The Attorney General's Crime Victim Assistance Division administers the Sexual Abuse Examination Program which pays for the cost of evidentiary examinations for victims of sexual crime in Iowa.

Iowa Code section 915.41 states:

**The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section 915.94. [the Compensation Fund]**

It is the goal of the Attorney General's Office to insure that providers are paid for sexual abuse examinations in a timely manner. To pay for an examination the program must receive a bill with all services itemized, the diagnosis, the name and birthdate of the victim, and the federal ID number of the provider. The submission of treatment notes or a protocol form is not required for payment as long as all items on the bill, including lab tests and drugs are individually identified.

Victims are not required to report the crime to law enforcement or to assign insurance benefits to the provider for the program to pay the costs of a sexual abuse examination. Victims may voluntarily choose to assign insurance benefits to the provider for the exam.

Enclosed are a program description, billing procedures, state administrative rules, a comparison of the Sexual Abuse Examination Program and the Crime Victim Compensation Program, also administered by the Division.

Contact the Sexual Abuse Examination Program at 515-281-5044.
The Sexual Abuse Examination program was established by the Iowa General Assembly in 1979 to pay the cost of evidentiary examinations in crimes of sexual abuse. Responsibility for the payment of the examinations and administration of the program was transferred from the Iowa Department of Public Health to the Attorney General's Office July 1, 1990.

Funds for the Sexual Abuse Examination Program come from the Compensation Fund which is comprised of criminal fines and penalties.

In teenagers and adults, evidence of sexual abuse deteriorates significantly in the 12-hours immediately following an assault and is best collected within 72-hours of the crime. Victims of sex crimes often have difficulty deciding to report the crime to law enforcement within this time frame.

The state of Iowa pays for the evidentiary examination regardless of whether or not the victim has decided to report the crime at the time of the examination. If a victim later decides to report the crime, the prosecutor and law enforcement will have available to them evidence effectively collected.

Hospitals, physicians and other medical providers who collect and process evidence of sexual abuse send their itemized bill directly to the Crime Victim Assistance Division.

A victim of sexual abuse is not responsible for payment of the costs of a sexual abuse examination determined to be eligible for payment by the Department of Justice (Iowa ARC 61-9.84). In the case that a sexual abuse victim is inadvertently billed and pays the cost of the evidence collection, the program will reimburse the victim.

Allowable costs include up to $100.00 for physician fees, up to $125.00 for clinic or office room fees, and up to $200.00 for emergency room fees. The full cost of relevant laboratory tests and prescriptions are paid. [Iowa ARC 61-9.38(2)]

A sexual assault victim may receive medical care that is not part of the evidentiary examination for sexual abuse such as counseling, surgical procedures, or radiology. In that case they may be eligible for reimbursement for the cost of those services from the Crime Victim Compensation Program.

A provider or victim/survivor can contact the Sexual abuse Examination Program or the Crime Victim Compensation Program at 515-281-5044 or at 1-800-373-
5044.
CRIME VICTIM ASSISTANCE DIVISION
SEXUAL ABUSE EXAMINATION PAYMENT PROGRAM
BILLING PROCEDURES

1. The program pays for a sexual abuse evidentiary examination and venereal disease prevention and treatment for sexual abuse victims.

2. A provider can not require a sexual abuse victim to use insurance benefits for a sexual abuse examination. A victim may voluntarily assign insurance benefits for the examination.

3. A hospital, clinic, physician, or laboratory submits the bill for the sexual abuse examination and venereal disease prevention and treatment directly to the Sexual Abuse Examination Program.

4. The provider should never bill the victim for the sexual abuse examination and related venereal disease treatment services. The victim is not responsible for any balance of charges not paid by the program for a sexual abuse examination.

   The provider's bill must be itemized for each service with the fee for each service specified. Itemization must include the name of all lab tests and pharmacy dispensed.

6. The bill must be appropriately coded (generally V71.5) to indicate that the services were for a sexual abuse examination.

7. The bill must include the victim's name and birthdate, the date of service, and the provider's Federal Identification number.

8. Submit bills to the Crime Victim Assistance Division, att: Ruth Walker, 100 Court Avenue, Suite 100, Des Moines, Iowa 50319.

