

Payment Fact Sheet

Who Should We Talk to if a Patient Receives a Bill?

Effective collaboration among various departments, partners, and stakeholders will safeguard the patient from being improperly billed for their medical forensic examination. If you know a patient has been billed, consider contacting one or all of the below resources in your community.

INSIDE THE HEALTHCARE SETTING

- **Clinicians/Providers** – those providing direct medical services to victims (e.g., doctors, nurse practitioners, SANEs, nurses, etc.). Must be knowledgeable about payment practices, policies, and procedures.
- **Billing and Coding Departments** – typically part of healthcare institutions, and whose goal is to properly capture healthcare codes that allow billing for services rendered.
- **Compliance** - provide guidance and monitoring to ensure all applicable rules, laws and regulations for healthcare billing are in place, including addressing high risk areas to minimize fraudulent billing.
- **Revenue Integrity** - focuses on coding and charge captures to reduce the risk of non-compliance, optimizing payment, and minimizing the expense of fixing a problem with healthcare claims.
- **Finance Departments** - accountable for billing including accuracy of transactions, accounts receivable and payable, and managing internal audits and controls.
- **Quality Assurance** - ensures everyone is maintaining high quality care and measures the effectiveness of any department/program.
- **Legal/Risk Management** - can assess and monitor regulations and practices. Can aid in drafting policies and procedures.
- **Hospital Administration** - can provide oversight to the organization / ultimately ensuring effective and proper practices. This typically includes the Chief Executive Officer, Chief Nursing Officer, Chief Finance Officer, etc.
- **Hospital Social Workers** – help meet emotional, social, and practical needs of the patient. Can help support in navigating the billing department.

OUTSIDE THE HEALTHCARE SETTING

- **Systems-based Advocacy** – offer a consistent point of contact during the criminal justice process / can help support patients in completing a crime victim's compensation application.
- **Community-based Advocacy** - focus on the health and wellbeing of the patient, regardless if the victim reports to the criminal justice process / can help support patients in completing a crime victim's compensation application /communication may be restricted due to confidentiality.
- **VAWA/VOCA** – decision-makers when allocating state funds / [STOP Admin contact list](#) / VOCA Funded Assistance and Compensation Programs – [Assistance by state](#).

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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>
- National Institute of Justice, U.S. Department of Justice (2017). *National Best Practices for Sexual Assault Kits: A Multidisciplinary Approach*. <https://www.ncjrs.gov/pdffiles1/nij/250384.pdf>

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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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PATIENT MEDICAL FORENSIC EXAMINATION AND REPORTING OPTIONS

Patients who've experienced sexual assault have the right to a patient-centered, trauma-informed medical forensic examination, with the promotion of a victim-centered reporting process. Except in situations covered by mandatory reporting laws, patients, not healthcare providers, make decisions to report a sexual assault to law enforcement. Regardless of the patients reporting status, a medical forensic examination should be offered for **FREE**.

Medical Forensic Examination and Options for Reporting to Law Enforcement:

- Examination *with* filing a report to law enforcement
- Examination *without* filing a report to law enforcement
- Examination with a *delayed report* to law enforcement
- Examination with an *anonymous or restricted report* to law enforcement*

*Not every program and location offers anonymous or restricted reporting to law enforcement. Please see your state reporting guidelines.

Medical Forensic Examinations can include, but are not limited to [◇]:

- Medical screening and evaluation
- Written and verbal consent to complete the medical forensic examination
- Collection of information from the patient:
 - Demographic information
 - Medical and surgical history
 - Description of the sexual assault
 - Activities since the sexual assault
 - Recent consensual sexual activity
- Assessment for a potential drug/alcohol facilitated sexual assault
- Medical forensic physical examination:
 - Photographing and documenting findings
 - Collection of evidence using a sexual assault evidence collection kit
- Medical interventions and treatment (e.g., pregnancy and STI evaluation and care, lab, radiology, etc.)
- Discharge instructions, follow-up services, and referrals

[◇]Medical Forensic Examinations are unique to the patient based on their consent, decisions regarding care, and the resources that are available at the program, facility, or clinic. For more information and coordination with healthcare, please visit the [Payment Resources](#) webpage on SAFEta.org.

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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>
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MEDICAL BILLING AND CODING DEFINITIONS

MEDICAL BILLING: The process of submitting and following up on claims with health insurance companies in order to receive payment for services rendered by a healthcare provider. Medical billing translates a healthcare service into a billing claim. The responsibility of the medical biller in a healthcare facility is to follow the claim to ensure the practice receives reimbursement for the work the providers perform.



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MEDICAL CODERS: Medical coders review clinical statements and assign standard codes using CPT®, ICD-10-CM, and HCPCS Level II classification systems. The coder must make sure that the diagnosis code supports the treatment rendered. The medical coder and medical biller may be the same person or may work with each other to ensure invoices are paid properly.

