

**PUBLIC PROTECTION CABINET**  
**Office of Claims and AppealsKentucky Claims Commission**  
**Crime Victims Compensation Board**  
**(Amendment)**

**802 KAR 3:020. Payment schedule for sexual assault examinations.**

RELATES TO: KRS 49.020, 49.490, 216B.015, 216B.400, 403.707

STATUTORY AUTHORITY: KRS 49.010, 49.020, 49.300(1), 49.490, 216B.400(8), 216B.400(9).

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 49.010(4)(b), 49.020(5), and 49.300(1) ~~authorize~~authorizes the Crime Victims Compensation Board~~commission~~ to promulgate administrative regulations to carry out the provisions and purposes of the Board~~commission~~. KRS 49.490 and 216B.400(8) require the Board~~commission~~ to administer the sexual assault victim assistance fund and pay the cost of a sexual assault examination. This administrative regulation establishes the reimbursement schedule for performing a sexual assault forensic medical examination. The General Assembly passed Senate Bill 319 in its 2024 Regular Session, which amended KRS 216B.400 to expand the types of services for which hospitals and healthcare providers are prohibited from charging sexual assault victims, when the victims receive such services related to the sexual assault. Instead, KRS 216B.400 requires the Crime Victims Compensation Board, through its Sexual Assault Examination Program, to directly pay healthcare providers for such services at rates not exceeding the Medicaid reimbursement rate for the same or similar services. KRS 216B.400 requires the Board to pay for such services at a rate to be determined by administrative regulations promulgated by the Board after consultation with the Sexual Assault Response Team Advisory Committee.

Section 1. Sexual Assault Examination Program.

(1) Reimbursement for performing a sexual assault forensic-medical examination pursuant to 502 KAR 12:010 shall be for the actual amount billed and shall not exceed:

- (a) ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$200] for a physician, sexual assault nurse examiner, or other qualified medical professional performing the examination;
- (b) ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$250] for an examination facility for use of an emergency or examination room;
- (c) ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$100] for an examination facility or laboratory that performed diagnostic laboratory testing; and
- (d) ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$100] for an examination facility where administered medications and pharmaceuticals were prescribed as a result of the examination and as part of basic treatment.

(2) Reimbursement for additional services related to a sexual assault forensic-medical examination requiring HIV post-exposure prophylaxis shall be for the actual amount billed and shall not exceed ~~the following limitations~~:

- (a) ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$150] for three (3) follow-up examinations, ~~not to exceed a total of fifty (50) dollars per examination~~;
- (b) Laboratory testing:
  1. ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$150] for initial testing conducted during the sexual assault examination in the examination facility; and
  2. ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$215] for follow-up testing conducted during the three (3) follow-up examinations; ~~not to exceed:~~
    - ~~[a.] Fifty (50) dollars for testing conducted during day five (5) to day seven (7) of prophylactic treatment;~~
    - ~~[b.] Ninety (90) dollars for testing conducted after day twelve (12) of prophylactic treatment; and~~
    - ~~[c.] Seventy-five (75) dollars for testing conducted near or at the end of prophylactic treatment; and~~
- (c) Medications:
  1. ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$800] for a twenty-eight (28) day supply of HIV prophylaxis medication, ~~not to exceed:~~
    - ~~[a.] \$200 for the first seven (7) day supply; and~~
    - ~~[b.] \$600 for the remaining twenty-one (21) day supply; and~~
  2. ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ [\$30] for a twenty-eight (28) day supply of anti-nausea medication; ~~and~~;
  3. ~~The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing~~ for all other forms of prophylactic or medically necessary medication administered as a result of the exam.
- (d) Strangulation Assessments: The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing for strangulation assessments for a physician, sexual assault nurse examiner, or other qualified medical professional performing the assessment.
- (e) Other Tests and Services: The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing for all other tests and services related to the assault, exam, or treatment performed on the date of the initial exam or within twelve (12) hours before or after the exam if treatment does not occur on calendar date of the exam.
- (f) Children's Advocacy Centers: Exams performed by Children's Advocacy Centers, pursuant to 907 KAR 3:160, shall be reimbursed at a rate not to exceed the Medicaid reimbursement rate for such exams set by the Department for Medicaid Services on the date of filing.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "SAFE Exam/Treatment Billing Form", January 2025;
- (b) "SAFE Evidentiary Report", January 2025;
- (c) "Comprehensive Child Sexual Assault Medical Exam/Treatment Billing Form", January 2025;
- (d) "HIV Post-Exposure Exam/Treatment Voucher", January 2025;
- (e) "HIV Post-Exposure Initial Exam/Treatment Billing Form", January 2025;
- (f) "HIV Post-Exposure First Follow-Up Exam/Treatment Billing Form", January 2025;
- (g) "HIV Post-Exposure Second Follow-Up Exam/Treatment Billing Form," January 2025;
- (h) "HIV Post-Exposure Third Follow-Up Exam/Treatment Billing Form," January 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Claims and Appeals, 500 Mero St 2SC1, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at: [https://kycc.ky.gov/Newstatic\\_info.aspx?static\\_id=159](https://kycc.ky.gov/Newstatic_info.aspx?static_id=159).

