

Emergency Rules

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 30—Office of the Director Chapter 12—Forensic Examinations

EMERGENCY RULE

11 CSR 30-12.020 Payments for Child Physical Abuse Forensic Examinations

PURPOSE: This rule sets out the requirements of submitting a claim for payment, establishes the criteria by which expenses are paid, and sets out the maximum payment for SAFE-CARE providers who perform or provide a case review of a forensic examination of a person under eighteen (18) years of age who is an alleged victim of physical abuse.

EMERGENCY STATEMENT: The Department of Public Safety finds that this emergency rule is necessary to preserve a compelling governmental interest in establishing eligibility criteria as well as maximum reimbursement rates by which the department will pay for a child physical abuse forensic examination or case review of a child physical abuse forensic examination to ensure sufficient availability of funds for those purposes.

On August 28, 2014, section 334.950.5, RSMo went into effect, which specifically authorized the department to establish rules and make payments to SAFE-CARE providers who perform a child physical abuse forensic examination or a case review of a child physical abuse forensic examination. In addition, language was added to section 334.950, RSMo that instructed the department to establish maximum reimbursement rates for charges which reflect the reasonable cost of providing the child physical abuse forensic examination as well as establish criteria for payment eligibility. On July 1, 2015, appropriations were allocated, for the first time, for these payments. Subject to this appropriation, an emergency rule is necessary to ensure the efficient use of the appropriated funds in order to reimburse SAFE-CARE providers for as many child physical abuse forensic examinations and case reviews as possible. If the emergency rule is not enacted, the necessary criteria will not be in place to ensure that funds are available to reimburse appropriate expenses.

Over the course of several months, the department held a series of meetings with stakeholders in order to share draft rule language and accept feedback. The rule language has been revised multiple times to address specific concerns raised during these meetings.

This emergency rule limits its scope to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The department believes this emergency rule is fair to all interested persons and parties. This emergency rule was filed November 2, 2015, becomes effective November 12, 2015, and expires on May 9, 2016.

(1) For purposes of this section, the following terms mean:

(A) “Child abuse medical resource centers” - medical institutions affiliated with accredited children’s hospitals or recognized institutions of higher education with accredited medical school programs that provide training, support, mentoring, and peer review to SAFE-CARE providers in Missouri;

(B) “SAFE-CARE provider” - a physician, advanced practice nurse, or physician’s assistant licensed in this state who provides medical diagnosis and treatment to children suspected of being victims of abuse and who receives—

1. Missouri-based initial intensive training regarding child maltreatment from the SAFE-CARE network;

2. Ongoing update training on child maltreatment from the SAFE-CARE network; and

3. Peer review and new provider mentoring regarding the forensic evaluation of children suspected of being victims of abuse from

the SAFE-CARE network;

(C) “Sexual assault forensic examination child abuse resource education network” or “SAFE-CARE network” - a network of SAFE-CARE providers and child abuse medical resource centers that collaborate to provide forensic evaluations, medical training, support, mentoring, and peer review for SAFE-CARE providers for the medical evaluation of child abuse victims in this state to improve outcomes for children who are victims of or at risk for child maltreatment by enhancing the skills and role of the medical provider in a multidisciplinary context;

(D) “Child physical abuse forensic examination” - a physical examination performed on an alleged victim of physical abuse who is under eighteen (18) years of age by a SAFE-CARE provider to collect and preserve evidence;

(E) “Case Review” - a written record review or evaluation of previously gathered photographs, medical records, including, but not limited to, radiology and laboratory tests, medical chart documentation, and investigative information including, but not limited to, information provided by a multi-disciplinary team, Missouri Children’s Division, law enforcement, or juvenile authorities; and

(F) “Department” - the Missouri Department of Public Safety.

(2) All claims for reimbursement of a child physical abuse forensic examination shall be submitted to the department’s Child Physical Abuse Forensic Examination Program as a payor of first resort within ninety (90) days of the child physical abuse forensic examination. All claims for reimbursement of case reviews shall be submitted within one hundred eighty (180) days after the child physical abuse forensic examination. The department shall only reimburse professional fees to SAFE-CARE providers who perform a child physical abuse forensic examination or professional fees to SAFE-CARE providers who provide a case review of a child physical abuse forensic examination. The department shall not reimburse providers for medical procedures, facility fees, supplies, laboratory/radiology tests, court preparation, or court testimony.

(3) All claims for reimbursement shall be made on the Child Physical Abuse Forensic Examination form. The SAFE-CARE provider must ensure that all fields of the claim form are completely and legibly filled out. If the claim form is incomplete or unsigned, the claim may be rejected or denied.

(4) The Child Physical Abuse Forensic Examination form must include all applicable signatures, including consent or authorization for the child physical abuse forensic examination as well as the signature of the SAFE-CARE provider who performed the child physical abuse forensic examination and/or the signature of the SAFE-CARE provider who performed the case review, if applicable.

(5) All claims for reimbursement shall include an itemized billing invoice which includes appropriate charge amounts for the child physical abuse forensic examination or case review including the accompanying current International Classification of Disease (ICD) code(s). Written explanation and reasoning may be required to justify certain codes.

(6) The itemized billing statement must include at least one (1) of the following ICD diagnosis codes as applicable:

(A) With forensic findings—

1. Child abuse, unspecified - 995.50

2. Child physical abuse - 995.54

3. Shaken infant syndrome - 995.55

4. Other child abuse and neglect - 995.59; or

(B) With no forensic findings—

1. Observation following other inflicted injury - V71.6

2. Abuse and neglect - V71.81.

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(7) Maximum reimbursement for eligible claims shall be—

(A) Seven hundred fifty dollars (\$750.00) for a child physical abuse forensic examination; or

(B) Four hundred dollars (\$400.00) for a case review of the child physical abuse forensic examination.

(8) Professional fee charges for the child physical abuse forensic examination or case review shall not be billed to other payment resources, such as the patient's parent or guardian, health insurance, Medicaid, or Medicare.

(9) If the same SAFE-CARE provider performs both the child physical abuse forensic examination and the case review on the same child, such provider cannot be reimbursed for both, but may be reimbursed for one (1) if all criteria are met.

(10) Only one (1) child physical abuse forensic examination per report of physical abuse on an alleged victim may be reimbursed and no reimbursement will be made for any subsequent exam on the same victim. Reimbursement will not be made for more than one (1) case review per report of physical abuse and no reimbursement will be made for any subsequent case review for the same victim.

(11) In the event that the child has been the victim of both physical and sexual abuse, the department will reimburse one (1) forensic examination performed per report of abuse, whether sexual, physical, or both. A claim for reimbursement may be submitted to only one (1) program, either the Child Physical Abuse Forensic Examination Program or the Sexual Assault Forensic Examination (SAFE) Program.

(12) For a claim to be eligible for reimbursement by the Child Physical Abuse Forensic Examination Program—

(A) The alleged physical abuse incident must have occurred in Missouri; or

(B) The alleged victim of physical abuse must be a Missouri resident.

(13) The department, at its discretion, may require additional information regarding the child physical abuse forensic examination or case review for auditing purposes.

AUTHORITY: section 334.950, RSMo Supp. 2014. Emergency rule filed Nov. 2, 2015, effective Nov. 12, 2015, expires May 9, 2016. An emergency rule and a proposed rule covering this same material will be published in the December 1, 2015, issue of the Missouri Register.