

Payment Fact Sheet

BILLING INFORMATION FOR HEALTHCARE PROVIDERS – MEDICAL FORENSIC EXAM

Patients who have experienced sexual assault have the right to a patient-centered, trauma-informed medical forensic examination (MFE).

Violence Against Women Act (VAWA) 2013 - A patient must be able to request a MFE, and the patient can not receive a bill or pay for co-payments. Patients are not required to participate in the criminal justice system or cooperate with law enforcement. The State, Tribal Government, local government, or other governmental entity:

- May not reimburse the patient for out-of-pocket costs for the exam. The MFE must be **FREE** of charge.
- The state must also coordinate with healthcare to notify victims of sexual assault of the availability of exams without cost.

Can Healthcare Providers Bill the Patient's Insurance for a MFE?

- If states are using STOP funds to pay for the MFE, they may **not** require the patient to seek reimbursement from their private health insurance.
- This practice is not expressly prohibited by VAWA 2013 - Programs can bill a patient's private insurance, but the patient cannot be charged for any out-of-pocket costs (e.g., insurance co-pays, deductibles, or any other out-of-pocket costs that might not be covered by insurance).

Patient Safety – Offer practical strategies to address the unique patient safety and privacy concerns related to billing and payment for the MFE. Two common safety issues are as follows:

- If the patient is not the guarantor on the insurance, the guarantor will receive an EOB on the patient visit.
- If automated patient surveys are mailed out, other household members may inadvertently learn of the patient visit.

REFERENCES:

- U.S. Department of Justice (DOJ), Office on Violence Against Women. (2013, April). A National Protocol for Sexual Assault Medical Forensic Examinations Adult/Adolescent (2nd ed.). Washington, DC: DOJ. <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>
- U.S. DOJ. Office on Violence Against Women Grants and Programs (2019). Retrieved from: <https://www.justice.gov/ovw/grant-programs>
- Violence Against Women Reauthorization Act of 2013, S.47 (2013). <https://www.congress.gov/bill/113th-congress/senate-bill/47>



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