



CVC JOURNAL OF HOPE

WELCOME READERS

Susan A. Sudduth, Program Manager

Born Marguerite Annie Johnson 83 years ago in St. Louis, Missouri, Dr. Maya Angelou has been called America's "Renaissance" woman and is considered one of the world's contemporary literary giants. As strong a woman as she is, both in spirit and splendor, Dr. Angelou has something in common with many of the people assisted by the Missouri Crime Victims' Compensation Program. She is a survivor...yes, a survivor of child sexual molestation.

Throughout her colorful life, she has enlightened and inspired many with her words...words resonating resilience, growth, strength, compassion and love. Dr. Angelou wrote, "You may encounter many defeats, but you must not be defeated. In fact it may be necessary to encounter the defeats, so you can know who you are, what you can rise from, how you can still come out of it."

EMERGENCY RULES FOR SAFE PROGRAM

Missouri law mandates that appropriate medical providers bill the Department of Public Safety for reasonable costs associated with the forensic exam performed on both adult and child sexual assault victims.

However, during FY 2011, the funds allocated for the SAFE Program were insufficient to pay for the incoming SAFE exam claims. As a result, there were no funds available for payments to appropriate medical providers until the General Assembly approved and the Governor signed a supplemental appropriation in the amount of \$752,000 to allow the Department to pay pending claims for the remainder of FY 2011.

The Department held meetings on May 25, 2011, June 28, 2011, August 30, 2011 and October 21, 2011

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With those beautiful words, I welcome this New Year and look forward to our staff assisting victims in hopes of seeing them become like the phoenix rising from the ashes to rebuke the caldron of violence.

Highlights in this issue of *CVC Journal of Hope* include emergency rules for the SAFE Program, the importance of filing police reports and victim's address changes. If you have any questions regarding either the Crime Victims' Compensation Program or Sexual Assault Forensic Examination Program, feel free to call our office at 573-526-6006, E-mail us cvc@dps.mo.gov or visit the Department of Public Safety's website at www.dps.mo.gov.

with those hospitals, medical providers, and the child advocacy centers that submit SAFE exam bills for payment. During the course of receiving feedback from these meetings, the rule language was revised multiple times to address concerns raised by the interested parties. As a result of this tedious stakeholder process, the Department was not able to file the Emergency Rule when the legislation authorizing rulemaking authority took effect on August 28, 2011.

To avoid a similar funding shortfall during FY 2012, which would likely lead to another freeze in payments to appropriate medical providers, this new rule sets caps on payments for each SAFE exam.

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The Department of Public Safety believes the following Emergency Rule is critical for the continued operation of the SAFE Program and fair to all interest parties. This rule was filed on December 7, 2011, and became effective December 17, 2011. Upon its expiration on June 13, 2012, the rules and regulations become permanent.

Title 11 – DEPARTMENT OF PUBLIC SAFETY
Division 30 – OFFICE OF THE DIRECTOR
Chapter 595.220 – Forensic Examinations for Sexual Assault

EMERGENCY RULE

11 CSR 30-12.010 Payments for Sexual Assault Forensic Examinations

PURPOSE: This proposed rule sets out the reporting and billing procedures for appropriate medical providers who conduct sexual assault forensic examinations, commonly known as SAFE exams. This rule sets out the requirements for the appropriate medical provider in submitting a SAFE exam claim to the Department of Public Safety for payment. This rule also establishes the criteria by which SAFE exam expenses are paid and sets out the maximum payments for SAFE exams performed at an emergency room and the maximum payments for SAFE exams performed at a clinic.

