



New Law for Providers of Services to Sexual Assault Survivors:

A Guide for Ambulance, Laboratory and Follow-Up Healthcare Services



Illinois Attorney General
LISA MADIGAN
Crime Victim Services Division

**AMENDMENTS TO THE SEXUAL ASSAULT EMERGENCY
TREATMENT ACT ADDRESSING BILLING RESPONSIBILITIES OF PROVIDERS
OF AMBULANCE, LABORATORY, PHARMACY AND FOLLOW-UP HEALTHCARE SERVICES,
EFFECTIVE JANUARY 1, 2016**

Public Act 099-0454 amends several sections of the Sexual Assault Survivors Emergency Treatment Act (SASETA, 410 ILCS 70). The new law addresses the billing procedure for providers of services to sexual assault survivors. This document discusses the responsibilities of ambulance providers, laboratories, pharmacies, and health care professionals. The responsibilities of emergency room physicians are addressed in a separate document. Monetary penalties may be assessed for violations of the billing provisions. The new law is effective January 1, 2016.

The relevant sections for providers of ambulance, laboratory, pharmacy and follow-up healthcare services are:

Section 7.5(a) prohibits the direct billing of sexual assault survivors, as well as other debt collection activities.

Section 7 sets forth the procedure for billing patients covered by government healthcare programs, private insurance, and public or private healthcare programs, as well as uninsured patients.

Section 8 provides that the Office of the Attorney General may seek monetary penalties for violations of Section 7.5.

The materials that follow set forth the requirements and prohibitions in the new law in more detail.

The full text of the new law can be found at:

<http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=099-0454&print>.

THE AMENDMENTS IN MORE DETAIL

I. Statutory Definitions [410 ILCS 70/1a]

The relevant definitions in the Sexual Assault Emergency Treatment Act (SASETA) are:

A “sexual assault survivor” is “a person who presents for hospital emergency room services in relation to injuries or trauma resulting from a sexual assault.”

“Ambulance provider” means “an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.”

“Health care professional” means “a physician, a physician assistant, or an advanced practice nurse.”

“Hospital emergency services” are defined as “healthcare delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such personnel for a sexual assault survivor in the emergency department.”

“Forensic services” are defined as “the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State Police, using the Illinois State Police Sexual Assault Evidence Collection Kit.”

“Follow-up healthcare” means “healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days of the initial visit for hospital emergency services.”

“Voucher” means a document generated by a hospital at the time the sexual assault survivor receives hospital emergency and forensic services that a sexual assault survivor may present to providers for follow-up healthcare.

II. Who Must Comply With the Amendments to SASETA?

Providers of services arising out of hospital emergency services, forensic services, and follow-up healthcare must comply with the amendments, including:

- An ambulance provider that furnishes transportation services to a sexual assault survivor.
- Hospitals and health care professionals that provide hospital emergency and forensic services, as well as follow-up healthcare to sexual assault survivors.
- A laboratory providing follow-up healthcare to sexual assault survivors. This includes laboratory specimens taken during the provision of hospital emergency and forensic services, as well as laboratory services performed within 90 days of the visit to the hospital emergency room.
- A pharmacy that dispenses prescribed medication to a sexual assault survivor.

III. How Will a Provider Know That the Patient Is a Sexual Assault Survivor?

Ambulance providers may not know that the person being transported is a sexual assault survivor. For example, the survivor may not disclose the sexual assault until the survivor is in the emergency room and the ambulance provider has left the hospital. Ambulance providers should work with hospitals to develop a process for ensuring that ambulance providers are informed that the person transported is a sexual assault survivor.

Emergency room physicians and other health care professionals, such as radiologists, who provide services to sexual assault survivors in connection with hospital emergency and forensic services should work with hospitals to develop a process for ensuring that ambulance providers are informed that the person transported is a sexual assault survivor.

Health care professionals, laboratories, and pharmacies providing follow-up healthcare services will know the patient is a sexual assault survivor because the patient will present a voucher. The law requires hospitals to issue vouchers to survivors who are eligible for the vouchers. Survivors who are eligible to receive healthcare benefits under a policy of insurance or a public or private health coverage program will receive vouchers when they are discharged from the hospital. Survivors who are eligible to receive health benefits under a government program, i.e., a Medicaid managed care organization, will not receive vouchers. The current voucher is attached as Appendix A.

