

ADVISORY BULLETIN

TRANSMITTAL NO. 2020-03

**TO: ALL FUNDED PROGRAMS
ADVISORY COUNCIL MEMBERS**

**FROM: ELIZABETH CRONIIN, ESQ.
DIRECTOR**

SUBJECT: FRE/HIV-PEP Update

DATE: June 11, 2020

Dear Colleague:

Please be aware of the following, important changes to the law regarding the treatment of survivors of sexual assault.

HIV Post-Exposure Prophylaxis (PEP) and Follow-Up Care

Effective June 15, 2020, hospitals providing treatment to survivors of sexual assault will be required to:

- Offer and make available a seven-day starter pack of HIV PEP to survivors of sexual assault who are 18 years of age or older.
- Offer and make available the full 28-day supply of HIV PEP to survivors of sexual assault who are less than 18 years of age.

Previously, hospitals were required to provide a seven-day starter pack of HIV PEP to all survivors of sexual assault. The recent amendments to Public Health Law are intended to improve minors' access to the full regimen of HIV PEP when they have experienced sexual assault. Minors will no longer need to involve a parent or guardian to receive the remaining 21-day supply of HIV PEP. The state Department of Health (DOH) advises that minors who receive the full course regimen should be scheduled for a follow-up appointment within 24 hours to evaluate initial drug tolerability, reinforce the need for adherence to the regimen, and arrange for follow-up care.

Please contact Lyn Stevens, NP, MS, ACRN, Deputy Director, Office of the Medical Director, NYSDOH AIDS Institute, at 518-473-8815 or Lyn.Stevens@health.ny.gov if you have any questions regarding HIV prophylaxis.

Hospital Reimbursement for HIV PEP and Sexual Assault Forensic Exams

Also effective June 15, 2020, and applying only to claims filed with the Office of Victim Services (OVS) on or after that date, those providing treatment to survivors of sexual assault will be

reimbursed by the OVS Forensic Rape Examination (FRE) Direct Reimbursement Program at the Medicaid rate, not to exceed the following:

- \$800 for an exam where no sexual offense evidence collection (SOEC) kit is used.
- \$1,200 for an exam where a SOEC kit is used.
- \$1,500 for an exam of a sexual assault survivor who is 18 years of age or older, with or without the use of a SOEC kit, and with the provision of the HIV PEP seven-day starter pack.
- \$2,500 for an exam of a sexual assault survivor who is less than 18 years of age, with or without the use of a SOEC kit, and with the provision of the full regimen of HIV PEP.

Every survivor of sexual assault must be informed of the payment assistance available to them for HIV PEP and the sexual assault forensic exam. These provisions protect the privacy and safety of sexual assault survivors, while reimbursing providers when the patient does not have access to health insurance or chooses not to use health insurance to pay for the exam. It is the responsibility of the provider to distribute the FRE Direct Reimbursement Program claim form to every sexual assault survivor and to discuss the billing options available to them through this program. When a victim opts for this method of billing, the hospital or licensed health care provider must seek reimbursement from OVS and accept this reimbursement fee as payment in full. No additional billing for HIV PEP or the sexual assault forensic exam is permissible.

The sexual assault forensic exam includes provider services, hospital or health care facility services, and necessary laboratory tests and pharmaceuticals. Injuries, such as lacerations and fractures, may result in extensive emergency medical treatment beyond the sexual assault forensic exam.

The services not covered by the FRE Direct Reimbursement Program may be billed directly to the patient or their health insurance. A sexual assault survivor must be informed that they may file a compensation application with the OVS and, if eligible, be reimbursed for any non-covered medical expenses related to the sexual assault. Other crime-related expenses that may be reimbursed by OVS include mental health counseling, relocation, and loss of earnings.

The OVS FRE Direct Reimbursement Program claim form and compensation application are both contained in the SOEC kit and on the OVS web site at www.ovs.ny.gov. Please refer to the OVS web site's [FRE page](#) for information related to these new provisions, including an updated Q&A which will answer many of your questions.

Please contact Associate Attorney Shelby Foster, Office of Victim Services, at 518-457-8068 or Shelby.Foster@ovs.ny.gov if you have any questions or to request training related to the OVS FRE Direct Reimbursement Program.

On behalf of the New York State Office of Victim Services, thank you for your commitment to providing the highest quality services to innocent victims of crime in New York State.



Elizabeth Cronin, Esq.
Director