

**CALIFORNIA MEDICAL PROTOCOL
FOR EXAMINATION OF SEXUAL ASSAULT
AND CHILD SEXUAL ABUSE VICTIMS**



**STATE OF CALIFORNIA
GOVERNOR'S OFFICE OF
EMERGENCY SERVICES
www.caloes.ca.gov**

CHAPTER III

FINANCIAL RESPONSIBILITY FOR EXAMINATION, TREATMENT, AND TESTING

A. HOSPITAL REIMBURSEMENT FOR EXAMINATIONS

1. Costs Incurred by Emergency Medical Facilities for Forensic Medical Examinations of Sexual Assault Victims (Penal Code Section 13823.95)

No costs incurred by a qualified health care professional, hospital, or other emergency medical facility for the examination of a victim of a sexual assault, as described in the protocol developed pursuant to Section 13823.5, when the examination is performed, pursuant to Sections 13823.5 and 13823.7, for the purposes of gathering evidence for possible prosecution, shall be charged directly or indirectly to the victim of the assault. These costs shall be treated as local costs and charged to the local governmental agency in whose jurisdiction the alleged offense was committed.

Bills for these costs shall be submitted to the law enforcement agency in the jurisdiction in which the alleged offense was committed and which requests the examination.

The law enforcement agency in the jurisdiction in which the alleged offense was committed which requests the examination has the option of determining whether or not the examination will be performed in the office of a physician or surgeon.

2. Medical examination without evidence collection

If the patient does not consent to evidence collection, the cost of the examination is the responsibility of the patient.

B. AUTHORIZATION FOR FORENSIC MEDICAL EXAMINATIONS

Law enforcement authorizations for forensic medical examinations for sexual assault or child sexual abuse are handled in several ways:

1. CalOES 923, CalOES 925, CalOES 930, and CalOES 950 are signed by a law enforcement officer

Care must be taken, however, to ensure that a completed forensic medical report is not sent through the medical facility's billing system as a means of generating a charge to a law enforcement agency.

2. A separate authorization form is signed by a law enforcement officer

The advantage to this procedure is that a separate form is used to generate a charge for the billing system, and can be used to document that the examination was authorized by a law enforcement officer.

3. A telephone authorization procedure is established between hospitals and law enforcement agencies

This policy and procedure is useful in busy urban counties where law enforcement might not be able to respond quickly to the hospital, or in rural counties where there are long distances to travel. This allows the medical team to begin the forensic medical examination as soon as possible.

4. Courtesy authorization between law enforcement agencies

This policy is helpful in situations where a victim goes to a nearby hospital outside the jurisdiction of the law enforcement agency in which the crime occurred. One law enforcement agency signs or authorizes the forensic examination on behalf of the other.

5. Contracts and Memorandums of Understanding (MOUs)

Medical facilities with contracts and memorandums of understanding may not require separate patient authorizations. Follow local policy.

C. MEDICAL TREATMENT

Medical expenses for treatment of injuries resulting from a sexual assault are the responsibility of the patient. Victims of sexual assault can be reimbursed for out-of-pocket medical expenses by submitting an Application for Crime Victim Compensation to the State Board of Control Victims of Crime Program. See Chapter IV Crime Victim Compensation and Victim Assistance Programs.

D. TESTING FOR SEXUALLY TRANSMITTED DISEASE (STD) AND PREGNANCY

County hospitals, or the public health department in counties without county hospitals, must provide victims of rape or sexual assault with testing for venereal disease and pregnancy without charge (Health and Safety Code Section 1491). STD and pregnancy testing, however, are not required by this protocol for adults and sexually active adolescents. STD testing is recommended for children and non-sexually active adolescents under the circumstances described in Chapter XXII. Pregnancy testing for pre-adolescents and adolescents is discussed in Chapter XXI.

SJPD SAFE REIMBURSEMENT & FINDINGS

SAIU and SJPD Fiscal have been working for months developing a program to seek reimbursement for SAFEs (NIRs and general SAFEs).

FINDINGS:

- 43.5% of invoices are created 60 days after the SART was provided
- SJPD processes payments within 14 days
- In 2021, the average number of days between provision of SAFE and receipt of invoice: 119 Days (Min: 22, Max: 234)

DAYS BTWN RECEIPT OF INVOICE & PAYMENT

TIME PERIOD: FY 17/18-FY20/21

DAYS BTWN RECEIVED & PAYMENT	COUNT
0	1
2	7
3	25
4	15
5	9
6	24
7	53
8	46
9	76
12	95
13	50
14	68
Grand Total	469

TIME BTWN SART AND INVOICE CREATION DATE

#DAYS	COUNT	%
0-7	18	3.8%
8-14	47	10.0%
15-30	108	23.0%
31-60	92	19.6%
60+	204	43.5%
TOTAL	469	100.0%

DAYS BTWN SAFE AND RECEIPT OF INVOICE FOR INCIDENTS THAT OCCURRED 2018-2021

DAYS	2018	2019	2020	2021*
4-30 DAYS	92	48	1	2
31-60 DAYS	44	35	11	6
60-100 DAYS	1	14	24	6
100-150 DAYS	5	22	31	25
150+ DAYS	4	67	27	6

*Date of last incident is up to Aug 21, 2021 only