*LANOLA PARSONS, Chairperson, Crime Victims compensation Board*  
*JOHN HARDESTY, Executive Director*

APPROVED BY AGENCY: January 14, 2025

FILED WITH LRC: January 15, 2025 at 10:32 p.m.

**PUBLIC HEARING AND COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on March 27, 2025 in Conference Room 247 CE at the Mayo-Underwood Building located at 500 Mero Street, Frankfort, Kentucky 40601. The hearing shall be conducted both in-person and virtually via Microsoft Teams videoconferencing. Individuals interested in attending the public hearing virtually may access the hearing at: [https://teams.microsoft.com/l/meetupjoin/19%3ameeting\\_ZmM3NGRiODYtYjBmYi00ZWE4LTg1OWQtN2JjNjFkYzgzZjcw%40thread.v2?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-b625-0628792e9e2a%22%2c%22Oid%22%3a%22636ef07a-f33f-4378-b8ae-79c6f05a1438%22%7d](https://teams.microsoft.com/l/meetupjoin/19%3ameeting_ZmM3NGRiODYtYjBmYi00ZWE4LTg1OWQtN2JjNjFkYzgzZjcw%40thread.v2?context=%7b%22Tid%22%3a%22d77c7f4d-d767-461f-b625-0628792e9e2a%22%2c%22Oid%22%3a%22636ef07a-f33f-4378-b8ae-79c6f05a1438%22%7d). The Meeting ID is: 237 908 005 529. The Passcode is: 48N9bQ2U. For phone access, please dial +1 502-632-6289, 867966031# and enter the following Phone Conference ID: 867 966 031#. Individuals interested in attending this hearing shall notify this agency in writing five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments regarding this proposed administrative regulation will be accepted if received on or before 11:59 PM on March 31, 2025. Please send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Shelby Bevins-Sullivan, Staff Attorney, 500 Mero Street, 2 SC 1, Frankfort, Kentucky 40601. Phone: (502) 782-3556. Fax: (502) 573-4817. Email: [sbevinsullivan@ky.gov](mailto:sbevinsullivan@ky.gov).

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person:Shelby Bevins-Sullivan

**(1) Provide a brief summary of:**

**(a) What this administrative regulation does:**

This administrative regulation establishes the reimbursement schedule for performing a sexual assault forensic medical examination, along with other services related to the sexual assault that are performed on the same date, or within twelve (12) hours, of the sexual assault exam. This regulation also incorporates by reference the following forms: (1) SAFE Exam/Treatment Billing Form; (2) SAFE Evidentiary Report; (3) Comprehensive Child Sexual Assault Medical Exam/Treatment Billing Form; (4) HIV Post-Exposure Exam/Treatment Voucher; (5) HIV Post-Exposure Initial Exam/Treatment Billing Form; (6) HIV Post-Exposure First Follow-Up Exam/Treatment Billing Form; (7) HIV Post-Exposure Second Follow-Up Exam/Treatment Billing Form; and, (8) HIV Post-Exposure Third Follow-Up Exam/Treatment Billing Form.

**(b) The necessity of this administrative regulation:**

This administrative regulation is necessary to comply with KRS 216B.400, which was amended by Senate Bill 319 during the 2024 Regular Session.

**(c) How this administrative regulation conforms to the content of the authorizing statutes:**

The proposed regulatory language conforms with KRS 12.080, which authorizes the Governor to prescribe general rules for the conduct of departments; and KRS 49.020(7)(a) and KRS 49.300(1), which authorize the promulgation of regulations to carry out the duties of the Crime Victims Compensation Board and the Sexual Assault Examination Program. KRS 216B.400(8)(a) requires the Crime Victims Compensation Board to pay healthcare providers for sexual assault examinations and related services they perform at a rate to be determined by the administrative regulations of the board after consultation with the Sexual Assault Response Team Advisory Committee. The same section requires the board to pay for such services at a rate not to exceed the Medicaid reimbursement rate for the same or similar services.

**(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:**

The proposed amendments establish the payment schedule for sexual assault examinations, strangulation assessments, prophylactic medical treatment, and any other service or test related to the sexual assault performed on the same date, or within twelve (12) hours, of the sexual assault exam. It will streamline the fee schedule, as the majority of services will be paid at the current Medicaid reimbursement rate.

**(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:**

**(a) How the amendment will change this existing administrative regulation:**

The proposed amendments will set payment amounts for the covered treatments, exams, and services to be paid at the Medicaid reimbursement rate on the date of filing.

**(b) The necessity of the amendment to this administrative regulation:**

See 1(b).

**(c) How the amendment conforms to the content of the authorizing statutes:**

See 1(c).

**(d) How the amendment will assist in the effective administration of the statutes:**

See 1(d).

**(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:**

The Public Protection Cabinet, the Office of Claims and Appeals, the Crime Victims Compensation Board, victims of sexual assault, hospitals, and healthcare providers.