HEALTHCARE COMMON PROCEDURE CODING SYSTEM (HCPCS) – standardized code systems necessary for Medicare and other health insurance providers to submit healthcare claims in a consistent and orderly fashion. There are two levels of HCPCS: Level I: CPT – used to submit medical claims to payer for procedures and services performed by physicians, nonphysician practitioners, hospitals, laboratories, and outpatient facilities. Level II: National Procedure Code – set for healthcare equipment suppliers when filing health plan claims for medical devices, supplies, medications, transportation services, and other items or services.

CURRENT PROCEDURAL TERMINOLOGY (CPT) – procedure codes. Published by the American Medical Association (AMA). The primary way provision of medical services is reported. CPT refers to a set of medical codes used by physicians, allied health professionals, nonphysician practitioners, hospitals, outpatient facilities, and laboratories to describe the procedures and services they perform. CPT codes are used to report procedures and services to federal and private payers for reimbursement of rendered healthcare.

EVALUATION AND MANAGEMENT (E&M): E&M is the medical coding process in support of medical billing. Example: examine patient, document findings, determines action for treatment - doctor's visit or consultation. This is translated into a 5-digit Current Procedural Terminology (CPT) code to facilitate billing. CPT codes describe the medical, surgical, and diagnostic services. 7 components: history*, examination*, medical decision making*, counseling, coordination of care, nature of presenting problem, and time (*key components). Based on – place of services, type of service, and patient status.

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA): HIPAA sets the bar for compliance of medical billing and coding, to prevent fraud, waste, and abuse by healthcare providers.

EXAMPLES OF PAYERS

- **Commercial Insurance:** Private insurance carriers (i.e., Preferred Provider Organizations (PPO), Health Maintenance Organizations (HMO), Point-of-service Plans (POS))
- **Networks:** Function as a middleman by negotiating contracts with providers and pricing claims (determines fees)
- **Third-Party Administrators:** Intermediaries either operate as a network or access networks to prove a claim. Often handle claims processing for employers who self-insure their employees
- **Government Payers:** Medicare/Medicaid/Tri-Care
- **Patient Protection and Affordable Care Act (ACA):** Healthcare reform law/State plan – varies by state

REFERENCES: American Academy of Professional Coders, AAPC. Retrieved from aapc.com.

ICD-10-CM/PCS Medical Coding Reference, Retrieved from ICD10Data.com.

ICD-10-CM Official Guidelines for Coding and Reporting, FY20. Retrieved from www.cdc.gov/nchs/data/icd/10cmguidelines-FY2020_final.pdf

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MEDICAL BILLING AND CODING

ICD-10-CM (Revised August 2023)

International Classification of Diseases, 10th Revision, Clinical
Modification Based on encounters: Confirmed, Suspected,
History of, and Initial, Subsequent, Sequela



ABUSE CODES

Adult Sexual Abuse/Rape

Confirmed: T74.21*
T74.21XA – initial encounter ◇
T74.21XD – subsequent encounter ◇
T74.21XS – sequela ◇

Suspected: T76.21*
T76.21XA – initial encounter ✕
T76.21XD – subsequent encounter ✕
T76.21XS – sequela ✕

Child Sexual Abuse

Confirmed: T74.22*
T74.22XA – initial encounter ✕
T74.22XD – subsequent encounter ✕
T74.22XS – sequela ✕

Suspected: T76.22*
T76.22XA – initial encounter ✕
T76.22XD – subsequent encounter ✕
T76.22XS – sequela ✕

Adult Physical Abuse

Confirmed: T74.11*
T74.11XA – initial encounter ◇
T74.11XD – subsequent encounter ◇
T74.11XS – sequela ◇

Suspected: T76.11*
T76.11XA – initial encounter ◇
T76.11XD – subsequent encounter ◇
T76.11XS – sequela ◇

HUMAN TRAFFICKING CODES

Adult Forced Sexual Exploitation

Confirmed: T74.51*	Suspected: T76.51*
T74.51XA initial encounter ◇	T76.51XA
T74.51XD subsequent encounter ◇	T76.51XD
T74.51XS sequela ◇	T76.51XS

Child sexual exploitation

Confirmed: T74.52*	Suspected – T76.52*
T74.52XA initial encounter ✕	T76.52XA
T74.52XD subsequent encounter ✕	T76.52XD
T74.52XS sequela ✕	T76.52XS

Forced labor exploitation

Adult	Child
Confirmed: T74.61	Confirmed: T74.62
Suspected: T76.61	Suspected: T76.62

Strangulation/Asphyxiation

Asphyxiation due to mechanical threat to breathing T71.1 *

Assault: T71.193
T71.193A – initial encounter
T71.193D – subsequent encounter
T71.193S – sequela

Undetermined: T71.194
T71.194A – initial encounter
T71.194D – subsequent encounter
T71.194S – sequela

Additional DV/IPV codes can be found on the IPV Billing and Coding Fact Sheet.

* Non-billable/Non-specific code. Use the codes listed below it as they contain a greater level of detail.

