

PROCEDURES AND GUIDELINES
For
THE SAFE (Sexual Assault Forensic Exam) PAYMENT PROGRAM

A division of
THE VIRGINIA VICTIMS FUND
(Officially the Criminal Injuries Compensation Fund)



Post Office Box 26927
Richmond, Virginia 23261
(800) 552-4007

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CONTACTS AND INFORMATION:

Questions about the SAFE Payment Program and the Virginia Victims Fund may be submitted via any of the following methods.

- (1) Telephone
(800) 552-4007 (toll-free)
(804) 823-6907 (fax)
- (2) Mailing Address
SAFE Payment Program
Post Office Box 26927
Richmond, VA 23261
- (3) Website vvf.virginia.gov/
- (4) Email

SAFE PAYMENT PROGRAM OVERVIEW:

Amendments to §19.2-165.1 of the Code of Virginia took effect July 1, 2008, allowing a victim of an alleged sexual assault to request a Physical Evidence Recovery Kit (PERK) examination without being required to participate in the criminal justice system or cooperate with law enforcement as well as ensuring payment of the examination by the Commonwealth of Virginia. In response to this amendment, payment of all victim sexual assault forensic exams was transferred from the Supreme Court of Virginia to the Criminal Injuries Compensation Fund (CICF). The SAFE (Sexual Assault Forensic Examination) Payment Program was established within CICF to process claims submitted for payment of these exams.

Amendments to § 19.2-368.3 and § 19.2-368.11:1 required CICF to develop a distinct policy for payment of sexual assault forensic exams, including authorization for reimbursement of anonymous trace evidence collection kit examinations for strangulation. In accordance with all of the above-listed sections of the Code of Virginia, the following policies and procedures outline the requirements for payment of a sexual assault forensic and anonymous trace evidence examination.

In 2016, CICF began a rebranding initiative to help victims and allied professionals better understand, describe, identify, and locate our agency. CICF is now publicly known as the Virginia Victims Fund (VVF), though the agency is still officially and legally the Criminal Injuries Compensation Fund. VVF and CICF may be used interchangeably throughout this document.

In 2021, the General Assembly added responsibilities for the SAFE Payment Program, to include raising the reimbursement rate cap for acute forensic exams, expanding forensic nursing programs, and developing forensic nursing programs in underserved communities.

Funding for these new duties increased by more than \$6.5 million every year:

A. Out of this appropriation, the Criminal Injuries Compensation Fund, established pursuant to § [19.2-368.18](#), Code of Virginia, for the administration of the Virginia Workers' Compensation Commission Sexual Assault Forensic Exam (SAFE) Payment program, including reimbursement for anonymous trace evidence collection kits (i.e., anonymous Neck & Fingernails Kits) for strangulation victims, consistent with the anonymous kit provisions in § 19.2-11.6 of the Code of Virginia.

B. The Virginia Workers' Compensation Commission Sexual Assault Forensic Exam (SAFE) program shall make all efforts to access federal and state funds to raise the reimbursement rate cap for acute forensic exams performed by a Sexual Assault Nurse Examiner to sixty percent of the actual cost of the exam. The funds provided in paragraph A. shall be used to help meet this reimbursement rate goal, expand existing forensic nursing programs, and develop forensic nursing programs in under-served communities. Additionally, these funds shall support payment for anonymous trace evidence collection kit exams for strangulation victims, as authorized by the Code and reinforced in 2026 legislation (e.g., HB 1464/SB 812).

C. The Virginia Workers' Compensation Commission shall prepare a report on the number of forensic acute, non-acute, and follow-up exams performed by medical providers for victims of sexual assault for which reimbursements are sought, billed and paid for, through the Sexual Assault Forensic Exam (SAFE) Payment program. The report shall detail the number of such exams- including those for anonymous NFKs, the amounts billed by medical providers for each exam, and the reimbursements made to providers for such billed exams through the SAFE Payment program. The report shall be delivered on or before November 1 of each year to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees.

