6. Payment for the Examination Under VAWA

Recommendations at a glance for jurisdictions to facilitate payment for the sexual assault medical forensic exam:

- Understand the VAWA provisions related to exam payment.
- Notify victims of exam facility and jurisdictional policies regarding payment for medical care and the medical forensic exam.

**Understand the VAWA provisions related to exam payment.** Under the Violence Against Women Act (VAWA) and subsequent legislation, grantees of the STOP Violence Against Women Formula Grant Program must meet certain requirements concerning payment for the forensic medical exam in order to receive funds. The STOP Program is a formula grant program which provides funds to all states, Territories, and the District of Columbia.

Each of these entities certifies each year that it is in compliance with the requirements of VAWA. Specifically, the state, territory, or the District of Columbia must certify that it or another governmental entity “incurs the full out-of-pocket cost of forensic medical exams” for victims of sexual assault. If one part of a state or territory, such as a county or city, is forcing victims to incur these costs, then the state or territory will not be able to certify and will be ineligible for the grant funds. In addition, under the Violence Against Women Act of 2005, states must also certify that they do not require victims to participate with the criminal justice process in order to be provided with an exam.

States are permitted to use STOP Program funds to pay for the exams if they meet two conditions. First, the exam must be performed by a “trained examiner for victims of sexual assault.” Second, the state may not require victims of sexual assault to seek reimbursement from their insurance carriers.

In cases of victims associated with the U.S. military services, sexual assault forensic examinations may be covered under Tricare for service members.

By regulation, “full out-of-pocket cost” means “any expense that may be charged to a victim in connection with a medical forensic examination for the purpose of gathering evidence of a sexual assault.” Examples of such expenses may include the full cost of the exam or a fee established by the facility conducting the exam, or a copayment or deductible in jurisdictions that require victims to submit the charges to insurance. Often, medical services that are not related to evidence gathering will not be covered by this requirement.

**Notify victims of exam facility and jurisdictional policies regarding payment for medical care and the medical forensic exam.** Victims must be aware of exam facility and jurisdictional policies regarding payment for other medical care related to the sexual assault. Many jurisdictions will not pay for medical care provided as part of the medical forensic examination, such as the costs of treatment for injuries or treatment for STIs, or may require victims to apply separately for crime victim compensation to be reimbursed for such costs.

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104 As a result of the Violence Against Women Reauthorization Act of 2013, states can no longer pay for exams by reimbursing the victim, instead they need to either provide the exams free of charge to the victim or arrange for victim to obtain the exams free of charge to the victims.

105 Its purpose is to assist these jurisdictions in developing and strengthening law enforcement and prosecution strategies to combat violence against women, as well as in developing and strengthening victim services in cases involving violence against women.

106 For American Indian/Alaska Native victims, the costs of the exam will be born by either the state or in some cases the federal government. Although tribes are not directly eligible for STOP Formula Grants, they are eligible for subgrants from the states, as well as other Office on Violence Against Women grant programs that can address sexual assault.

107 Under 42 U.S.C. § 10607, a federal investigating agency that conducts a sexual assault investigation shall pay for the cost of a forensic exam “which an investigating officer determines was necessary or useful for evidentiary purposes.” However, in most cases where 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 because at that stage there will be no federal investigation. The state’s responsibility for payment applies regardless of whether the crime occurred in Indian Country or within the special maritime and territorial jurisdiction of the United States.


expenses. Individuals responding to the sexual assault victim need to be informed regarding payment policies and procedures for all aspects of the medical forensic examination, so that they can accurately inform victims. For example, responders can help them apply for crime victims’ compensation (if available) or arrange a payment plan with the exam facility. When victims are billed by the exam facility for costs that are their responsibility, procedures to protect their privacy should be incorporated into the billing process. Personnel in facility billing departments should be educated regarding coding and billing practices in these cases, as determined by facility and/or jurisdictional policy.

Reporting to law enforcement. States, territories, and the District of Columbia must pay for sexual assault medical forensic exams without requiring victims to report the assault to law enforcement. Some victims are unable to make a decision about whether they want to report to law enforcement in the immediate aftermath of the assault. Recognizing that injuries heal and that evidence is lost as time progresses, victims should be encouraged to have the physical findings documented and evidence collected right away, and then have time to decide about reporting the crime.


110 Victims in federal cases should first apply to the state or territory crime victim compensation program for reimbursement of costs that are their responsibility. If they are unable to obtain reimbursement via this channel, they should work with victim-witness specialists in the federal agency investigating or prosecuting the case to identify other possible sources of funding or reimbursement. For more information about crime victim compensation, please see http://www.ovc.gov/publications/factshts/companassist/welcome.html.  
111 Exam facilities are sometimes willing to waive some related medical care costs that are not covered by government entities.