◇ Billable/specific code (applicable to adult patients aged 15- 124)

✕ Billable/specific code (applicable to pediatric patients aged 0 – 17)

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MEDICAL BILLING AND CODING

CURRENT PROCEDURAL TERMINOLOGY (CPT) CODES

Examination: E/M Codes

ED Services: 99281-99285‡
Inpatient Services: 99221-99223*
Inpatient/Obs Consult: 99252-99255*
Outpatient Services (New Patient): 99202-99205*
Outpatient Services (Est Patient): 99211-99215*
Outpatient Consultation Services: 99242-99245*
Prolonged Service Code: 99417**|99418***
Inpatient/Obs Admit/DC Same Day: 99234-99236*
Unlisted E&M Service: 99499
Preventive Counseling: 99401-99404 w/mod 25:
Separately Identifiable Evaluation and Management Service by
the Same Physician/QHP on the Same Day of the Procedure or
Other Service (includes HIV counseling)

Special Service, Procedure, or Report

99199: used to report other medicine services
or procedures for which there is no specific code
available
99170: Anogenital exam (child, w/suspected trauma)
56820: Colposcopy of vulva
57420: Colposcopy of vagina, with cervix present
46600: Anoscopy/Examination
58999: unlisted procedure; female genital(non-OB)
99070: Supplies and materials over and above those
usually included with the office visit or other services
rendered (digital photography/material/supplies)

Toxicology

**Drug/Substance Definitive Qual/Quant, not otherwise
specified.**

80375: 1-3 substances
80376: 4-6 substances
80377: 7 or more substances

**Presumptive, any number of drug classes, any number
of devices or procedures by**

80305: Direct optical observation
80306: Instrument-assisted observation
80307: Chemistry Analyzer

Ethyl, Alcohol

80320: Blood/Serum/Urine
82077: Immunoassay; Blood/Saliva

STI testing (pathology)

(all w/amplified probe technique)

87491: Chlamydia trachomatis
87591: Neisseria gonorrhea
87661: Trichomonas vaginalis

Laboratory Procedures

Venipuncture:
36415: Venous blood
36416: Capillary blood
(i.e., finger/heel)
81025: Urine Pregnancy Test
84702-04703: HCG Blood Quant/Qual
85025, 85027: Complete Blood Count (CBC)
88048: Metabolic Panel (Total)
80076: Liver/Hepatic Function Test
86592: Syphilis Test (qualitative, i.e. VDRL, RPR, ART)



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Human Immunodeficiency Virus (HIV)

86703: HIV-1/2, single result antibody
87389: HIV-1/2 antigen and antibodies, 4th Gen w/reflexes
87535: HIV-1 RNA, qualitative, TMA
86689: Confirmatory test for HIV antibody (Western Blot)
G0435: HCPCS: Rapid HIV-1/2 Screen
99401: Preventive Counseling (including HIV)

Radiology (coding must be specific to type of imaging, anatomy, views, with or without contrast material)

70140: Radiologic exam, facial bones; < 3 views
70150: Radiologic exam, facial bones; complete, minimum 3
views
70250: Radiologic exam, skull < 4 views
70260: Radiologic exam, skull complete, minimum 4 views
70360: Radiologic exam, neck, soft tissue
71045-71048: Radiologic exam, chest single view- 4 view

Computed tomography:

70490: CT, soft tissue neck without contrast material
70491: CT, soft tissue neck with contrast material
70486: CT angiography with contrast - head
70498: CT angiography with contrast - neck
70450: CT head or brain without contrast material
70460: CT head or brain with contrast material

Magnetic Resonance Imaging:

70540: MRI imaging, orbit/face, and/or neck w/o contrast
70542: MRI imaging, orbit/face, and/or neck with contrast
70544: MR angiography, head without contrast
70545: MR angiography, head with contrast
70547: MR angiography, neck without contrast
70548: MR angiography, neck with contrast

Ultrasound:

76817: Transvaginal US, OB 76856: Pelvic US, non-OB
76830: Transvaginal US, non-OB 76857: Pelvic US, OB

‡ Each code in the series is based on MDM: Low to High

*Each code in the series is based on MDM: Low to High and Time

** Use 99417 in conjunction with 99205, 99215, and 99245 to report prolonged time that exceeds 15 minutes (1 unit); list each 15 min/unit separately

*** Use 99418 in conjunction with 99223, 99236, and 99255 to report prolonged time that exceeds 15 minutes (1 unit); list each 15 min/unit separately

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MEDICAL BILLING AND CODING

INTIMATE PARTNER VIOLENCE (Revised August 2023)



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Intimate partner violence is defined as physical, sexual, or psychological harm by a current or former partner or spouse; violence may occur among heterosexual or same-sex couples and sexual intimacy is not a requirement.¹ The US Department of Health and Human Services adopted guidelines for Women's Preventive Services that not only included screening and counseling for domestic violence, but also recommended that these screening and counseling practices be covered in health plans without cost.