Chapter 725, Acts of Assembly, 2026

DEFINITIONS:

As used throughout these guidelines and all SAFE Payment Program materials, the following words and phrases shall have the following meanings:

Acute shall mean the alleged sexual assault occurred within 120 hours prior to the forensic examination or at the nurse's discretion, if deemed appropriate.

Anonymous PERK shall mean the circumstance in which a patient is choosing **not** to participate in the criminal justice system or cooperate with law-enforcement authorities in order to have a PERK completed.

Anonymous Trace Evidence Collection Kit shall mean a trace evidence collection kit that is collected from a victim of strangulation through a forensic medical examination where the victim elects, at the time of the examination, not to report the strangulation to a law-enforcement agency.

CICF shall mean the Criminal Injuries Compensation Fund.

Claim shall mean an account within VVF's database that is initiated only upon receipt of the Request for Payment Form.

Completed claim shall mean all documents and information, outlined in policy, required to determine claim and expense eligibility.

DCLS shall mean the Commonwealth of Virginia's Division of Consolidated Laboratory Services.

DFS shall mean the Commonwealth of Virginia's Department of Forensic Sciences.

Expense shall mean a service rendered for which payment is being sought.

Facility with capacity shall mean the health care provider has staff trained and/or certified to complete a forensic examination and collect evidence in accordance with Virginia's Healthcare Response Guidelines and the Commonwealth of Virginia's Department of Forensic Sciences' policies and procedures.

Forensic Examiner shall mean the individual(s) conducting the forensic examination.

HIV shall mean human immunodeficiency virus.

Medical Forensic Examination shall mean an examination by a health care provider for the purpose of collecting and/or documenting physical evidence, including injuries, with or without the collection of a PERK. The forensic examination should adhere to Virginia's Healthcare Response Guidelines as applicable.

Medical screening examination shall mean an examination conducted by qualified medical personnel to screen for acute medical conditions and mental health needs to ensure the patient is medically stabilized prior to undergoing a forensic examination.¹

Non-Acute shall mean the alleged sexual assault occurred more than 120 hours prior to the forensic examination.

nPEP shall mean non-occupational post-exposure prophylaxis and refers to the medication prescribed for a specific time-limited course for the prevention of HIV.

PERK shall mean the Commonwealth of Virginia's Department of Forensic Sciences' Physical Evidence Recovery Kit.

Reimbursement Rate Cap shall mean the rate at which reimbursements are made for acute exams, non-acute exams, and other eligible expenses.

RPF shall mean Request for Payment Form.

SAFE shall mean Sexual Assault Forensic Exam.

VVF shall mean the Virginia Victims Fund.

SAFE CLAIM ELIGIBILITY CRITERIA:

1. Crime occurred within the Commonwealth of Virginia.

- a. If the crime occurred in another state but the medical forensic examination was conducted in Virginia, the provider should contact the state where the crime occurred for payment instructions.
- b. Medical forensic examinations conducted in another state for crimes occurring in Virginia are eligible for payment in accordance with these guidelines.

2. Evidence collection took place through completion of a PERK or through a medical forensic examination without a PERK.

- a. The request for payment must be for expenses related to the **collection of evidence through a medical forensic examination** from a patient that is a **victim of sexual assault**.
- b. Payment requests for medical forensic examinations conducted for other crime types, **including suspect PERKs**, should be submitted to the Supreme Court of Virginia. Please contact the Supreme Court of Virginia at (804) 786-6455 or for further information or assistance.
- c. Requests for payment should not be submitted for **patients that decline the PERK or evidence collection, or if receiving medical care outside the time frame for evidence collection**. Payment of expenses that would otherwise be considered eligible are not payable if evidence collection is not taking place.

