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S.95

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Introduced by Senators Ayer, Cummings, Ingram, Lyons, and McCormack

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Referred to Committee on

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Date:

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Subject: Crimes and criminal procedure; sexual assault nurse examiners

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Statement of purpose of bill as introduced: This bill proposes to revise the

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purpose and procedures of the Sexual Assault Nurse Examiner Board; to

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require all critical access hospitals to provide patients with care from a paid

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employee who is also a certified sexual assault nurse examiner or have access

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to a shared regional staffing pool that includes certified sexual assault nurse

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examiners; to require appropriate emergency department personnel at all

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hospitals to receive at a minimum annual training by the SANE Program

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regarding standards for care of sexual assault patients; and to create the Sexual

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Assault Evidence Kit Study Committee for the purpose of conducting a

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comprehensive examination of issues related to sexual assault evidence kits.

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An act relating to sexual assault nurse examiners

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 13 V.S.A. § 5432 is amended to read:

3 § 5432. SANE BOARD

4 (a) The SANE Board is created for the purpose of ~~regulating sexual assault~~
5 ~~nurse examiners~~ advising the Sexual Assault Nurse Examiners Program.

6 (b) The SANE Board shall be composed of the following members:

7 (1) the Executive Director of the Vermont State Nurses Association or
8 designee;

9 (2) the President of the Vermont Association of Hospitals and Health
10 Systems;

11 (3) the Director of the Vermont Forensic Laboratory or designee;

12 (4) the Director of the Vermont Network Against Domestic and Sexual
13 Violence or designee;

14 (5) an attorney with experience prosecuting sexual assault crimes,
15 appointed by the Attorney General;

16 (6) the Executive Director of the Vermont Center for Crime Victim
17 Services or designee;

18 (7) a law enforcement officer assigned to one of Vermont's special units
19 of investigation, appointed by the Commissioner of Public Safety;

1 (8) a law enforcement officer employed by a municipal police
2 department, appointed by the Executive Director of the Vermont Criminal
3 Justice Training Council;

4 (9) three sexual assault nurse examiners, appointed by the Attorney
5 General;

6 (10) a ~~physician~~ health care professional whose practice includes the
7 care of victims of sexual assault, appointed by the Vermont Medical Society;

8 (11) a pediatrician whose practice includes the care of victims of sexual
9 assault, appointed by the Vermont Chapter of the American Academy of
10 Pediatrics;

11 (12) the Coordinator of the Vermont Victim Assistance Program or
12 designee;

13 (13) the President of the Vermont Alliance of Child Advocacy Centers
14 or designee;

15 (14) the Chair of the Vermont State Board of Nursing or designee; ~~and~~

16 (15) the Commissioner for Children and Families or designee; and

17 (16) the Commissioner of Health or designee.

18 (c) The SANE Board shall advise the SANE Program on the following:

19 (1) statewide program priorities;

20 (2) training and educational requirements;

1 (3) a standardized sexual assault protocol and kit to be used by all
2 physicians and hospitals in this State when providing forensic examinations of
3 victims of alleged sexual offenses; and

4 (4) statewide policy development related to sexual assault.

5 Sec. 2. 13 V.S.A. § 5433 is amended to read:

6 § 5433. SANE PROGRAM CLINICAL COORDINATOR

7 ~~A grant program shall be established by the~~ The Vermont Center for Crime
8 Victim Services, ~~subject to available funding, to~~ shall fund a clinical
9 coordinator position for the purpose of staffing the SANE ~~program~~ Program.

10 The position shall be contracted through the Vermont Network Against
11 Domestic and Sexual Violence. The Clinical Coordinator shall consult with
12 the SANE Board in performing the following duties:

13 (1) overseeing the recruitment and retention of SANEs in the State of
14 Vermont;

15 (2) administering a statewide ~~training~~ educational program, including:

16 (A) the initial SANE certification training;

17 (B) ongoing training to ensure currency of practice for SANEs; and

18 (C) advanced training programs as needed;

19 (3) providing consultation ~~and,~~ technical assistance, and training to
20 SANEs and acute care hospitals regarding the ~~standardized sexual assault~~
21 ~~protocol~~ standards of care for sexual assault patients; and

1 (4) providing training and outreach to criminal justice and community-
2 based agencies as needed; and

3 (5) coordinating and managing a system for ensuring best practices,
4 including as they apply to certification of sexual assault nurse examiners.