1. Price, B., and Maguire, K. (2016). *Core Curriculum for Forensic Nursing*. Wolters Kluwer.

ICD-10-CM

International Classification of Diseases, 10th Revision, Clinical Modification
Based on encounters: Confirmed, Suspected, History of, and Initial, Subsequent, Sequela

Adult Physical Abuse

Confirmed: T74.11*
T74.11XA - initial encounter ✘
T74.11XD - subsequent encounter ✘
T74.11XS - sequela ✘

Suspected: T76.11*
T76.11XA - initial ✘
T76.11XD - subsequent ✘
T76.11XS - sequela ✘

Physical Abuse Complicating Pregnancy/Childbirth ✘

O9A.311 - first trimester
O9A.312 - second trimester
O9A.313 - third trimester
O9A.319 - unspecified trimester
O9A.32 - physical abuse complicating childbirth
O9A.33 - physical abuse complicating the puerperium

Adult Neglect/Abandonment

Confirmed: T74.01*
T74.01XA - initial ✘
T74.01XD - subsequent ✘
T74.01XS - sequela ✘

Suspected: T76.01*
T76.01XA - initial ✘
T76.01XD - subsequent ✘
T76.01XS - sequela ✘

Adult Maltreatment

Confirmed: T74.91*
T74.91XA - initial ✘
T74.91XD - subsequent ✘
T74.91XS - sequela ✘

Suspected: T76.91*
T76.91XA - initial ✘
T76.91XD - subsequent ✘
T76.91XS - sequela ✘

Adult Emotional/Psychological Abuse

Confirmed: T74.31*
T74.31XA - initial ✘
T74.31XD - subsequent ✘
T74.31XS - sequela ✘

Suspected: T76.31*
T76.31XA - initial ✘
T76.31XD - subsequent ✘
T76.31XS - sequela ✘

Additional Descriptive Codes to Consider**

Z63.0 - Problems in relationship w/spouse or partner
Z91.410 - Personal history of adult physical and sexual abuse ***

** Z codes are not procedural codes. A corresponding procedure code must accompany a Z code.

*** For use with follow-up/consult examinations only

* Non-billable/non-specific, requires use of code below it which contains a greater level of detail.

✘ Billable/specific codes applicable to adult & maternal patients aged 15 – 24

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FEDERAL FUNDER FACTS - MEDICAL FORENSIC EXAMS

U.S. Department of Justice

Attorney General, Deputy Attorney General,
Associate Attorney General

Office of Justice Programs

Office for Victims of Crime

State Compensation & Assistance &
Operations Division

Crime Victims Fund (est. by Victims of
Crime Act (VOCA))

Not financed by taxpayers, but by fines, forfeitures, and other penalties paid by federal criminal offenders. The Fund is dedicated solely to supporting victim services.

VOCA, by statute, is the payer of last resort. All federal programs and provisions supersede VOCA.

Crime Victims
Compensation

Grants supplemental state funds for reimbursing victims for out-of-pocket expenses resulting from a crime.

Crime Victim
Assistance

Mandated base amount plus additional funds based on population.

Additional information:

www.justice.gov/ovw and www.ojp.gov

Forensic medical examinations for victims to the extent that other funding sources such as state appropriations are insufficient, clinicians are encouraged to follow relevant guidelines or protocols issued by the state or local jurisdiction.



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Office on Violence Against Women (OVW)

OVW administers 19 grant programs authorized by the Violence Against Women Act 1994 and subsequent legislation. These programs are designed to develop the nation's capacity to reduce domestic violence, dating violence, sexual assault and stalking by strengthening services to victims and holding offenders accountable.

Violence Against Women Act (VAWA)

Defines a Medical Forensic Exam as an exam provided to a sexual assault patient by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in the court of law. Minimum requirements include exam of physical trauma, determination of penetration or force, patient history or interview, collection and evaluation of evidence.

Formula Grant Programs

The enacting legislation specifies how the funds are to be distributed.

Tribal DV and SA Coalition Programs

SASP – Sexual Assault Services Program

State & Territorial SA and DV Coalition Programs

STOP – Services, Training, Officers, Prosecutors

VAWA 2013 - Forensic Medical Examination Payment Requirement: A state/territory/District of Columbia is entitled to funds under the STOP Formula Grant Program only if it, or another governmental entity, incurs the full out-of-pocket cost of medical forensic exams for victims of sexual assault. "Full out-of-pocket costs" means any expense that may be charged to a victim in connection with the exam for the purpose of gathering evidence of a sexual assault. In addition, states may not require victims to participate in the criminal justice system or cooperate with law enforcement in order to receive an exam.

Discretionary Grant Programs

OVW administers these 15 competitive grant programs in accordance with authorizing statutes and federal regulations.

www.justice.gov/ovw/page/file/914131/

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MEDICAL BILLING AND CODING

MEDICATIONS (Revised August 2023)

All providers must ensure they are following their programs policies and procedures before the administration of medications or performing medical procedures. These common codes were compiled for purposes of billing and coding management. Consider actively engaging the facilities billing and coding department, Revenue Integrity, and Finance departments before submitting these codes to insurance.