NOTE: **Patients 13 years of age and older shall not be required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to have a PERK collected or paid for** (noted on the RPF as an anonymous PERK); however, providers should adhere to all applicable mandatory reporting laws as well as mandatory reporting policies established by the respective healthcare facility.

- d. Non-acute medical forensic examinations and medical forensic examinations conducted without the use of a PERK **must take place when there is a reasonable suspicion that a**

crime has occurred. Per § 19.2-165.1 (A), collection of evidence must take place as part of a criminal case, authorized by the attorney for the Commonwealth. Law-enforcement authorities may authorize a forensic examination on behalf of the attorney for the Commonwealth. ***NOTE: Child Protective Services (CPS) investigations alone are civil in nature and do not meet the requirements of § 19.2-165.1 (A).***

- e. Follow-up medical forensic examinations may be considered eligible for payment as long as the following conditions are met:
 - i. The initial examination was eligible for payment by the SAFE Payment Program.
 - ii. The purpose of the exam is to document the healing of injuries or to determine anatomical variances from possible injuries noted in the initial forensic examination, including follow-up sexually transmitted disease lab testing at the discretion of the forensic nurse examiner or at the request of the Commonwealth's Attorney or law enforcement official.
- 3. **The completed claim (see BILLING INSTRUCTIONS section) is submitted by the healthcare facility or provider within ninety (90) days from the date of the medical forensic examination.**
 - a. Patients shall not be held liable for expenses denied due to improper or untimely submission.
 - b. Patients should only receive bills from providers for expenses considered ineligible for payment by the SAFE Payment Program.
 - c. Patients who are mistakenly billed for the forensic examination may seek reimbursement by contacting the SAFE Payment Program.

EXPENSE ELIGIBILITY CRITERIA:

- 1. **To be eligible for payment, expenses *incurred as part of the collection of forensic medical evidence* as listed below must be:**
 - a. **Completed at the time of the eligible forensic examination**, except for expenses related to administering HIV PEP medication as outlined below.
 - b. **Performed based on each patient's individual need and preference or at the nurse's discretion, if deemed appropriate.**
 - c. **Rendered by licensed health care practitioners.**
 - d. **Include justification when required.** If the required explanation is not included, the expense will be denied.
- 2. **Eligible Expenses**
 - a. Forensic examiner service fees shall include all the following, as patient need and preference dictates:
 - i. History and documentation of the alleged sexual assault or strangulation.
 - ii. Head-to-toe physical examination.
 - iii. Anogenital examination, with or without the use of a colposcope and/or anoscope.
 - iv. Written and/or photographic documentation of evidence and injuries, to include

- x-rays and CT scans.
- v. Collection of specimens for laboratory testing.
- vi. Completion of the Commonwealth of Virginia's Department of Forensic Sciences' PERK for acute forensic examinations or anonymous trace evidence kit.
- vii. Administration of prophylactic medication for the prevention of pregnancy and sexually transmitted diseases. Such medications will be reimbursed at 100% of costs.
- viii. All space, medical equipment, and supplies required to complete above-listed services.
- b. Physician fees for the service of conducting a medical screening examination.
- c. Transportation fees for the patient to and from a medical facility for the forensic examination and follow-up services.
- d. Laboratory fees
 - i. Testing for sexually transmitted infections during the initial examination and the follow-up examination:
 - 1. Culture or nucleic acid amplification test for Chlamydia and Gonorrhea.
 - 2. Blood testing for syphilis, Hepatitis B and HIV
 - 3. Wet mount, KOH test or urogenital cultures for trichomoniasis and/or bacterial vaginosis.
 - 4. Blood testing for Hepatitis C or Hepatitis Panel.
 - 5. Cultures for HSV (Herpes simplex virus) or HPV (human papillomavirus).
 - ii. Qualitative pregnancy testing by blood or urine.
 - iii. The following tests may be considered eligible as long as performed for a specific forensic purpose:
 - 1. Urine or blood testing for alcohol or drugs.
 - 2. Quantitative pregnancy testing.
 - 3. Other laboratory testing deemed forensically necessary (justification must be included on the RPF).
- e. Medications to treat the patient, including but not limited to:
 - i. Pregnancy prophylaxis (emergency contraception).
 - ii. Prophylactic medication to prevent sexually transmitted infections.
 - 1. Antimicrobial medication for the prevention of Chlamydia, gonorrhea and trichomoniasis.
 - 2. Post-exposure hepatitis B vaccine, without HBIG (*Hepatitis B immune globulin*).
 - iii. sedative, antidepressant.
 - iv. tranquilizer