IV. Prohibited Billing and Related Conduct [410 ILCS 70/7.5(a)]

Section 7.5 of the Sexual Assault Survivors Emergency Treatment Act (SASETA) states that providers of services to sexual assault survivors shall not:

- charge or submit a bill for any portion of the costs of the services to the sexual assault survivor, including any insurance deductible, co-pay, co-insurance, denial of claim by an insurer, spenddown, or any other out-of-pocket expense;
- communicate with, harass, or intimidate the sexual assault survivor for payment of services, including, but not limited to, repeatedly calling or writing to the sexual assault survivor and threatening to refer the matter to a debt collection agency or to an attorney for collection, enforcement, or filing of other process;
- refer a bill to a collection agency or attorney for collection action against the sexual assault survivor;
- contact or distribute information to affect the sexual assault survivor's credit rating; or
- take any other action adverse to the sexual assault survivor or his or her family on account of providing services to the sexual assault survivor.

V. The Billing Procedure [410 ILCS 70/7(a)]

The sexual assault survivor cannot be billed for services; however, service providers can bill other entities, e.g., government programs, private insurance, and public and private health coverage programs.

Section 7(a) of SASETA sets out the billing procedure in detail:

A. If the patient is eligible to receive health benefits under a government program, billing staff shall timely submit the bill to the Department of Healthcare and Family Services or the

appropriate Medicaid managed care organization and accept the amount paid as full payment. No bill or statement shall be sent to the sexual assault survivor for the original amount, spenddown, or any other amount not paid by the government program.

B. If the patient is not eligible to receive healthcare benefits under a government program, policy of insurance, or public or private health coverage program, billing staff shall timely submit a request for reimbursement to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code. The amount paid shall be accepted as full payment. No bill or statement shall be sent to the sexual assault survivor for any amount.

C. If the patient is eligible to receive healthcare benefits under one or more government program, policy of insurance, or public or private health coverage program, billing staff shall timely bill insurance and/or the program(s). A bill for any amount not paid may be sent to the Illinois Sexual Assault Emergency Treatment Program under the Department of Healthcare and Family Services in accordance with 89 Ill. Adm. Code 148.510 at the Department of Healthcare and Family Services' allowable rates under the Illinois Public Aid Code. The amount paid by these entities shall be accepted as full payment. No bill or statement shall be sent to the sexual assault survivor for any portion of the charges not paid by insurance or health coverage program, including co-pays and deductibles.

VI. Billing Protocols

The law requires emergency room physicians to develop a billing protocol that ensures that no sexual assault survivor will be billed for services. Hospitals, ambulance providers, other health care professionals, and pharmacies are not required to develop a billing protocol. Information about the billing protocol for emergency room physicians, titled "New Law for Emergency Room Physicians Who Provide Services to Sexual Assault Survivors" can be found on the website of the Office of the Illinois Attorney General at www.IllinoisAttorneyGeneral.gov.

VII. Enforcement and Penalties [410 ILS 70/8(b)]

The Office of the Attorney General may seek civil monetary penalties for violations of Section 7.5 of SASETA.

- The penalty for willfully engaging in prohibited conduct or engaging in prohibited conduct involving a pattern or practice may be up to \$500.
- The penalty for sending a bill to a collection agency may be up to \$500 for each day the bill is with the collection agency.

For More Information

If you have questions about the changes to SASETA, please call the toll-free number for the Crime Victim Services Division at 1-800-228-3368 or email crimevictimservices@atg.state.il.us.

How to Use the Attached Authorization for Payment Voucher

The attached form is very important to you for your follow-up care. It is an **Authorization for Payment Voucher** that you can take to the doctor, pharmacy, or healthcare clinic of your choice for important follow-up treatment. It is valid for 90 days from the date of your initial sexual assault examination at the hospital. For your ease of mind, all charges for physician examinations, laboratory services, and prescribed medications for follow-up healthcare related to the sexual assault will be paid by the Illinois Department of Healthcare and Family Services' Sexual Assault Emergency Treatment Program.

