



Forensic Rape Examination Frequently Asked Questions

**Office of Victims' Services
Victims Compensation Assistance Program (VCAP)
(800) 233-2339 or (717) 783-5153**

- 1. A report was made to Childline, but notification of the collection of sexual assault evidence was not given to the local law enforcement agency. Can the examination be paid?**

No. Childline reporting is not considered as providing notification to a local law enforcement agency. The hospital, licensed health care provider or children's advocacy center are required to follow the notification procedures in the Sexual Assault Testing and Evidence Collection Act for the payment to be considered. The hospital cannot bill the victim for the FRE costs.
- 2. The date of the assault is not known. Can we use the date of exam as the date of assault/disclosure?**

No. The date the victim disclosed the assault, which led to the forensic rape examination, should be used as the date of disclosure if the exact date of assault is unknown.
- 3. The location of crime is not known. Can we use the county and state where the victim lives as the location?**

No. The county and state where the crime occurred are required.
- 4. The victim was assaulted in another state and had the FRE done in Pennsylvania. Can an FRE claim be submitted for this exam?**

Yes, if the victim is a resident of Pennsylvania a claim can be filed. If the crime occurred in another state and the victim is not a resident of Pennsylvania, the provider should contact that state's compensation program for information on filing an FRE claim. The hospital cannot bill the victim for the FRE costs.
- 5. Can drug testing be compensated on an FRE claim?**

Drug screening can be considered when it is administered only to determine immediate medical treatment for victims of rape or sexual assault. The costs for Rohypnol, DNA, or other similar testing is not eligible.
- 6. The victim was an inpatient following the incident. Can the total bill be submitted by the hospital or licensed health care provider?**

No. Only eligible forensic rape examination charges are to be submitted by the hospital or licensed health care provider. However, sexual assault victims are encouraged to file the standard claim form for other medical services outside the scope of the forensic examination if the victim cooperates with law enforcement and meets the Program's eligibility requirements.

7. If the Program paid the maximum amount to a health care provider for the costs of a forensic rape examination and there is a balance, can the health care provider bill the victim?

No. A health care provider must accept the payment in full for the costs of the forensic rape examination.

8. Does a victim of sexual assault have to file the standard VCAP claim form to ensure payment of the forensic examination costs?

No. However, sexual assault victims are encouraged to file the standard claim form for other medical services outside the scope of the forensic examination if the victim cooperates with law enforcement and meets the Program's eligibility requirements.

9. Is it necessary for the hospital to provide the name of the local law enforcement agency on the FRE application?

Yes. The name of the local law enforcement agency which was notified, as well as any additional notification made to the PA Department of Health, should be included on the FRE online claim form for the Program to consider payment.

10. If the victim or person responsible for the victim requests that the forensic evidence kit not be provided to the police, and the hospital complies, can the hospital request reimbursement from the Program for those costs?

No, a hospital cannot seek reimbursement from the Program. The purpose of the forensic rape examination is to gather evidence for the investigation and prosecution of a crime. The hospital cannot bill the victim for the FRE costs. Per the Sexual Assault Testing and Evidence Collection Act, forensic evidence must be turned over the law enforcement. Hospitals are not to store kits and evidence. Law enforcement must pick up evidence within 72 hours. If law enforcement has not picked up a kit, hospitals can call the PA Department of Health at 1-877-PAHEALTH.

Adult victims (age 18 or older) have the option of anonymous reporting and gathering of evidence and may consider this option if they have concerns about the kit being provided to police. An exam cannot be completed anonymously for a minor.

11. A victim of sexual assault, while at the hospital, declines an examination but does request emergency contraception and other tests to determine STDs. Can the hospital request reimbursement from the Program for those tests?

No. Medications may not be reimbursed unless a forensic rape examination was conducted at the time. Emergency contraception and/or STD treatment may be considered on a standard VCAP claim form if the victim cooperates with law enforcement and meets the eligibility requirements.

12. Under what circumstances can the Program pay for a forensic interview?

The Program can pay for a forensic interview only when conducted in coordination with a forensic rape examination performed by a health care provider that meets the requirements of this policy.

13. Can a Child Advocacy Center submit a FRE form for reimbursement of the costs of a forensic interview for a child who was referred to them after the forensic rape examination was performed?

The FRE online claim form may be filed by the Child Advocacy Center. However, the name and FEIN of the health care provider who conducted the FRE must be provided so the program can make payment directly to them pursuant to this policy.

14. Following a sexual assault, a victim declined to have a forensic rape evidence collected when taken to the hospital. Can the hospital bill the Program for the costs?

No. Since the victim declined to have the forensic evidence collected, the hospital may bill the victim's insurance for the costs.

If a hospital does not provide an FRE and transfers a patient to another hospital, but is required under the DOH Regulations to provide exams, they cannot bill the victim for any care and cannot file a FRE claim for reimbursement. The hospital that does provide the FRE can file a claim with VCAP.

15. Can the hospital submit a FRE online claim form for reimbursement of costs if only a portion of the forensic rape evidence was collected and upon the victims request the examination was stopped?

If enough evidence was collected to turn over to a local law enforcement agency, the hospital may submit a FRE online claim form to the Program.

16. If a victim instructs the hospital to bill their health insurance for the costs of the forensic rape examination and the insurance rejects the costs indicating 'not eligible; or 'patient responsibility,' can the hospital then submit the charges to the program for reimbursement?

Yes. If a victim's health insurance rejects the cost and indicates that the expenses are not eligible or are the patient's responsibility, those costs may be submitted to the Program for reimbursement. The hospital may not bill the victim, but may bill the Program for those costs on the FRE online claim form.

17. Can the physician, or healthcare provider of the forensic rape exam, bill the victim separately for their services?

No. The provider must bill the Program for their services provided. The victim cannot be billed separately. The hospital and physician cannot bill the victim for the FRE costs.

18. As the medical provider, what should I do if DAVE is not accepting my file attachment when trying to upload/submit a claim for compensation?

Only files of .pdf, .jpeg, .jpg, .png, and .tiff can be uploaded. You can upload multiple files at once. DAVE will not accept bulky attachments. Make sure that the attachment is 15 pages or fewer. If the attachment is large, it will need to be uploaded in sections. If the problem still persists, attempt to upload the claim under a different internet browser. Edge and Chrome are most compatible. If the problem still is not resolved, please contact the program 1-800-233-2339.

