

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

in excess of that amount will receive less under the new rule, but the DOJ believes that \$1200 is fair compensation for a forensic examination. The rule contains an exception to the \$1200 limitation for examinations in which the \$1200 limitation would not be fair.

There should be minimal implementation costs for the rule. The rule is consistent with the DOJ's current procedures for processing claims for reimbursement and therefore health care providers should face minimal costs in complying with the rule. Providers are merely required to submit an itemized bill to the DOJ, which is something they regularly do when billing insurance companies or patients.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The benefits of implementing the rule are (1) providing clear guidance to victims of sexual assault and health care providers as to what services are eligible for awards from the SAFE Fund; (2) providing a clear procedure for health care providers to follow when seeking reimbursement from the SAFE Fund, which should make compliance easier, and (3) setting a reasonable limit on the costs of each examination, which should allow the SAFE Fund to pay for more examinations.

The alternative would be for the DOJ make payments on a case-by-case basis with no limitations.

14. Long Range Implications of Implementing the Rule

The rule should control the expenditures from the SAFE Fund by limiting costs to \$1200 per exam.

15. Compare With Approaches Being Used by Federal Government

n/a

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

A. Illinois

Illinois provides a list of minimum requirements for hospitals providing emergency and forensic services to sexual assault survivors, Ill. Code 410 § 70/5, and for follow-up health care provided to sexual assault survivors, Ill. Code 410 § 70/5.5.

With respect to reimbursement rates, as of July 1, 2012, Illinois "reduce[d] any rate of reimbursement for services or other payments in accordance with Section 5-5e of the Illinois Public Aid Code," Illinois's reimbursement rate for Medicaid. Ill. Code 410 § 70/7.

B. Iowa

Iowa will pay an examiner's fee for collection of patient's medical history, physical examination, collection of laboratory specimens, return visits to test for sexually transmitted diseases, and treatment for prevention of sexually transmitted diseases. Iowa Admin. Code. r. 61-9.83(1). Iowa also pays a fee for the examination facility, including emergency room, clinic room or office room fee and pelvic tray and medically required supplies. *Id.* In addition, Iowa pays for laboratory collection and processing of specimens for criminal evidence, sexually transmitted diseases, and pregnancy testing. *Id.*

With respect to reimbursement rates, Iowa pays only charges determined by the department to be reasonable and fair. Iowa Admin. Code r. 61-9.82(2). Health care providers must submit an itemized bill listing the fee for each service. 61-9.82(2). Iowa limits payment to \$300 for the examination facility, \$200 for the examiner fee, and also pays the reasonable cost of laboratory collecting and processing for criminal evidence, sexually transmitted diseases, and pregnancy testing. *Id.* Any amounts in excess of the limits require additional documentation. *Id.*

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C. Michigan

For each forensic examination, Michigan law requires the collection of a medical history, a general medical examination including use of laboratory services and dispensing prescribed pharmaceutical items, and a detailed examination of the bodily area where the assault occurred. Mich. Comp. Laws § 18.355a(1).

Michigan limits reimbursement for examination costs to \$600 total, including a limit of \$400 for facilities, \$125 for laboratory services, and \$75 for pharmaceuticals. Mich. Comp. Laws § 18.355a(7).

D. Minnesota

Minnesota law provides that the costs incurred by a health care provider in “the examination of a victim of criminal sexual conduct when the examination is performed for the purpose of gathering evidence shall be paid by the county in which the criminal sexual conduct occurred.” Minn. Stat. § 609.35(a). It provides that “[t]hese costs include, but are not limited to, full cost of the rape kit examination, associated tests relating to the complainant’s sexually transmitted disease status, and pregnancy status.” *Id.* Thus, there is no state-wide rule in Minnesota and examination costs are handled on a county-by-county basis.

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