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Medications

HCPCS: J8499 (oral) ***

- Metronidazole (Flagyl)
- Isentress
- Truvada
- Tivicay
- Levonorgestrel*
- Ulipristal *
- Zofran

HCPCS: Q0144 (oral)

- Azithromycin 1 gram

Injections:

- Ondansetron (Zofran) 1mg | **HCPCS: J2405** per 1mg IM/IV-1 unit dose (2mg = J2405 X2 units, 4mg = J2405 X4 units)
- Rocephin (ceftriaxone) 250mg | **HCPCS: J0696** per 250mg IM-1unit dose (500mg=J0696 X2 units)

Emergency Contraception

ICD-10-CM: Z30.012

Intrauterine Device

ICD-10-CM: Z30.430-insertion, Z30.432-removal
Z30.433 removal/re-insertion-same day

- Insertion, procedure code: CPT - 58300
- Removal, procedure code: CPT - 58301

HIV Testing

ICD-10-CM: Z20.6**|Z20.2 ‡

* Code w/Z30.12(Encounter for prescription of emergency contraception/post-coital contraception)

** Contact with and (suspected) exposure to HIV

‡ Contact with and (suspected) exposure to infections with a predominantly sexual mode of transmission

***Providers cannot charge or use codes for written prescription medication for discharge or if medications are provided and directed to take at home

Vaccinations

Hepatitis B vaccine:

CPT:

- 90744 (pediatric/adolescent dosage, 3 dose schedules, for intramuscular)
- 90746 (adult dosage, 3 dose schedules for intramuscular)

HCPCS:

- G0010 (administration of Hep B vaccine for Medicare and Medicaid patients)

Human papillomavirus (HPV) vaccine

- Vaccine, 4 types, quadrivalent, 3 dose schedules, intramuscular: CPT: 90649
- Vaccine, 2 types, bivalent, 3 dose schedules, intramuscular: CPT: 90650
- Vaccine, 9 types (9vHPV), 2 or 3 dose schedules, intramuscular: CPT: 90651

Tdap vaccine

CPT: 90715 (tetanus, diphtheria toxoids, and acellular pertussis vaccine, administered to 7 years or older, intramuscular)

Special Service, Procedure, or Report

CPT: 99199 - used to report other medicine services or procedures for which there is no specific code available

Encounter for other general counseling and advice on contraception

ICD-10-CM: Z30.09

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Medical Forensic Exam Payment Fact Sheet

Navigating Cross-Jurisdictional Reimbursement

[Federal Law, 34 U.S.Code § 10449 -Rape Exam Payments](#): Ensures all sexual assault survivors can access medical forensic exams (MFEs) without any cost to them. **States and tribal governments are required to incur the full out-of-pocket costs, without requiring insurance reimbursement or law enforcement cooperation.** While some states may have policies that seem to restrict payment for exams of assaults occurring within their borders, the law itself doesn't specify which state is ultimately responsible. However, the law is clear that **survivors cannot be billed for MFE exams, and mandates actions that necessitate coordination and collaboration** between states and healthcare providers, to ensure survivors can access critical healthcare and examination without financial burdens. This factsheet provides guidance and resources needed to understand jurisdictional challenges and payment responsibilities for MFEs.

Jurisdictional Challenges

Responsibility of cost

Variations in state laws and legislation

Coordination of cross-jurisdictional multidisciplinary teams

Continuity of survivor support and access to support services

Solution:

Collaboration

Refer back to 34 U.S.C.10449 – Rape Exam Payments

Action-Steps to Solutions:

- Know federal, state, and local legislations specific to payment for MFE
- Build a network of resources through a strong multidisciplinary team
- Enhance communication and collaboration in the sexual assault response
- Ensure facility/program billing policies also address cross-jurisdictional reimbursement
- Work closely with key interdisciplinary and multidisciplinary team member (network of resources)
 - SANE nurses/Healthcare clinicians
 - Facility and program billing departments
 - State payors
 - Crime victim compensation administrators
 - STOP/SASP Administrators
 - Law enforcement
 - Community and legal advocates
 - State SA/DV response teams and coalitions.

Exam Payment Resources

- [State Billing/Payment Summary](#)
- [Sample Policy & Procedure Manual for Use](#)
- [State Protocols](#)
- [STOP/SASP State Administrators Contact List](#)

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REFERENCES:

- U.S. Department of Justice (DOJ), Office on Violence Against Women. (2024, Sept). [A National Protocol for Sexual Assault Medical Forensic Examinations Adult/Adolescent \(3rd ed.\)](#). Washington, DC: DOJ. <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>
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- [34 U.S.C. § 10449 \(2024\)](#).

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Medical Forensic Exam Payment for Immigrant Survivors

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VAWA Prohibits Charging Victims Out-of-Costs for Medical Forensic Exams (MFEs):

- VAWA, initially enacted in 1994, mandates that states are only eligible to receive STOP grant funding if the state or another government entity pays for the full out-of-pocket costs of forensic medical exams for victims of sexual assault¹ without regard to whether the victim decides to make a police report, cooperates with law enforcement, or participates in the criminal justice system.²
- VAWA 2013 prohibits states from charging for rape kits and later reimbursing the victim for the out-of-pocket expenses for the exam.³
- Health care providers are also required to coordinate with other health care providers to notify victims of sexual assault of the availability of rape exams at no cost to the victims.⁴
- Should a state require or ask victims to submit charges for rape exams to a private insurance company, states are required to ensure any co-payments or deductibles are charged to the state entity that pays for rape exams, not the victim.⁵

Immigration Status and Medical Forensic Exam Payment:

- Immigration status is irrelevant for exam payment, which means, immigrant sexual assault survivors are treated the same as any sexual assault survivor and under VAWA cannot be charged any out-of-pocket expenses related to Medical Forensic Exams (MFEs).⁶

When The Rape Occurs in One Location and the Medical Forensic Exam Takes Place in Another:

- The vast majority of states pay for Medical Forensic Exams performed in the state without regard to whether or not the sexual assault took place in that state.⁷
- A few states have laws or policies that only pay for forensic exams when the sexual assault took place in the state or when the Medical Forensic Exam was performed in the state.⁸ When these laws conflict, under VAWA, the states are responsible working together to ensure that the victim is not billed for any out-of-pocket costs for the Medical Forensic Exam.⁹
- If the sexual assault occurred in another country or if the location where the sexual assault occurred is not covering the costs of the forensic exam, the state in which the Medical Forensic Exam is performed is responsible for covering the costs to ensure that the victim is not billed for out-of-pocket costs associated with the Medical Forensic Exam to be compliant with VAWA.¹⁰

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Gaps on the Coverage and out-of-pocket expenses:

- What services and costs are considered to be part of the Medical Forensic Exams performed vary by state.¹¹
 - The Medical Forensic Examination includes at a minimum staff time, equipment and supplies associated with:¹²
 - Gathering information from the patient for the forensic medical history;
 - Head-to-toe examination of the patient;
 - Documentation of biological and physical findings; and
 - Collection of evidence from the patient.
- Sexual assault survivors often have important needs for continued physical and mental healthcare services that go beyond what the state covers related to the Medical Forensic Exam (MFE).¹³ Coverage for services beyond rape kits varies by state, with survivors incurring costs not included in the MFE for STI testing, completing Post-exposure prophylaxis (PEP) treatment to protect against HIV, emergency contraception, oral or injected medications (e.g. antibiotics), or injury-related services.¹⁴
- When these services are not included in the Medical Forensic Exam, victims are often charged the out-of-pocket costs for these important post-sexual assault healthcare services.¹⁵

Where Immigrant Survivors Can Access to Health Care Regardless of Immigration Status:

- Payment for out-of-pocket expenses for health care costs that are not considered to be part of the Medical Forensic Exam can be an issue for immigrants that do not have access to private medical insurance or subsidized health care.¹⁶
- Not all immigrants are eligible to purchase health insurance on the healthcare exchanges, even if they have pending or approved immigration applications.¹⁷
 - The Affordable Care Act¹⁸ and HHS implementing regulations¹⁹ provide a list of immigrants considered lawfully present who are eligible to purchase health insurance on the state and federal healthcare exchanges.²⁰
- See the **Health Care Options for Immigrant Survivors Factsheet** for more information on the options available to immigrants for accessing health care treatments and other public benefits.

¹ 34 U.S.C § 10449(a)(1)(A); 34 U.S.C § 10449(b); OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS, 37 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline>

² 34 U.S.C § 10449(d)(1); Effective January 5, 2009 states will not be in compliance with VAWA and will be ineligible to receive STOP program funds if the victim must either cooperate with law enforcement or participate in the criminal justice system in order to be provided a Medical Forensic Exam or receive payment for these exams. OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS, 39 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline> As a result, in most cases when the victim does not choose to report the assault to law enforcement or to participate with the criminal justice process, a state that

receives STOP funds will still be responsible for payment. See SAFETA.ORG, *Recommendations at a Glance for Jurisdictions to Facilitate Payment for the Sexual Assault Medical Forensic Exam* (last access May 22, 2024), <https://www.safeta.org/page/paymentvawal/>; See Peter Daub et al., *Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services*, NIWAP (May 4, 2024) <https://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims/> (A clear majority of states have laws that do not require sexual assault victims to report to or cooperate with law enforcement or prosecutors to for a state-funded Medical Forensic Exam. Only 9 states or territories continue to impose a reporting requirement with some providing victims an opportunity for a waiver: AL(unless good cause shown), DE (may be waived), HI, ID, MI, ND, SC (may be waived), SD, and VI).

³ OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS , 42 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline>

⁴ 34 U.S.C § 10449(a)(1)(B); OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS , 37 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline>

⁵ OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS , 30 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline>

⁶ Peter Daub et al., *Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services*, NIWAP (May 4, 2024) <https://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensic-coverage-immvictims/>, (States generally have no immigration status or residency requirements. Texas is the only state that requires TX or US residency as a requirement to cover rape kit expenses. Tex. Code Crim. Proc. Art. 56B.003); See more Amrutha Ramaswamy et al., *Out-of-Pocket Charges for Rape Kits and Services for Sexual Assault Survivors*, Women's Health Policy (Mar. 18, 2022).

⁷ See generally, Peter Daub et al., *Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services*, NIWAP (May 4, 2024) <https://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverageimmvictims/>

⁸ Peter Daub et al., *Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services*, NIWAP (May 4, 2024) <https://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverage-immvictims/>

⁹ OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS , 40 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline>

¹⁰ OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS , 40 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline>

¹¹ See Peter Daub et al., *Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services*, NIWAP (May 4, 2024) <https://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverage-immvictims/> (For a detailed state-by-state report on what is covered in the state funded Medical Forensic Exam).

