

1 S.95

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

3 Referred to Committee on Health and Welfare

4 Date: February 24, 2017

5 Subject: Crimes and criminal procedure; sexual assault nurse examiners

6 Statement of purpose of bill as introduced: This bill proposes to revise the
7 purpose and procedures of the Sexual Assault Nurse Examiner Board; to
8 require all critical access hospitals to provide patients with care from a paid
9 employee who is also a certified sexual assault nurse examiner or have access
10 to a shared regional staffing pool that includes certified sexual assault nurse
11 examiners; to require appropriate emergency department personnel at all
12 hospitals to receive at a minimum annual training by the SANE Program
13 regarding standards for care of sexual assault patients; and to create the Sexual
14 Assault Evidence Kit Study Committee for the purpose of conducting a
15 comprehensive examination of issues related to sexual assault evidence kits.

16 An act relating to sexual assault nurse examiners

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

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

19 ~~§ 5432. SANE BOARD~~

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

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

4 (1) the Executive Director of the Vermont State Nurses Association or
5 designee;

6 (2) the President of the Vermont Association of Hospitals and Health
7 Systems;

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

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

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

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

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

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

20 (9) three sexual assault nurse examiners, appointed by the Attorney
21 General,

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

3 ~~(11) a pediatrician whose practice includes the care of victims of sexual~~
4 assault, appointed by the Vermont Chapter of the American Academy of
5 Pediatrics;

6 ~~(12) the Coordinator of the Vermont Victim Assistance Program or~~
7 designee;

8 ~~(13) the President of the Vermont Alliance of Child Advocacy Centers~~
9 or designee;

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

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

12 ~~(16) the Commissioner of Health or designee.~~

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

14 (1) statewide program priorities;

15 (2) training and educational requirements;

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

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

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

21 ~~§ 5433. SANE PROGRAM CLINICAL COORDINATOR~~

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

4 ~~The position shall be contracted through the Vermont Network Against~~
5 ~~Domestic and Sexual Violence. The Clinical Coordinator shall consult with~~
6 ~~the SANE Board in performing the following duties:~~

7 ~~(1) overseeing the recruitment and retention of SANEs in the State of~~
8 ~~Vermont;~~

9 ~~(2) administering a state-wide training educational program, including:~~

10 ~~(A) the initial SANE certification training;~~

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

12 ~~(C) advanced training programs as needed;~~

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

16 ~~(4) providing training and outreach to criminal justice and community-~~
17 ~~based agencies as needed; and~~

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

20 Sec. 3. REPEAL

21 ~~15 V.S.A. § 5454 (SANE Board duties) is repealed.~~

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

2 § 5435. ACCESS TO A SEXUAL ASSAULT NURSE EXAMINER

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

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

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

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

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

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

20 (b) Membership. The Committee shall be composed of the following
21 seven members.

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

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

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

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

8 (5) the Commissioner of Health or designee;

9 (6) a representative of Vermont Sexual Assault Nurse Examiners
10 (SANE) program; and

11 (7) a law enforcement professional appointed by Commissioner of
12 Public Safety.

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

14 (1) the current practices for kit tracking;

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

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

1 (4) the effectiveness and challenges of the current system of police
2 transport of evidence kits from hospitals to the Vermont Forensic
3 Laboratory; and

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

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

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

11 (f) Meetings.

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

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

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

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

18 (g) Reimbursement.

19 (1) For attendance at meetings during adjournment of the General
20 Assembly, legislative members of the Committee shall be entitled to per diem
21 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for

1 ~~no more than five meetings.~~

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

6 Sec. 6. EFFECTIVE DATE

7 ~~This act shall take effect on July 1, 2017.~~

~~Sec. 1. 13 V.S.A. chapter 167, subchapter 5 is amended to read:~~

~~Subchapter 5. Sexual Assault Nurse Examiners~~

~~§ 5431. DEFINITION; CERTIFICATION~~

~~(a) As used in this subchapter, "SANE" means a sexual assault nurse examiner.~~

~~(b) A person licensed under 26 V.S.A. chapter 28 (nursing) may obtain a specialized certification as a sexual assault nurse examiner if he or she demonstrates compliance with the requirements for specialized certification as established by the SANE Board.~~

~~§ 5432. SANE BOARD~~

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

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

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

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

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

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

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

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

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

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

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

~~(10) a physician health care provider as defined in 18 V.S.A. § 9402 whose practice includes the care of victims of sexual assault, appointed by the Vermont Medical Society, Commissioner on Health;~~

