

Sexual Assault Forensic Examination (SAFE) Fund

Victims/survivors may incur medical costs as a result of sexual assault. Whether or not a victim decides to report the assault and pursue charges against the perpetrator, a hospital examination is very important. A sexual assault forensic exam not only collects evidence for potential criminal prosecution, but also attends to the well-being of a patient. Concerns about injuries, pain, sexually transmitted infections, and pregnancy may be addressed with medical attention.

The Crime Victim Compensation (CVC) Program is available to victims/survivors who meet the following requirements. The victim/survivor must:

- Exhaust all other sources of payment, such as insurance, and incur actual out-of-pocket expenses
- Report the crime to law enforcement within 5 days of when the crime could reasonably be reported and apply for CVC within one year of the crime
- Cooperate with law enforcement and the Office of Crime Victim Services in investigation and through potential prosecution.

To cover those ineligible for CVC, the SAFE Fund Program (Wis. Stat. 949.20 (2009)) was enacted in 2007. The SAFE fund is intended to ensure coverage for the cost of sexual assault exams regardless of whether or not the victim chooses to authorize billing of his or her insurance or to report/cooperate with law enforcement.

The SAFE fund does not pay for exam costs if the victim chooses to authorize billing of his or her insurance and cooperates with law enforcement through an investigation. In this case, the victim should seek compensation from CVC and will need to meet its eligibility requirements.

For more information on the SAFE fund, please see the following link: <https://www.doj.state.wi.us/ocvs/not-crime-victim/sexual-assault-forensic-exam>

“EXAMINATION COSTS” COVERED BY THE SAFE FUND INCLUDE:

- Costs of an examination that is done to gather evidence regarding a sex offense
- Any procedure during that examination process that tests for or prevents a sexually transmitted infection
- Any medication provided or prescribed, during that examination process, that prevents or treats a sexually transmitted infection that the examiner believes could be a consequence of the sex offense.

SAFE DOES NOT COVER:

- Any processing or administrative costs, attorney fees, or other expenses.
- Emergency Contraception (EC)

Reimbursement is reduced by any insurance payments if insurance was billed with authorization. (949.20(3))

DIFFERENCES FROM CVC:

- CVC requires that the victim/survivor report assault to law enforcement and cooperate with any investigation
 - SAFE does not require a police report or cooperation with an investigation.
- CVC is payer of last resort; applicants must exhaust other funds, including insurance.
 - SAFE does not require authorization to bill insurance. If insurance is authorized, SAFE may reimburse for the remainder of cost not covered by insurance.
- CVC requires an application by the victim/survivor
 - SAFE does not require an application by the victim. The health care provider will request reimbursement from the SAFE fund. To ensure that SAFE will cover exam costs, the victim/survivor must notify the hospital/ billing department that SAFE should be billed (rather than insurance); the hospital takes care of the reimbursement procedure.

WCASA is a membership agency comprised of organizations and individuals working to end sexual violence in Wisconsin. Among these are the 60 sexual assault service provider (SASP) agencies throughout the state that offer support, advocacy and information to victims of sexual assault and their families. For information sheets on other topics and for more information about sexual assault, please visit our website. This sheet may be reproduced in its original format only.

This information does not constitute legal advice.

Please note that this is an abridged information sheet; the statutes have not been printed in their entirety due to space restrictions.