¹² OFFICE OF VIOLENCE AGAINST WOMEN (OVW), FREQUENTLY ASKED QUESTIONS (FAQS) ABOUT STOP FORMULA GRANTS , 37 (Oct. 2017), <https://www.justice.gov/ovw/page/file/1008816/dl?inline>

¹³ Amrutha Ramaswamy et al., *Out-of-Pocket Charges for Rape Kits and Services for Sexual Assault Survivors*, WOMEN'S HEALTH POLICY (Mar. 18, 2022).

¹⁴ See Peter Daub et al., *Coverage for Forensic Costs for Immigrant crime Victims: Medical Coverage and Services*, NIWAP (May 4, 2024) <https://niwaplibrary.wcl.american.edu/pubs/ch17-2-forensiccoverage-immvictims/> (For a detailed state-by-state report on what is covered in the state funded Medical Forensic Exam).

¹⁵ Amrutha Ramaswamy et al., *Out-of-Pocket Charges for Rape Kits and Services for Sexual Assault Survivors*, WOMEN'S HEALTH POLICY (Mar. 18, 2022)(66% of privately insured women who received post-assault care were charged out-of-pocket costs, including costs that are typically included in the minimum standard rape kit services as defined by the US Department of Justice.)

¹⁶ See, *All State Public Benefits Charts and Interactive Public Benefits Map* (2022) <https://niwaplibrary.wcl.american.edu/all-state-public-benefits-charts/> (to look up by immigration status or pending immigration case type which immigrant survivors of sexual assault are eligible to purchase health insurance on the healthcare exchanges in each states).

¹⁷ Carly Erickson & Leslye Orloff, *U-Visa Victim Benefits Under the Affordable Care Act (ACA)*, NIWAP (June 18, 2014), <https://niwaplibrary.wcl.american.edu/pubs/u-visa-healthcare-aca/>; See also, *NIWAP Newsletter: Healthcare*, NIWAP (Apr. 2015), <https://niwaplibrary.wcl.american.edu/pubs/healthcare-newsletter-april-2015/>.

¹⁸ The Patient Protection and Affordable Care Act, Pub. L. 111–148 (enacted on March 23, 2010). The Healthcare and Education Reconciliation Act of 2010, Pub. L. 111–152 (enacted on March 10, 2010) (amended and revised several

provisions of the Patient Protection and Affordable Care Act). In this article, the two statutes are referred to collectively as the “Affordable Care Act”.

¹⁹ Centers for Medicare and Medicaid Services (CMS), Department of Health and Human Services (HHS), *Clarifying the Eligibility of Deferred Action for Childhood Arrivals (DACA) Recipients and Certain Other Noncitizens for a Qualified Health Plan through an Exchange, Advance Payments of the Premium Tax Credit,*

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²⁰ 45 C.F.R. § 155.20 (Defining lawfully present immigrants); 42 CFR § 435.4 (Defining qualified immigrants). For a detailed list of lawfully present immigrants eligible under federal law to purchase health insurance on the exchanges, who may also be eligible for federal or state funded healthcare subsidies, see, Leslye E. Orloff, Health Care Access for Lawfully Present Immigrants – Definitions (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/lawfully-present-healthcare/>; Leslye E. Orloff, *Annotated Statutes Related to Public Benefits Eligibility for Immigrant Survivors of Domestic Violence, Child Abuse and Human Trafficking* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/1641-1631-benefits-laws-annotated/>; Leslye E. Orloff, *Annotated Violence Against Women Act (VAWA) Self-Petition Definition INA 101(a)(51)* (May 27, 2024) <https://niwaplibrary.wcl.american.edu/pubs/vawa-self-petitioner-annotated-ina-101a51/>.

Medical Forensic Exam (MFE) Payment Fact Sheet

A Guide for Healthcare Providers: Payment and Reimbursement for MFE Conducted on Incarcerated Survivors

All patients who have experienced sexual violence, including those who are incarcerated, have the right to a patient-centered, trauma-informed medical forensic examination (MFE) that is medically and evidentiarily appropriate.

The billing process for MFEs varies by jurisdiction, program, and facility. However, the survivor's incarceration status does not affect the process. For reimbursement claims on exams of patients that are incarcerated, follow your program's current standard billing process, ensuring compliance with your jurisdiction's specific policies and procedures.

Agencies that reimburse claims for a patient who is incarcerated

State-funded reimbursement programs for crime victims and SA survivors: for information, visit SAFEta.org to view the [State-by-state payment resource map](#).

The community confinement facility responsible for the day-to-day care of the survivor – such as the youth detention facility, community confinement facility, or city jail.

Federal Insurance Payor: Medicare/Medicaid MCR/MCD. Some States allow for federal payors to be billed. Refer to your jurisdiction's policies

Victim Services and Follow-up Care

Regardless of their incarceration status, all patients should be offered victim services as part of the MFE. Available services include crisis counseling, support, referrals, and advocacy services for victims (and their families as applicable) (U.S. DOJ OVV 2013)

For services not covered in the MFE, e.g., medications, HIV/STI testing, and follow-up medical care.