- v. Antiemetic.
- f. Other expenses for services necessary to conduct the forensic examination may be considered, however a detailed explanation **must be included**. Please contact the SAFE Payment Program to discuss services not referenced in policy.
- g. HIV nPEP and related services
 - i. Initial (baseline) and follow-up laboratory testing to administer prophylactic medication for the prevention of HIV.
 - 1. HIV test.
 - 2. Complete blood count (CBC).
 - 3. Serum chemistry.
 - ii. Full-course of HIV PEP medication as prescribed by the health care provider(s).
 - iii. Anti-nausea medication as prescribed by the health care provider(s), up to a 28-day supply.
 - iv. Follow-up physical examination by a primary care physician, obstetrician/gynecologist, or other health care provider for the purpose of monitoring overall health while taking the HIV nPEP medication.

The time frame for follow up care is generally within one week after beginning the medication and upon completing the medication, or as determined by the forensic nurse examiner.

3. Reimbursement Rate Caps

- a. Acute exam – Forensic examiner services fees for acute exams are capped at 60% of the actual eligible cost to perform the exam.
- b. Non-acute exam – Forensic examiner service fees for non-acute exams are capped at \$1,500.
- c. Anonymous Trace Evidence Collection Kit- Forensic examiner services fees for anonymous trace evidence kits are reimbursed at 100% of the actual eligible cost to perform the exam.
- d. Physician fees – Physician fees are reimbursed pursuant to negotiated fees with the SAFE Payment Program.
- e. Prescriptions – Prescription fees shall be capped at the Usual, Customary, and Reasonable (UCR) rate. Hospitals participating in the federal 340B Drug Pricing Program pursuant to the Public Health Service Act shall be reimbursed at the rate approved by this program.
- f. Mileage Reimbursement- Effective July 1, 2025- Forensic Nurse Examiners (FNEs) may be eligible for mileage reimbursement for performing PERKs and/or anonymous trace evidence kits. The travel must comport with the Virginia Department of Accounts Travel Regulations and CAPP Manual.

4. Ineligible expenses

- a. Except as outlined above, the following expenses are not eligible for payment by the SAFE Payment Program. Certain expenses that are considered crime-related may be eligible for compensation by patient application to VVF.
 - i. Treatment of injuries or existing medical conditions.

- ii. Follow-up appointments for any other injury or medical condition other than those caused by the sexual assault.
- iii. Follow-up laboratory testing or medication prescribed for conditions not related to the initial sexual assault.
- iv. Duplicative services.
- v. Air transport.
- vi. Counseling.
- vii. Lost wages due to physical or emotional injury.

BILLING INSTRUCTIONS:

1. The following information is required and must be received within ninety (90) days from the date of service in order to receive payment:
 - a. **The completed SAFE Payment Program Request for Payment Form (RPF).**
 - b. **The itemized, detailed bill** containing the provider's name, address, and tax identification number. Health Insurance Claim Forms (HICF) alone may not be considered if the form does not list each expense in detail.
 - c. **The summary or Explanation of Benefits (EOB) from the insurance provider** (when applicable, see Collateral Resources section) that shows insurance decision, decision code descriptions, and remaining patient responsibility.
 - d. **Prescription expenses** must show the date filled, patient name, medication name, amount of medication, prescribing physician, and amount owed/paid by the patient.
 - e. **Supplemental documentation** may be requested or required to aid in the determination of claim or expense eligibility (to include, but not limited to, medical records, forensic documentation, etc.)
2. Collateral Resources
 - a. Federally-funded insurances (FFI)
 - i. All federally-funded insurances, such as Medicaid, Medicare, Tricare, Veterans' Administration, etc., **must be billed first**. The remaining out-of-pocket patient responsibility may be submitted for consideration.
 - b. Private health insurance
 - i. The SAFE Payment Program **does not require** the billing of private health insurances; however, if a patient elects to use available collateral resources, as indicated on the Request for Payment Form, that insurance must be billed first. The remaining out-of-pocket patient responsibility may be submitted for consideration.
3. Collections
 - a. §19.2-368.5:2 of the Code of Virginia prohibits providers from placing a patient in collections once a claim has been submitted to the SAFE Payment Program until a payment decision has been rendered.
4. Payments

- a.** In accordance with §19.2-368.3 of the Code of Virginia, healthcare providers must establish negotiated rates for payment of claims administered through VVF and payments issued by the SAFE Payment Program are subject to the on-file agreement.
 - b.** Payment is issued by the Virginia Department of the Treasury and should be received by the provider within 30 days from the date of expense approval.
- 5.** Completed claim submission
 - a.** Please submit all required documentation to the SAFE Payment Program via one of the following methods:
 - i.** WebFile (Preferred method)
 - ii.** Mail to: Post Office Box 26927, Richmond, VA 23261
 - iii.** Claim status requests
 - b.** Please utilize WebFile for status updates.

PREPAID PERK SHIPPING LABELS:

In accordance with § 19.2-11.6 of the Code of Virginia, anonymous PERKs shall be stored at the Division of Consolidated Laboratory Services. The SAFE Payment Program will pay for the cost to ship anonymous PERKs to the DCLS.

Requests for prepaid shipping labels should be submitted via email to and include the following information:

1. Return mailing address
2. PERK ID number
3. Weight of complete package (PERK and outer shipping box)
4. Email address to receive tracking information
5. Date the package will be shipped

RECONSIDERATION OF EXPENSE ELIGIBILITY:

The expense may be reconsidered upon receipt of new information that contradicts the information on which the denial was based on as long as it is submitted during the ninety (90) day filing period. There is no appeal process for SAFE claims.

PAYMENT FOR OTHER CRIME-RELATED EXPENSES:

If a patient incurs costs for ineligible expenses, including treatment for injuries, subsequent medical care, counseling, time missed from work, moving expenses, etc., he or she may wish to file an application with the Virginia Victims Fund (VVF). Claim submissions may be made at <https://vvf.virginia.gov> or at local Victim Witness Advocacy Programs, which are typically part of the local prosecutor's office. Please note that payment of a forensic exam does not guarantee payment of additional crime-related costs submitted to VVF as the process and eligibility requirements differ.

If a patient does not wish to file a crime victim compensation claim through VVF or if the patient is ineligible for crime victim compensation, the patient and/or the patient's health insurance will be responsible for all expenses beyond the forensic exam.

RECOVERY OF FUNDS PAID FOR FORENSIC EXAMS:

§19.2-165.1 of the Code of Virginia allows for the recovery of funds paid for forensic exams. "Upon conviction of the defendant in any case requiring the payment of medical fees authorized by this section, the court shall order that the defendant reimburse the Commonwealth for payment of such fees." The amount paid for the examination is to be added to the assessment of court costs and fees in accordance with §17.1-275.5 of the Code of Virginia.

EXPANSION OF NURSING PROGRAMS

The SAFE Payment Program shall seek approval from the Commission for plans to expand existing forensic nursing programs and to develop forensic nursing programs in under-served communities. Such plans shall be based on collaboration with forensic nurse examiners, victim advocates, and other allied professionals.