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

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

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

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

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

~~(16) the Commissioner of Health or designee.~~

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

~~(1) statewide program priorities;~~

~~(2) training and educational requirements;~~

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

~~(4) statewide policy development related to sexual assault nurse examiner programs.~~

~~§ 5433. SANE PROGRAM CLINICAL COORDINATOR~~

~~A grant program shall be established by the A clinical coordinator position shall be funded by either the Vermont Center for Crime Victim Services, subject to available funding, to fund a clinical coordinator position or through other identified State funding options for the purpose of staffing the SANE program~~

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

- ~~(1) overseeing the recruitment and retention of SANEs in the State of Vermont;~~
- ~~(2) administering a statewide ~~training~~ educational program, including:
 - ~~(A) the initial SANE certification training;~~
 - ~~(B) ongoing training to ensure currency of practice for SANEs; and~~
 - ~~(C) advanced training programs as needed;~~~~
- ~~(3) providing ~~consultation and~~ technical assistance, and training to SANEs and acute care hospitals regarding the standardized sexual assault protocol standards of care for sexual assault patients; ~~and~~~~
- ~~(4) providing training and outreach to criminal justice and community-based agencies as needed; and~~
- ~~(5) coordinating and managing a system for ensuring best practices, including as they apply to certification of sexual assault nurse examiners.~~

~~§ 5434. SANE BOARD DUTIES~~

~~(a) A person licensed under 26 V.S.A. chapter 28 (nursing) may obtain a specialized certification as a sexual assault nurse examiner if he or she demonstrates compliance with the requirements for specialized certification as established by the SANE Board by rule.~~

~~(b) The SANE Board shall adopt the following by rule:~~

- ~~(1) educational requirements for obtaining specialized certification as a sexual assault nurse examiner and statewide standards for the provision of education;~~
- ~~(2) continuing education requirements and clinical experience necessary for maintenance of the SANE specialized certification;~~
- ~~(3) a standardized sexual assault protocol and kit to be used by all physicians and hospitals in this State when providing forensic examinations of victims of alleged sexual offenses;~~
- ~~(4) a system of monitoring for compliance; and~~
- ~~(5) processes for investigating complaints, revoking certification, and appealing decisions of the Board.~~

~~(c) The SANE Board may investigate complaints against a sexual assault nurse examiner and may revoke certification as appropriate. [Repealed.]~~

~~§ 5425. ACCESS TO A SEXUAL ASSAULT NURSE EXAMINER~~

~~(a) On or before September 1, 2017, the Vermont Association of Hospitals and Health Systems (VAHHS) and the Vermont SANE Program shall enter into a memorandum of understanding (MOU) to ensure improved access to Sexual Assault Nurse Examiners (SANE) for victims of sexual assault in underserved regions. Improved access may include all acute care hospitals to provide patients with care from a paid employee who is also a certified sexual assault nurse examiner or access to a shared regional staffing pool that includes certified sexual assault nurse examiners.~~

~~(b) The Vermont SANE Program shall develop and offer an annual training regarding standards of care and forensic evidence collection to emergency department appropriate health care providers at acute care hospitals in Vermont. Personnel who are certified sexual assault nurse examiners shall not be subject to this subsection.~~

~~(c) On or before January 1, 2018, The SANE Program shall report to the General Assembly on training participation rates pursuant to subsection (b) of this section.~~

~~Sec. 3. SEXUAL ASSAULT EVIDENCE KITS; STUDY COMMITTEE~~

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

~~(b) Membership. The Committee shall be composed of the following six members:~~

~~(1) the Director of the Vermont Forensic Laboratory or designee;~~

~~(2) the Executive Director of the Vermont Center for Crime Victims Services or designee;~~

~~(3) the Commissioner of Health or designee;~~

~~(4) a representative of the Vermont Sexual Assault Nurse Examiners (SANE) program;~~

~~(5) a representative of the county special investigative units appointed by the Executive Director of the State's Attorneys and Sheriffs; and~~

~~(6) a law enforcement professional appointed by the Commissioner of Public Safety.~~

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

~~(1) the current practices for kit tracking;~~

~~(2) the effectiveness and cost of a system allowing for the online~~

~~completion of sexual assault evidence kit documentation with electronic notification after reports are submitted;~~

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

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

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

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

~~(e) Report. On or before November 1, 2017, the Committee shall submit a written report to the House and Senate Committees on Judiciary, the House Committee on Health Care, and the Senate Committee on Health and Welfare.~~

~~(f) Meetings.~~

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

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

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

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

Sec. 4. EFFECTIVE DATE

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

Sec. 1. 13 V.S.A. chapter 167, subchapter 5 is amended to read:

Subchapter 5. Sexual Assault Nurse Examiners

§ 5431. DEFINITION; CERTIFICATION

(a) As used in this subchapter, "SANE" means a sexual assault nurse examiner.