- (1) For purposes of this section, the following terms mean:
 - (A) “Appropriate medical provider”, any licensed nurse, physician, or physician assistant, and any institution employing licensed nurses, physicians or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section;
 - (B) “Evidentiary collection kit”, a kit used during a forensic examination that includes materials necessary for appropriate medical providers to gather evidence in accordance with the forms and procedures developed by the attorney general for forensic examinations;
 - (C) “Forensic examination” or “SAFE exam”, an examination performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using other collection procedures developed for victims who are minors;
 - (D) “Medical treatment”, the treatment of all injuries and health concerns resulting directly from a patient’s sexual assault or victimization;
 - (E) “Laboratory fees”, those laboratory fees associated with a forensic examination of a child age 13 or under or those laboratory fees associated with lab tests which the appropriate medical provider deems necessary to determine whether the victim had been drugged.
- (2) The victim or the victim’s parent or guardian or the requesting agency shall consent in writing to the examination.
- (3) Claims for payment of forensic examination expenses shall be submitted to the Missouri Department of Public Safety, Sexual Assault Forensic Examination (SAFE) Program, PO Box 1589, Jefferson City, MO 65102.

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SAFE Rules

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- (4) Claims shall be made on the Sexual Assault Forensic Examination Program Report form approved by the Missouri Attorney General. The appropriate medical provider must ensure that all lines of the report form are completely and legibly filled out. The appropriate medical provider shall sign and date the report. If the report is incomplete, unsigned or not dated the claim may be denied.
- (5) To qualify for payment, all claims shall include the Sexual Assault Forensic Examination Program Report, the Sexual Assault Forensic Examination Checklist and an itemized billing statement.
- (6) For billing purposes, all appropriate charges for the sexual assault forensic examination shall be itemized with each billable procedure, service, or supply described, including the accompanying International Classification of Disease (ICD-9) and Current Procedural Terminology (CPT) code(s). Written explanation and reasoning may be required to justify certain codes.
- (7) Payment shall not exceed
 - (A) \$900 for forensic exams performed in an emergency room, including all costs associated with the facility and the appropriate medical provider fee. Payment shall not exceed:
 1. Five-hundred and forty dollars (\$540) for the emergency room fee if submitted separately; and
 2. Three-hundred and sixty dollars (\$360) for the appropriate medical provider fee if submitted separately.
 - (B) Six-hundred and fifty dollars (\$650) for forensic exams performed in a clinic, including all costs associated with the facility and the appropriate medical provider. When the exam is performed by a physician, payment shall not exceed:
 1. Two-hundred and ninety dollars (\$290) for the clinic fee if submitted separately; and
 2. Three-hundred and sixty dollars (\$360) for the appropriate medical provider fee if submitted separately.

When the exam is performed in a clinic by an appropriate medical provider other than a physician, payment shall not exceed:

 1. Three-hundred and ninety dollars (\$390) for the clinic fee if submitted separately; and
 2. Two-hundred and sixty dollars (\$260) for the appropriate medical provider fee if submitted separately.
 - (C) Two-hundred dollars (\$200) for any laboratory fees associated with the forensic examination, whether the forensic examination is conducted at an emergency room or clinic.

The billing statement must include an itemization of the charges incurred while conducting the forensic examination, including, if applicable, the itemized laboratory fees.

- (8) For the purposes of billing the Sexual Assault Forensic Examination Program, claims shall not include charges for medical procedures that are not part of the SAFE exam. The SAFE Program shall not pay for any portions of the itemized bill that are not part of the SAFE exam. The SAFE Program shall not pay for any laboratory fees associated with a SAFE exam except for qualified laboratory fees.

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- (9) All claims for sexual assault forensic examination charges must be submitted to the department within ninety (90) days from the date of the forensic examination.
- (10) Only one (1) forensic examination per victim per sexual offense may be reimbursed.
- (11) For a forensic examination to be eligible for reimbursement by the SAFE Program:
- (A) the victim of the alleged sexual offense must be a Missouri resident; or
 - (B) the alleged sexual offense must have occurred in Missouri.
- (12) The department, at its discretion, may require additional information regarding the forensic examination for auditing purposes.

