



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

July 29, 2015

RE: Medical Provider Forensic Rape Examination Direct Reimbursement Program

Dear Emergency Department Director:

The New York State Office of Victim Services (OVS) administers the Medical Provider Forensic Rape Examination Direct Reimbursement Program for the State. This program allows victims of sexual assault to obtain a forensic medical examination (FRE) provided by any State-licensed hospital or health care provider **at no charge to the victim.**

It has come to the attention of OVS and the Department of Health that there has been an increase in the number of victims statewide who have either been billed directly for a FRE, or the bill was submitted to their insurance plans despite their having requested direct billing to OVS. This letter serves as a reminder of the laws and regulations related to the reimbursement of FREs in New York State.

New York State Executive Law [§631(13)] and related regulations [9NYCRR525.12(h)] provide for direct reimbursement by OVS to providers of sexual assault forensic examination services. These provisions protect the privacy and safety of sexual assault victims, while reimbursing providers when the victim does not have access to health insurance or chooses not to use health insurance to pay for the forensic examination. It is the responsibility of the provider to distribute the OVS Forensic Rape Examination Direct Reimbursement claim form to every sexual assault victim and to discuss the billing option available to them through this program, as outlined in Section Three of the claim form. 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 for FRE services. **No additional billing for FRE services is permissible.**

OVS Forensic Rape Examination Direct Reimbursement claim forms are contained in all sexual offense evidence collection kits and are also available on the OVS web site, under the Forms tab, at www.ovs.ny.gov.

Please ensure that all facility staff who work with victims of sexual assault understand and comply with these obligations under the law. Hospitals may be subject to a citation if non-compliance with the law is identified. To request further information and/or training on the FRE Direct Reimbursement Program, please contact Shelby Foster, Associate Attorney, Office of Victim Services, at (518) 457-8068.

Sincerely,

Elizabeth Cronin, Esq.
Director
Office of Victim Services

Ruth Leslie
Director
Division of Hospital and Diagnostic &
Treatment Centers
Department of Health