**(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:**

**(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:**

The Sexual Assault Examination Program will need to process claims that fall under KRS 216B.400(9) at the Medicaid reimbursement rate. The program also will have to make internal changes to process the new types of claims enacted under Senate Bill 319. Hospitals and other service providers will need to complete and submit the appropriate forms and supporting documentation that demonstrate the provider is eligible for reimbursement, and they will need to train relevant staff on the new types of services for which sexual assault victims cannot be billed.

**(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):**

The Crime Victims Compensation Board will pay up to \$2 million annually in additional award amounts due to the changes in Senate Bill 319 and this regulation. It will also cost approximately \$100,000 to hire new staff to administer the changes to the program from Senate Bill 319 and this regulation. It is difficult to assess the cost to healthcare providers to comply with this regulation. The cost will be minimal and will entail training staff and reworking internal systems to account for the new reimbursement amounts and ensure victims are not directly billed for qualifying services.

**(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):**

Hospitals and other service providers will be compensated up to the Medicaid reimbursement rate for eligible services, treatments, and tests performed when conducting sexual assault examinations, which will more fully compensate providers for such services than the prior, outdated reimbursement rates included in this regulation. Sexual assault victims will not be charged for a greater range of services, treatments, and tests, preventing further traumatization and harm to victims associated with financial burden.

**(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:**

**(a) Initially:**

It is estimated that the Sexual Assault Examination Program will award up to \$2 million in additional awards to service providers due to the statutory changes enacted by Senate Bill 319, requiring eligible services to be reimbursed at the Medicaid reimbursement rate and greatly expanding the types of services and treatments that cannot be billed to victims. The new expenses include: (1) strangulation assessments; (2) prophylactic treatments; and (3) any other test, treatment, or service related to the sexual assault that

was performed on the same date of the sexual assault exam. Hiring new staff is estimated to cost approximately \$100,000 to handle the anticipated significantly higher claim volume.

**(b) On a continuing basis:**

Up to \$2 million annually.

**(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:**

Current agency budgetary funding will be used to implement and enforce this administrative regulation, which consists of general, restricted, and federal fund appropriations. In addition, the Office of Claims and Appeals may receive cash transfers from the Department of Insurance, if needed.

**(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment:**

No additional funding or increase in fees is needed.

**(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees:**

No fees are directly or indirectly established or increased by the administrative regulation.

**(9) TIERING: Is tiering applied?**

Tiering is not applicable as the proposed language will be applied equally to all entities impacted by it.

## FISCAL IMPACT STATEMENT

**(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation.**

KRS 49.020(7)(a), 49.300(1), 49.490, 216B.400, Victims of Crime Act ("VOCA"), 34 U.S. Code § 20101, et seq.

**(2) Identify the promulgating agency and any other affected state units, parts, or divisions:**

The Public Protection Cabinet, Office of Claims and Appeals, Crime Victims Compensation Board, Sexual Assault Examination Program is the promulgating agency. The Kentucky Cabinet for Health and Family Services, the Kentucky Justice and Public Safety Cabinet, and the Kentucky Sexual Assault Response Team Advisory Committee will be impacted by this administrative regulation.

**(a) Estimate the following for the first year:**

**Expenditures:** Approximately \$2 million in awards and \$100,000 for hiring new staff.

**Revenues:** This regulation is not projected to generate any revenue.

**Cost Savings:** Not applicable.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

It is difficult to ascertain how much the Sexual Assault Examination Program ("SAEP") will pay in subsequent years because Senate Bill 319 greatly expanded the types of expenses covered under the program. However, the SAEP estimates it will pay \$2 million in awards for the first year.

**(3) Identify affected local entities (for example: cities, counties, fire departments, school districts):**

This proposed regulation will not affect local governmental entities.

**(a) Estimate the following for the first year:**

**Expenditures:** N/A.

**Revenues:** N/A.

**Cost Savings:** N/A.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

**(4) Identify additional regulated entities not listed in questions (2) or (3):**

N/A.

**(a) Estimate the following for the first year:**

**Expenditures:** N/A.

**Revenues:** N/A.

**Cost Savings:** N/A.

**(b) How will expenditures, revenues, or cost savings differ in subsequent years?**

N/A.

**(5) Provide a narrative to explain the:**

**(a) Fiscal impact of this administrative regulation:**

\$2 million in awards, \$100,000 for hiring additional staff.

**(b) Methodology and resources used to determine the fiscal impact:**

The amount the SAEP pays out in a fiscal year depends on how many claims are filed during the fiscal year. Due to the expansions enacted in Senate Bill 319, the SAEP estimates paying \$2 million in awards during its first year and incurring \$100,000 in costs associated with hiring additional staff. Additionally, it is important to note that the United States Department of Justice administers grants to crime victims compensation programs through the Victims of Crime Act ("VOCA"), 34 U.S. Code § 20101, et seq., which reimburses state programs seventy-five percent (75%) of the amount programs pay out in state dollars for claims in a fiscal year. However, because of how the funding scheme operates, the Crime Victims Compensation Board does not receive the grant funds for two (2) years after the fiscal year ends.

**(6) Explain:**

**(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate)**

The SAEP is projected to pay \$2 million in awards for sexual assault examination fees and associated treatment costs.

**(b) The methodology and resources used to reach this conclusion:**

See (5)(b).