9. Upon receipt of a bill for sexual abuse examination the amount payable for eligible service is determined. Allowable costs are up to $100 for physician fees, and up to $125 for clinic or office room fees or $200 for emergency room fees. Allowable costs also include all laboratory and pharmacy expenses related to the sexual abuse examination and venereal disease prevention and treatment.

10. The program will pay for two return medical visits for the purpose of testing and providing treatment for venereal disease.

OTHER IMPORTANT INFORMATION
1. A victim of sexual assault is not required to report the crime to law enforcement for the bill to be paid by the SAE Program.
2. A **minor victim** may receive immediate short-term medical and mental health services without prior consent or knowledge of the victim's parents or guardian pursuant to Iowa Code section 915.35(2). This includes provision of an evidentiary sexual abuse examination.

3. The provider must file a **child abuse report** with the Iowa Department of Human Services whenever mandated by law.

4. The **victim may be eligible for Crime Victim Compensation** if the crime is later reported to the police and the victim files an application for compensation. Compensation can be paid for medical care that is not part of the evidentiary exam, victim counseling, lost wages due to the crime and replacement of clothing held as evidence.
61-9.80 Administration of sexual abuse examination payment.
The crime victim assistance division of the department of justice shall administer
the sexual abuse examination program as provided in Iowa Code section 915.41.
That section states in part:

The cost of a medical examination for the purpose of gathering evidence
and the cost of treatment for the purpose of preventing venereal disease
shall be paid from the fund established in section 915.94. [the
Compensation Fund]

Requests for payment should be addressed to: Sexual Abuse Examination
Payments, Crime Victim Assistance Division, 100 Court Avenue, Suite 100, Des
Moines, Iowa 50319, phone (515)281-5044 or 1(800)373-5044.

61-9.81 Definitions.
"Administration" means administrator of the crime victim
assistance division established in the department of justice.
"Board" means crime victim assistance board.
"Department" means the Iowa department of justice.
"Eligible claimant" means a medical provider that provides a
sexual abuse examination to a sexual assault victim. The
following are eligible to file a claim with the crime victim
assistance division in the event that they have made payment to a medical
provider for the costs of a sexual abuse examination:
1. A victim of sexual abuse.
2. A person responsible for the maintenance of a sexual abuse victim.
3. A dependent of a victim who has died as a result of
injuries sustained in a sexual assault.
4. The guardian of a sexual abuse victim.
"Reasonable charges" means those ordinarily charged by the
provider of the service to the general public for services of a
similar nature.
"Sexual abuse" means sexual abuse as defined in Iowa Code
sections 709.1 and 726.2.
"Sexual abuse examination" means a medical examination
provided to a woman, man, or child to collect evidence of sexual abuse as
defined in Iowa Code sections 709.1 and 726.2 and
provide treatment for the prevention of venereal disease pursuant to Iowa Code
section 709.10 (as amended 1990). When applicable, the provider of a sexual
abuse examination shall file a child
abuse report with the Iowa department of human services as
required by Iowa Code section 232.70.

61-9.82 Application for sexual abuse exam payment.
9.82(1) Consideration for Payment. The department will consider payment
upon receipt of a claim for reimbursement from a medical provider indicating that
the claim is for the collection of evidence by sexual abuse examination. In the
case that a victim, guardian of a victim, person responsible for the victim, or
dependent of a victim who died of injuries sustained in a sexual assault has paid
part or all of the charges incurred, a copy of the provider bill and documentation of personal payment of the bill must be submitted for reimbursement. An application for sexual abuse examination payment must include the federal identification number or social security number of the claimant.

9.82(2) **Application filing.**
To apply for payment under the sexual abuse exam program, the form or bill submitted must identify the sexual assault victim by name, birthdate and patient number, indicate that the claim is for a sexual abuse examination, and itemize all services rendered and the fee for each service.

61-9.83 **Computation of sexual abuse examination payments.**
9.83(1) Payment for examination. The department shall make payment for sexual abuse examinations, as appropriate, for the following services:
   a. Physician's fee for collection of:
      1. History,
      2. Physical,
      3. Collection of specimens,
      4. Two return visits to test for venereal disease,
      5. Treatment for the prevention of venereal disease.
   b. Emergency department.
      1. Emergency room, clinic room or office room fee,
      2. Pelvic tray.
   c. Laboratory.
      1. Wet mount for sperm,
      2. Fixed smear for sperm (pap),
      3. Swabs for:
         Acid phosphatase
         ABH antigen.
      5. Serology for syphilis, and Hepatitis B,
      6. Cultures for gonorrhea, chlamydia, trichomonas, and other sexually transmitted disease (STD),
      7. Pregnancy testing,
      8. Urinalysis,
      9. Other laboratory tests that are required for the purpose of evidentiary examination.