5 Sec. 3. REPEAL

6 13 V.S.A. § 5434 (SANE Board duties) is repealed.

7 Sec. 4. 13 V.S.A. § 5435 is added to read:

8 § 5435. ACCESS TO A SEXUAL ASSAULT NURSE EXAMINER

9 (a) The State shall require all critical access hospitals to provide patients
10 with care from a paid employee who is also a certified sexual assault nurse
11 examiner or access to a shared regional staffing pool that includes certified
12 sexual assault nurse examiners.

13 (b) The State shall require appropriate emergency department personnel at
14 all hospitals to receive at a minimum annual training by the SANE Program
15 regarding standards for care of sexual assault patients. Personnel who are
16 certified sexual assault nurse examiners shall not be subject to this subsection.

17 (c) The SANE Board shall establish a fee structure relative to SANE
18 operated training programs. Nothing in this section shall be interpreted to
19 supplant the State's obligation to support forensic evidence collection.

20 (d) The SANE Program shall report on hospital training compliance
21 pursuant to this section.

1 Sec. 5. SEXUAL ASSAULT EVIDENCE KITS; STUDY COMMITTEE

2 (a) Creation. There is created Sexual Assault Evidence Kit Study
3 Committee for the purpose of conducting a comprehensive examination of
4 issues related to sexual assault evidence kits.

5 (b) Membership. The Committee shall be composed of the following seven
6 members:

7 (1) one current member of the House of Representatives who shall be
8 appointed by the Speaker of the House;

9 (2) one current member of the Senate who shall be appointed by the
10 Senate Committee on Committees;

11 (3) the Director of the Vermont Forensic Lab or designee;

12 (4) the Executive Director of the Vermont Center for Crime Victims
13 Services or designee;

14 (5) the Commissioner of Health or designee;

15 (6) a representative of Vermont Sexual Assault Nurse Examiners

16 (SANE) program; and

17 (7) a law enforcement professional appointed by Commissioner of
18 Public Safety.

19 (c) Powers and duties. The Committee shall address the following issues:

20 (1) the current practices for kit tracking;

1 (2) the effectiveness and cost of a system allowing for the online
2 completion of sexual assault evidence kit documentation, with electronic
3 notification after reports are submitted;

4 (3) the feasibility and cost of a web-based tracking system to allow
5 agencies involved in the response and prosecution of sexual assault to track
6 sexual assault evidence kits, pediatric sexual assault evidence kits, and
7 toxicology kits using a bar code number uniquely assigned to each kit;

8 (4) the effectiveness and challenges of the current system of police
9 transport of evidence kits from hospitals to the Vermont Forensic
10 Laboratory; and

11 (5) the feasibility and cost of alternative methods of transport of sexual
12 assault evidence kits such as mail, delivery service, or courier.

13 (d) Assistance. The Committee shall have the administrative, technical,
14 and legal assistance of the Vermont Department of Health.

15 (e) Report. On or before November 15, 2017, the Committee shall submit
16 a written report to the House and Senate Committees on Judiciary, the House
17 Committee on Health Care, and the Senate Committee on Health and Welfare.

18 (f) Meetings.

19 (1) The Commissioner of Health shall call the first meeting of the
20 Committee to occur on or before August 1, 2017.

1 (2) The Committee shall select a chair from among its members at the
2 first meeting.

3 (3) A majority of the membership shall constitute a quorum.

4 (4) The Committee shall cease to exist on January 15, 2018.

5 (g) Reimbursement.

6 (1) For attendance at meetings during adjournment of the General
7 Assembly, legislative members of the Committee shall be entitled to per diem
8 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
9 no more than five meetings.

10 (2) Other members of the Committee who are not employees of the
11 State of Vermont and who are not otherwise compensated or reimbursed for
12 their attendance shall be entitled to per diem compensation and reimbursement
13 of expenses pursuant to 32 V.S.A. § 1010 for no more than five meetings.

14 Sec. 6. EFFECTIVE DATE

15 This act shall take effect on July 1, 2017.