costs, which may be covered by insurance, or through reimbursement through the Victim Compensation Program, to be applied for by the victim.

The reimbursement application process

The exam provider must submit the sexual battery claim form and billing statement to the Office of the Attorney General within 120 days of the forensic exam. Providers can obtain a claim form by contacting the Office of the Attorney General Bureau of Victim Compensation and asking for Form DVS-201. The claim form can be submitted via mail to the Office of the Attorney General Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050; via fax to (850) 414-5779 or (850) 414-6197; or via email to VCIntake@myfloridalegal.com.

The itemized bill must include the following: name of the facility used for the examination; date of the examination; and patient's name (patient's name will remain confidential within the Office of the Attorney General and is not subject to disclosure). Providers are required to use recognized International Classification of Diseases (ICD) and Current Procedural Terminology (CPT) on their billing statements:

- (a) Examination code V71.5 and any of the CPT codes noted below.
- (b) Payment for the examination is limited to the International Classification of Disease (ICD-9) code for examination of the victim of sexual battery (V71.5), and some or all of the following:
 - (i) Physician/ARNP office or other outpatient services; emergency department services – CPT codes 99201, 99202, 99203, 99204, 99205, 99211, 99212, 99213, 99214, 99215, 99281, 99282, 99283, 99284, 99285,
 - (ii) Venipuncture for the collection of whole blood samples – CPT codes 36406, 36415,
 - (iii) Laboratory tests for baseline sexually transmitted disease and pregnancy – CPT codes, 81025, 84702, 84703, 86280, 86317, 86592, 86593, 86631, 86781, 87070, 87081, 87110,
 - (iv) Use of medical facility for the initial forensic physical evidence collection examination – CMS/HCFA Revenue Code 450 or 510, and
 - (v) Forensic evidence collection kit – CMS/HCGA Revenue Code 270.ⁱⁱ

FCASV advises rape crisis centers to work with their local hospitals and forensic exam providers to inform them about their rights to reimbursement under Florida law, as well as the rights of victims to obtain a forensic exam without cost. If a victim has been improperly charged for an exam, or if you have additional questions, please contact FCASV for assistance.

ⁱ The reimbursement program through the Office of the Attorney General does not reimburse for forensic examinations performed on inmates. The institution where the inmate is incarcerated is responsible for those costs, or the county will reimburse the funds.

ⁱⁱ This information can be found in Florida Administrative Rule 2A-3.002.