Family Choice Health Services Newsletter
March 2025 Issue

Important Update: Cost-Share Waiver and Care Plan for Patients Seeking Care Following Rape or Sexual Assault

Dear Family Choice Medical Group Providers,

We want to take this opportunity to update you on an essential policy regarding cost-sharing waivers and care management for patients seeking medical care following a rape or sexual assault. Family Choice Health System (FCHS) is committed to ensuring that patients receive the necessary medical attention without financial barriers and that their care is managed effectively and compassionately.

Key Policy Points

1. **Cost-Share Waivers for Emergency and Follow-up Care**
    - FCHS will waive cost-sharing for Emergency Room Medical Care and Follow-up Health Care Treatment for patients diagnosed with rape or sexual assault.
    - Providers should **submit claims using accurate diagnosis codes** related to rape or sexual assault, including:
        - **T74.21** (Confirmed sexual abuse)
        - **T74.22** (Suspected sexual abuse)
        - **T76.21** (Suspected sexual abuse, initial encounter)
        - **T76.22** (Suspected sexual abuse, initial encounter)
    - Providers should **not collect cost-sharing payments** from affected patients.
2. **No Proof of Legal Action Required**
    - Patients **do not** need to provide proof of a police report, criminal charges, or conviction to qualify for the cost-share waiver.
3. **Care Plan and Case Management**
    - FCHS will track and manage care for patients who seek treatment following rape or sexual assault.
    - Primary Care Physicians (PCPs) and, where applicable, gynecologists (GYNs), should work with FCHS case managers to establish and update a care plan as necessary.
    - Providers must **notify FCHS** of any claims submitted for emergency or follow-up care by including the appropriate diagnosis codes.
    - Upon receiving a claim with the relevant diagnosis codes, FCHS will:

- Initiate a **nine-month cost-share waiver period** for follow-up care.
- Contact the affected patient (with their permission) to coordinate ongoing care.

4. **Claims Submission & Documentation**
    - All claims related to these cases should be filed promptly with the necessary diagnosis codes to ensure correct processing.
    - The waiver applies to all follow-up treatments within the nine-month period that are properly coded.

Next Steps for Providers

- **Ensure staff is aware** of this policy and trained in proper claims coding and patient communication.
- **Coordinate with FCHS case managers** for patients requiring follow-up care.
- **Refrain from billing patients** for cost-sharing amounts related to covered services under this policy.
- **Submit claims with correct diagnosis codes** to facilitate cost-share waiver application.

Definitions

Consent	Positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. (California Penal Code Section 261.6)
Essential Guilt of Rape	The outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime. (California Penal Code Section 263)
Follow-Up Health Care Treatment	Medical or surgical services for the diagnosis, prevention, or treatment of medical conditions arising from an instance of rate or sexual assault. (Assembly Bill 2843)
Rape	An act of sexual intercourse accomplished under any of the following circumstances: 1. If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act, the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law. 2. If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

	3. If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused. 4. If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: a. Was unconscious or asleep. b. Was not aware, knowing, perceiving, or cognizant that the act occurred. c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. 5. If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. 6. If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. 7. If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official. (California Penal Code Section 261) All forms of nonconsensual sexual assault may be considered rape for the purposes of the gravity of the offense and the support of survivors. (California Penal Code Section 263.1)
Sexual Assault	Sexual assault is specified by reference to the following California Penal Code Sections 261 (defines rape), 261.6 (defines consent), 263 (clarifies rape without penetration), 263.1(establishes incapacity to consent), 286 (defines sodomy), 287 (defines oral copulation), and 288.7 (defines sexual crimes against children under the age of 10).

Further Information

For full policy details, refer to our website: Familychoice.com

If you have any questions or need assistance with claims processing or care coordination, please contact our Provider Services team at **prs@familychoicemso.com**

Thank you for your dedication to providing compassionate, high-quality care to our members.

Sincerely,
Toan Tran, MD

CEO/President