AUTHORITY: section 595.220, RSMo Supp. 2011. Emergency rule filed on December 7, 2011, effective December 17, 2011, expires June 13, 2012. This emergency rule and a proposed rule, which covers the same material, will be published in the January 17, 2012 issue of the Missouri Register.

THE IMPORTANCE OF FILING A POLICE REPORT

In order to qualify for compensation benefits, Missouri law requires that a victim report the crime to law enforcement within 48 hours of the incident unless there is good cause or in cases involving persons under 18, the crime must be reported within 48 hours of discovery. A victim continually residing in a certified domestic violence shelter for up to five (5) days from the crime date may constitute good cause for delay in reporting the crime.

Filing a report does several things. It officially documents that violence or the threat of violence was perpetrated against an individual. It also indicates whether an alleged offender was identified by the victim or by any witnesses, and whether the victim's actions contributed to their injuries.

A commonly asked question is whether there has to be a successful prosecution in order to file or receive compensation. The answer is no. Victims are encour-

aged to cooperate with the prosecution where there is a known alleged offender; however, there may be instances where a case does not go to court because the prosecutor finds there is insufficient evidence for a successful prosecution. Other times the victim may not be able to identify the person who victimized them. For instance, the man who was beaten in an alley and left for dead or the child who is caught in the cross hairs of a drive by shooting while getting off a school bus. The offender(s) cannot be identified; however, a police report is made because a crime was committed.

Deciding to report a crime to law enforcement several weeks after being victimized because of mounting medical bills is not an acceptable reason to file a report; and the Program will not recognize that as a good cause for delaying the 48-hour rule.

"I can't thank you all enough for helping me through this. I am very grateful for all your help, as it is the only reason I am able to make it through it all." — Joe F.

"I wanted to send a thank you to victims' compensation and thank everyone involved that helped me with my son's funeral expenses. I am very grateful for the help you have given me, my daughter and sister. I do appreciate your help." — Linda L.

VICTIM'S CHANGE OF ADDRESS

Being able to locate a victim or claimant is key when processing claims. When filing an application for compensation, victims/claimants have a responsibility to cooperate with our Program, which includes informing Program staff of address changes. This way staff can effectively communicate via correspondence when requesting additional information or offering to pay crime related lost wages, loss of support, medical, counseling or funeral expenses.

A change of address must be submitted to the Program in writing along with the victim's/claimant's signature. Staff then matches the signature on the address change with the signature on the back page of the application on file. Matching signatures ensures that the person who sent in the notification is indeed the person who has filed the application. Address changes are never accepted over the phone. Note that the claim will be denied if our office is unable to locate the victim by mail.

FREQUENTLY ASKED QUESTIONS

- Q: Can the attorney assisting a victim/claimant with a crime victim's compensation claim sign an offer of settlement letter?
- A: No. The victim must sign the offer of settlement letter. When the Program is ready to pay on a claim, staff will send an offer letter to the attorney on record. The attorney should have the victim/claimant sign the letter and return it so that checks can be requisitioned and the appropriate providers paid.
- Q: Who is authorized to complete and sign the disability statement when a victim, who was gainfully employed at the time of the crime, applies for lost wages?
- A: The disability statement must be completed and signed by the treating physician; the physician who treated the victim at the time of injury or the specialist who is treating or who has treated the patient for the crime-related injury. The Program will not consider wage loss if the form is signed by a nurse, a physician's assistant, a chiropractor, a therapist (i.e. counselors, psychologists, etc), the employer or the victim.
- Q: Why must the victim/claimant sign the back page of the Crime Victim's Compensation application?
- A: The back page of the application must be signed because it serves as an authorization for release of information when staff conducts their investigation and, it also serves as an assignment of subrogation rights in the event the claim is awarded. The Program also compares the signature on the application to the signature on the signed offer of settlement letter before requisitioning checks for payment to verify that the person signing the offer letter is in fact the victim/claimant who filed the application.

E-mail your questions about the CVC Program or the SAFE Program to cvc@dps.mo.gov.