Why is this so important?

Follow-up healthcare services are very important to ensure your physical health and well being following a sexual assault. In order to be sure that you have not contracted a sexually transmitted disease, it is important to follow-up with a doctor or healthcare clinic to request laboratory exams within 2 to 6 weeks following the initial examination at the hospital. These providers may also prescribe additional medication that can be obtained from a pharmacy in your community. **You will not be charged for these services or medications!**

Please Note: Each healthcare provider, laboratory, or pharmacy will make a photocopy of the attached form so that you may retain the original "Authorization for Payment Voucher" for additional follow-up services during the 90-day period.

Cómo Usar "La Autorización de Pago" Adjunta

El documento adjunto es muy importante ya que es para el seguimiento de su cuidado médico. Ésta es una "**Autorización de Pago**" que puede presentar a su médico, farmacia, o clínica de salud que usted escoja para el seguimiento de su tratamiento. Éste documento es válido por 90 días desde la fecha de su examen médico inicial en el hospital debido a la agresión sexual. Para su tranquilidad mental, todos los gastos médicos con relación a la agresión sexual (ejemplo, las facturas del médico o clínica, laboratorio, farmacia, u otros servicios de salud) serán pagados por el Programa de Tratamiento de Emergencia Para Agresión Sexual – Departamento de Cuidado de Salud y Servicios Para Familias.

¿Por qué esto es tan importante?

El seguimiento de los servicios del cuidado médico es muy importante para asegurar su buena salud física y bienestar después de una agresión sexual. Para asegurarse de que usted no haya contraído una enfermedad transmitida sexualmente, es importante el seguimiento, vaya a un médico o clínica y pida que le hagan pruebas de laboratorio entre 2 y 6 semanas después del examen inicial en el hospital. Estos proveedores posiblemente le recetarán medicinas adicionales que usted puede obtener en una farmacia de su comunidad. **¡No le cobrarán a Usted por estos servicios o medicinas!**

Por favor tenga en cuenta: Cada médico, laboratorio, o farmacia debe hacer una fotocopia del documento adjunto para que usted pueda retener el original "Authorization for Payment Voucher" para cualquier servicio médico adicional que necesite durante el período de 90 días.

201 South Grand Avenue East
Springfield, Illinois 62763-0002

Telephone: (217) 782-3303
TTY: (800) 526-5812

Illinois HFS Sexual Assault Emergency Treatment Program AUTHORIZATION FOR PAYMENT VOUCHER

Authorization #:

Date of Hospital Service:

Patient's Name:

Hospital :

Dear Provider:

This patient has recently received hospital emergency services through the Illinois HFS Sexual Assault Emergency Treatment Program and has been advised to seek follow-up healthcare services. This Authorization for Payment Voucher (Voucher) allows you to provide appropriate follow-up healthcare **related to the sexual assault** to ensure the patient's well being and to be reimbursed directly by the Illinois HFS Sexual Assault Emergency Treatment Program for those healthcare services.

If additional follow-up healthcare services are required (e.g., exam, laboratory, pharmacy), please make a copy of this Voucher for your billing purposes and allow the patient to retain the original Voucher. If you directly order laboratory services, please make an additional copy of this Voucher to accompany your request to the laboratory. The patient will keep the original Voucher in case additional follow-up healthcare services **related to the sexual assault** are needed. This Voucher is valid for 90 days, with the "date of hospital service" above counted as day one. The expiration date for this voucher is: **MM/DD/YYYY**

Do not bill the sexual assault survivor presenting this Voucher for follow-up healthcare services you render related to the sexual assault. Illinois law requires that healthcare services to a sexual assault survivor covered by the Illinois HFS Sexual Assault Emergency Treatment Program be provided at no charge to the sexual assault survivor. 89 Ill.Admin. Code §148.510. Each provider of follow-up healthcare services must send its bill (**electronic billing is not available**) along with a copy of this **Authorization For Payment Voucher** to the following address:

**ILLINOIS DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
SEXUAL ASSAULT PROGRAM
P.O. BOX 19129
SPRINGFIELD, ILLINOIS 62794-9129**