- The community confinement facility responsible for the patient's care should be contacted to ensure a coordinated multidisciplinary approach to provide services beyond those covered in the cost of the MFE, including follow-up medical care.

Victim service resources for the survivors

- Local Victim Advocacy programs, such as Local Rape Crisis Center
- Just Detention International [Survivor Resource Guide](#)

Resources for clinicians with billing questions or the need for additional information

- Clinician's Facility Billing Department
- Patient's Confinement Facility
- [Your State's Crimes Victims Compensation](#)
- [Just Detention International](#) – A health and human rights organization that seeks to end sexual abuse in all forms of detention
- International Association of Forensic Nurses' SAFEta Line 1-877-819-7278 or SAFEta.org to submit a request

safeta.org/payment

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- National Standards to Prevent, Detect, and Respond to Prison Rape, Final Rule, 77 Fed. Reg. 37106-37232 (June 20, 2012) (to be codified at 28 C.F.R. §§ 115.21, 115.121, 115.221, 115.321, 115.82, 115.182, 115.282 and 115.382)115.82, 115.83
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Payment Factsheet for Military SAFE Exams

Sexual Assault Forensic Exam (SAFE) Reimbursement via TRICARE: A Guide for Healthcare Professionals

This factsheet reviews TRICARE coverage for both active and non-active military survivors and their eligible family beneficiaries, ensuring access to necessary services without financial barriers.

TRICARE Coverage Details Related to Medical Forensic Exams:

- **There is No Obligation for the Patient to Report to Law enforcement or Military Command**
- **No Prior Authorization Required**
- **Access to Care:** Services for medical forensic exams can be accessed at military medical treatment facilities or through TRICARE-authorized providers, including non-military hospitals and healthcare clinics with specially trained healthcare providers such as Sexual Assault Nurse Examiners (SANEs)
- **No Explanation of Benefits (EOB) Issued:** Beneficiaries will not receive an EOB for claims related to sexual assault
- **Cost and Coverage:** TRICARE covers the full cost of medical forensic exams and associated services, which may include services such as:
 - Pregnancy Prevention
 - Treatment for Sexually Transmitted Infections (STIs)
 - HIV Prophylaxis
 - Mental Health Support: access to mental health resources to help cope with the trauma of the assault
- **Allowable Charges:** TRICARE reimburses for allowable charges related to the medical forensic exam for patients who have experienced sexual assault (TRICARE, 2024)

Individual, Network, and Non-Network Clinical Provider Requirements

- **TRICARE Authorization:** Providers must be TRICARE-authorized to submit claims for reimbursement. This requires meeting specific licensing and certification requirements set by TRICARE, including being properly registered and credentialed with TRICARE.
- **Documentation Standards:** Ensure that the medical forensic exam is documented appropriately, including the necessity of the exam due to a suspected or reported sexual assault. All services should be documented clearly to support any claims submitted.
- **Compliance:** Providers must adhere to TRICARE guidelines and requirements outlined in the TRICARE Reimbursement Manual and TRICARE Policy Manual, ensuring compliance with all applicable policies during the claim process.

Contact the respective Managed Care Support Contractor with any questions or guidance regarding TRICARE certification or billing/claims filing

safeta.org/payment

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Payment Fact Sheet for Military SAFE Exams

Sexual Assault Forensic Exam (SAFE) Reimbursement via TRICARE: A Guide for Healthcare Professionals

Claim Submission Process and Reimbursement Requirements

Required documentation:

- **Claim Form:** Complete the TRICARE claim form
- **Itemized Bill:** Submit an itemized bill that includes the date of service, place of service, description of service (CPT codes), and diagnosis codes (ICD-CM-10 codes) indicating the exam was related to sexual assault. Medical forensic exam related billing code factsheets are accessible on [SAFETA.org](https://www.safeta.org).

Submission Process:

- Claims can be mailed to the appropriate TRICARE claims address based on your region or submitted online through the TRICARE regional contractor's portal.
- For the U.S. and U.S. territories, claims must be filed within one year from the date of service. For services provided overseas, claims must be submitted within three years.

Follow-Up:

- After submitting the claim, regularly check the status online through your regional contractor's portal or contact them directly for updates to ensure timely processing.

Processing Time:

- Most claims are processed within 30 days. TRICARE reimburses for allowable charges, excluding copayments, cost-shares, or deductibles for the survivor, ensuring there are no financial barriers to accessing care.

For more information on the claim submission process, including claims forms and guidance for East, West, and Overseas regions, and access to contractor (provider) online portals, visit [Health.mil](https://www.health.mil), the official website of the military health system.

Additional Resources

[TRICARE Patient Resources](#) [TRICARE Medical Claims](#)

[TRICARE How-to: Filing Claims and Reimbursements](#)

[Defense Health Agency: Integrated Primary Harm Prevention and Intervention](#)

[Military Payment Resources](#) on the Exam Payment Interactive state-by-state resource page at SAFETA.org

[safeta.org/payment](https://www.safeta.org/payment)

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