9.83(2) **Provider payment.**
The department will pay up to $200 for the emergency room, or $125 for a clinic or office room, and $100 for physician fees. Any charges in excess of these amounts will require additional documentation from the provider. The crime victim assistance division will pay only those charges determined by the department to be reasonable and fair.

The department will not make payment for the cost of commercial or government prepared sexual abuse kits. The Iowa department of public safety division of criminal investigation makes sexual abuse examination kits available to medical providers at no cost.

61-9.84 **Victim responsibility for payment.**
A victim of sexual abuse is not responsible for the payment of the costs of a sexual abuse examination determined to be eligible for payment by the department. A medical provider shall not submit any remaining balance after sexual abuse examination program payment to the sexual abuse victim.
61-9.85 Sexual Abuse Examination-right to restitution. 
In all criminal cases under Iowa Code sections 709, 726.2, and 710.2 in which there is a plea of guilty, verdict of guilty, or special verdict upon which a judgement of conviction is rendered, restitution may be ordered from the offender to the Crime Victim Assistance Division for the cost paid by the Department for a sexual abuse examination rendered to the victim of that crime pursuant to Iowa Code section 910.2.

61-9.86 Erroneous or fraudulent payment - penalty. 
If a payment or overpayment of a reparation is made because of clerical error, mistaken identity, innocent misrepresentation by or on behalf of the recipient, or other circumstances of a similar nature, not induced by fraud by or on behalf of the recipients, the recipient is liable for repayment of the reparation. However, if the Department does not notify the recipient of the erroneous payment or overpayment within one year of the date of payment, the recipient is not responsible for repayment to the Department. If a payment or overpayment has been induced by fraud by or on behalf of a recipient, the recipient is liable for repayment to the Department.

61-9.87 Right to Appeal.
An eligible claimant who disagrees with the Departments decision concerning payment or amount of payment has the right to request reconsideration of that decision by the Crime Victim Assistance Board. The request for reconsideration must be received by the Department within 60 days after the decision of the Department is mailed.
The primary differences between the Compensation and Sexual Abuse Examination Programs is the programs responsibility for payment and eligibility requirements. A victim might have medical bills that result from a sexual assault covered, in part, by both programs.

**The Sexual Abuse Examination is the primary payer for the costs of sexual abuse examinations.** The Compensation Program is the payer of last resort and pays victim's expenses only after collateral sources such as insurance and medicaid have paid.

The Sexual Abuse Examination Payment Program (SAE) pays for sexual abuse evidentiary examinations for adults and children. The SAE Program has no victim eligibility requirement other than that the exam is for collection of sexual assault evidence.

The Crime Victim Compensation Program may pay other medical costs resulting from the crime besides the cost of the sexual abuse examination (i.e. hospitalization, stitches, X-rays, etc.). The Compensation Program has the following eligibility requirements:

1) the sexual assault must be reported to law enforcement,
2) the victim must file an application within two years of the crime, and
3) the victim must not have consented, provoked, or incited the crime or committed a criminal act that caused the injuries.

Because of the eligibility requirements of the Compensation Program, a victim’s sexual abuse examination may be paid for by the SAE Program and that same victim may not be eligible for benefits from the Crime Victim Compensation Program.

This following chart shows the differences between these programs:

<table>
<thead>
<tr>
<th>Sexual Abuse Examination Program</th>
<th>Crime Victim Compensation Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>- SAE Program is the primary payer for sexual abuse exams. victims.</td>
<td>- Compensation Program is the payer of last resort for crime victims.</td>
</tr>
<tr>
<td>- Victim is not required to report the crime to law enforcement.</td>
<td>- Crime must be reported to law enforcement.</td>
</tr>
<tr>
<td>- Victim does not apply for the program.</td>
<td>- Victim must apply within two years of the crime.</td>
</tr>
<tr>
<td>- The medical provider submits bills directly to the Sexual Abuse Examination Program. Victim is not billed.</td>
<td>- The medical provider bills the victim for services. The victim submits the bill to the Crime Victim Compensation Program.</td>
</tr>
<tr>
<td>- The program pays <strong>only</strong> for the cost of the sexual abuse evidentiary</td>
<td>- The program pays a victim's out-of-pocket costs for services</td>
</tr>
</tbody>
</table>
examination.

other than the sexual abuse exam.

