

## **MEDICAL PROVIDER INFORMATION**

**August 2009**

<b>What is the new law?</b>	N.D.C.C. §12.1-34-07 provides authorization for reimbursement of the costs of: <ul style="list-style-type: none"><li>• an acute forensic medical examination;</li><li>• a child forensic medical examination; and</li><li>• any medical screening examination.</li></ul>
<b>What is an Acute Forensic Medical Examination?</b>	An acute forensic medical examination is an examination performed on an alleged victim of criminal sexual conduct ( <b>regardless of the age of the victim</b> ) the purpose gathering evidence of an alleged crime and is performed within 96 hours after the alleged crime (or most recent alleged crime), unless good cause is shown for the delay in performing the examination.
<b>What is a Child Forensic Medical Examination?</b>	Child forensic medical examination is an examination performed outside the 96-hour window on child victims of alleged criminal sexual conduct such as allegations of ongoing sexual abuse of a child)
<b>What is a medical screening examination?</b>	A medical screening performed as required by the Emergency Medical Treatment & Labor Act (EMTALA)
<b>Is a “sexual assault examination” covered?</b>	Yes. Reimbursement is available to a health care provider conducting a sexual assault examination, using a sexual assault evidence collection kit, performed within 96 hours after the alleged crime.
<b>What costs are covered by the reimbursement?</b>	The flat fee reimbursement shall be considered payment in full for the cost of a sexual assault examination for the purpose of gathering evidence for possible prosecution, including the cost of antibiotics and other medications administered as part of the examination.
<b>How much will be reimbursed?</b>	The medical provider will receive a flat fee reimbursement of either \$400 for the forensic medical examination or \$700 for a forensic medical examination with Colposcope. An additional, separate, amount of \$100 is reimbursed for the EMTALA screening.
<b>Will reimbursement be provided even if there is no prosecution?</b>	Yes. Reimbursement is paid directly to the medical provider for the examination already performed, regardless of whether the victim reported to law enforcement or a prosecution results.
<b>Does reimbursement cover the costs of medical treatment?</b>	No. The reimbursement covers only the costs of the forensic medical examination. The patient is responsible for the costs of additional medical care not related to the collection of evidence.
<b>How do I obtain the reimbursement form?</b>	The new 1-page triplicate form is available from the Office of Attorney General and is distributed with the Sexual Assault Examination (rape) kits or upon request to medical providers, by

calling (701) 328-6141.

**How does a provider obtain reimbursement?**

The medical provider must complete the FORENSIC MEDICAL EXAMINATION REIMBURSEMENT CLAIM FORM, Attach a signed copy of form “APPENDIX C [STEP ONE] AUTHORIZATION FOR USE OR DISCLOSURE OF PROTECTED HEALTH INFORMATION” contained in the North Dakota Sexual Assault Evidence Collection Kit, and mail it to the North Dakota Crime Laboratory at the address shown on the reimbursement form.

**How does a provider track reimbursement payments?**

Each form has a unique pre-printed number on the top right-hand side. The medical provider retains the PINK copy to track the reimbursement request and payment and submits the white and yellow copy to the Crime Laboratory (along with the supporting documentation). The unique number on the top of the form is printed on the reimbursement check issued by this office. This will make it easy for the medical provider’s billing department to credit the payment against the corresponding request form.

**When should the FME Reimbursement request form be completed?**

The FME reimbursement request form should be completed at the same time the examination is performed.

**How do I complete the FME form?**

Instructions for proper completion and mailing are printed on the reverse of the triplicate FME reimbursement request form.

**Is it necessary to complete all the information?**

**Yes.** Certain demographic and statistical information is collected for audit purposes and for compliance with statutory requirements. Reimbursement can not be made for incomplete forms.

**How do we obtain Sexual Assault Evidence Collection Kits?**

Contact the North Dakota Crime Laboratory at (701) 328-6141. Kits will include the reimbursement forms and instructions.

**Our facility uses a sexual assault evidence collection kit from another state. Is reimbursement available?**

Yes. If a sexual assault evidence collection kit from a state other than North Dakota is used, attach a copy of the form signed by the victim which consents to the examination to the reimbursement form.

**Why is there a 96 hour time limit?**

This time limit relates to the time within which it is most likely that testing of DNA and other evidence collected will be productive. Other circumstances, such as whether or not a victim has showered prior to reporting the assault will need to be evaluated by attending medical personnel, law enforcement, and the advocate to determine if collection of evidence is appropriate after 96 hours.

**Is reimbursement paid on exams conducted later than 96 hours?**

Yes, provided there is documentation of the determination of medical personnel, law enforcement and the advocate that there is good cause for the delay in performing the examination.