This includes crime related expenses including additional medical, counseling, and funeral costs, lost wages, and replacement of clothing held as evidence.

- The provider must accept the maximum payment from the program as are the payment in full. A victim should never be billed for a sexual abuse exam In Iowa.

- The balance of the costs after compensation benefits are paid responsibility of the victim.
Enclosed is a cover-letter and packet about the Sexual Abuse Examination Program that has been sent to all hospitals and medical centers in Iowa. I want to assure that you are aware of information CVAD gives to medical providers. Please share the information with your paid and volunteer staff that work with sexual abuse victims.

Feel free to also do follow-up with your local medical providers. It might be a good time to remind them to call your agency whenever a sexual assault victim comes to the emergency department or is admitted to the facility. It would be good to make sure the people in the facilities who you regularly work with have the information.

Please call me if you have any questions, concerns or comments about the material enclosed.

Thank you, and take care.

To: Iowa Hospitals and Medical Facilities
From: Marti Anderson, Director, Crime Victim Assistance
Date: January 1999
Re: Payment for sexual abuse examinations

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Attorney General Tom Miller's Crime Victim Assistance Division administers the Sexual Abuse Examination Program which pays for the cost of evidentiary examinations for victims of sexual crime in Iowa.

The purpose of this letter is to inform you about the program and the steps your facility can take to assure payment of the costs for a sexual abuse examination. Iowa Code section 915.41 states;

The cost of a medical examination for the purpose of gathering evidence and the cost of treatment for the purpose of preventing venereal disease shall be paid from the fund established in section 912.14. [the Compensation Fund]

It is the goal of this office to insure that providers are paid for sexual abuse examinations in a timely manner. To pay for an examination we must receive a bill with all services itemized, the diagnosis, the name and birthdate of the victim, and the federal ID number of the provider. The submission of treatment notes or a protocol form is not required for payment as long as all items on the bill, including lab tests and drugs are individually identified.

Victims are not required to report the crime to law enforcement or to assign
insurance benefits to the provider for this Division to pay the costs of a sexual
abuse examination. Victims may voluntarily choose to assign insurance benefits
to the provider for the exam.

Enclosed are information packets which include a program description, billing
procedures, state administrative rules, a comparison of the Sexual Abuse
Examination Program and the Crime Victim Compensation Program, also
administered by this Division, and a Crime Victim Compensation Program
brochure.

Each packet also includes information contained in the Iowa Sexual Abuse
Evidentiary Collection kit. Included are information sheets for sexual assault
victims, the sexual abuse examination protocol included in the kit, and
information on how to obtain the kits.

We ask that you distribute one set of the information to the billing, emergency,
and social services departments of your facility. Also, please forward the
information to collateral providers, including physicians and laboratories, that
complete sexual abuse examinations for your facility but do their own billing for
the service.

Please contact me at 515-281-5044 if you have questions or comments.
The Crime Victim Assistance Division works with the Division of Criminal Investigation (DCI) in the Iowa Department of Public safety to design the Iowa Sexual Abuse Evidentiary Collection Kit. The kit includes a protocol for completion of an evidentiary examination, collection containers, a list of rape care centers and information concerning HIV for sexual abuse victims.

The cost of the kit is paid for by the Crime Victim Compensation Fund which is comprised of fines and penalties paid by convicted criminals.

The following information is included in the Iowa Sexual Abuse Evidentiary Collection kit.

The Iowa Sexual Abuse Evidentiary Collection kit is available from the DCI at 281-3666.
FOR SEXUAL ASSAULT VICTIMS AND SURVIVORS:  
IMPORTANT INFORMATION ABOUT YOUR MEDICAL BILL

SEXUAL ABUSE EXAMINATION PAYMENT PROGRAM

There are two purposes for you to receive a sexual abuse evidentiary examination:

1) to assure that any physical injuries you may have received from the sexual abuse, including venereal diseases, are cared for, and

2) to collect any physical evidence of sexual abuse, in case you decide to report to law enforcement.

The part of the medical examination that collects physical evidence of sexual abuse is paid for by the Iowa Attorney General's Crime Victim Assistance Division Sexual Abuse Examination Payment Program. This includes examination of your vagina, anus and/or mouth, laboratory tests for venereal disease and evidence collection, and any medicine you receive to prevent sexually transmitted disease. Two follow-up exams to test for and treat sexually transmitted diseases are also paid for.

- YOU DO NOT HAVE TO REPORT THE CRIME TO LAW ENFORCEMENT FOR THE STATE TO PAY FOR A SEXUAL ABUSE EXAMINATION.

- YOU ARE NOT RESPONSIBLE FOR THE COST OF A SEXUAL ABUSE EXAMINATION. THE HOSPITAL, DOCTOR AND LABORATORY WILL BILL THE SEXUAL ABUSE EXAMINATION PROGRAM DIRECTLY.

CRIME VICTIM COMPENSATION PROGRAM

You may be eligible for the Crime Victim Compensation Program to pay for any medical care and treatment, other than the sexual abuse evidentiary examination, that you needed as a result of the crime. Those other medical services might include x-rays, procedures such as getting stitches, hospitalization, and/or pain medication received because of the crime victimization. Compensation also is available for counseling, replacement of clothing or bedding that was held as evidence, and for lost wages resulting from the crime.

- THE HOSPITAL AND PHYSICIAN WILL BILL YOU FOR CARE AND TREATMENT THAT IS NOT FOR THE COLLECTION OF SEXUAL ABUSE EVIDENCE. YOU ARE RESPONSIBLE FOR THOSE BILLS.

- HOWEVER, YOU MAY BE ELIGIBLE TO HAVE THE BILLS PAID BY THE CRIME VICTIM COMPENSATION PROGRAM.

- THE CRIME MUST BE REPORTED TO LAW ENFORCEMENT FOR YOU TO BE ELIGIBLE FOR CRIME VICTIM COMPENSATION.

- YOU MUST APPLY FOR CRIME VICTIM COMPENSATION WITHIN TWO YEARS OF WHEN THE CRIME HAPPENED.
FOR SEXUAL ASSAULT VICTIMS AND SURVIVORS:
INFORMATION ABOUT HIV AND AIDS

WHAT IS HIV?
HIV stands for Human Immunodeficiency Virus. AIDS stands for Acquired Immune Deficiency Syndrome. HIV is the virus that causes AIDS. HIV is transmitted from an infected person through their blood, semen, pre-semen (or pre-cum), vaginal fluids and breast milk.

HOW WOULD I BECOME INFECTED?
You can become infected with HIV in the following ways:
1. through sexual contact, vaginal, oral, or anal with an infected person. Sexual contact includes forced sexual contact that occurs during a sexual assault.
2. through use of or being stuck with a needle or syringe that has been used by an infected person.
3. through blood donated by an infected person. This risk is nearly eliminated since blood banks began testing for HIV as standard procedure in 1985.
4. as a child born to a mother infected with HIV. Babies may be infected during pregnancy or birth, or through breast milk from an infected mother.

HOW WILL I KNOW IF I HAVE BEEN INFECTED?
The only way to know if you have been infected with HIV is to have your blood tested with an HIV antibody test.

The symptoms of HIV infection, and the development of HIV infection into the disease of AIDS, may not appear for months or years after infection. However, an HIV test can detect infection before any symptoms appear and before the disease of AIDS develops.

WHERE SHOULD I BE TESTED?
The records of your test and the fees for an HIV test are handled differently depending on what kind of facility or clinic you have the test done at.

Confidential testing - An HIV test can be done at a hospital, medical clinic, or physician's office. If you receive the test at one of these places, the results of the test become part of your medical record. There is usually a fee charged to you and/or your insurance for an HIV test at these types of facilities. Insurance companies may have access to the records. The records can also be released or ordered to a court or other government agency.

Anonymous testing - An HIV test can be done at a public health agency or clinic. These agencies and clinics do not ask for personal identifying information such as your name, age, address etc. No record of your HIV test or the results is kept by the agency or clinic. There is no fee charged for an HIV test at anonymous testing agency or clinic.