(b) A person licensed under 26 V.S.A. chapter 28 (nursing) may obtain a specialized certification from the SANE Program as a sexual assault nurse examiner if he or she demonstrates compliance with the requirements for specialized certification as established by the SANE Board.

§ 5432. SANE BOARD

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

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

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

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

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

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

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

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

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

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

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

(10) *a ~~physician~~ health care provider as defined in 18 V.S.A. § 9402 whose practice includes the care of victims of sexual assault, appointed by the Vermont Medical Society Commissioner of Health;*

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

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

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

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

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

(16) the Commissioner of Health or designee.

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

(1) statewide program priorities;

(2) training and educational requirements;

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

(4) statewide policy development related to sexual assault nurse examiner programs.

§ 5433. SANE PROGRAM CLINICAL COORDINATOR

A grant program shall be established by A clinical coordinator position shall be funded by either the Vermont Center for Crime Victim Services, subject to available funding, to fund a clinical coordinator position or through other identified State funding options for the purpose of staffing the SANE program Program. The position shall be contracted through the Vermont Network Against Domestic and Sexual Violence. The Clinical Coordinator shall consult with the SANE Board in performing the following duties:

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

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

(A) the initial SANE certification training;

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

(C) advanced training programs as needed;

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

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

(5) coordinating and managing a system for ensuring best practices;

(6) granting certifications, pursuant to section 5431 of this title, to candidates who demonstrate compliance with the requirements for specialized certification as established by the SANE Board.

§ 5434. SANE BOARD DUTIES

(a) A person licensed under 26 V.S.A. chapter 28 (nursing) may obtain a

~~specialized certification as a sexual assault nurse examiner if he or she demonstrates compliance with the requirements for specialized certification as established by the SANE Board by rule.~~

~~(b) The SANE Board shall adopt the following by rule:~~

~~(1) educational requirements for obtaining specialized certification as a sexual assault nurse examiner and statewide standards for the provision of education;~~

~~(2) continuing education requirements and clinical experience necessary for maintenance of the SANE specialized certification;~~

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

~~(4) a system of monitoring for compliance; and~~

~~(5) processes for investigating complaints, revoking certification, and appealing decisions of the Board.~~

~~(c) The SANE Board may investigate complaints against a sexual assault nurse examiner and may revoke certification as appropriate. [Repealed.]~~

§ 5435. ACCESS TO A SEXUAL ASSAULT NURSE EXAMINER

(a) On or before September 1, 2017, the Vermont Association of Hospitals and Health Systems (VAHHS) and the Vermont SANE Program shall enter into a memorandum of understanding (MOU) to ensure improved access to sexual assault nurse examiners (SANE) for victims of sexual assault in underserved regions. Improved access may include all acute care hospitals to provide patients with care from a paid employee who is also a certified sexual assault nurse examiner or access to a shared regional staffing pool that includes certified sexual assault nurse examiners.

(b) The Vermont SANE Program shall develop and offer an annual training regarding standards of care and forensic evidence collection to emergency department appropriate health care providers at acute care hospitals in Vermont. Personnel who are certified sexual assault nurse examiners shall not be subject to this subsection.

(c) On or before January 1, 2018, the SANE Program shall report to the General Assembly on training participation rates pursuant to subsection (b) of this section.

Sec. 2. SEXUAL ASSAULT EVIDENCE KITS; STUDY COMMITTEE

(a) Creation. There is created the Sexual Assault Evidence Kit Study

Committee for the purpose of conducting a comprehensive examination of issues related to sexual assault evidence kits.

(b) Membership. The Committee shall be composed of the following six members:

(1) the Director of the Vermont Forensic Laboratory or designee;

(2) the Executive Director of the Vermont Center for Crime Victims Services or designee;

(3) the Commissioner of Health or designee;

(4) a representative of the Vermont Sexual Assault Nurse Examiners (SANE) Program;

(5) a representative of the county special investigative units appointed by the Executive Director of the State's Attorneys and Sheriffs; and

(6) a law enforcement professional appointed by the Commissioner of Public Safety.

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

(1) the current practices for kit tracking;

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

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

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

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

(d) Assistance. The Center for Crime Victim Services shall convene the first meeting of the Committee and provide support services.

(e) Report. On or before November 1, 2017, the SANE Program, on behalf of the Committee, shall submit a written report to the House and Senate Committees on Judiciary, the House Committee on Human Services, and the Senate Committee on Health and Welfare.

(f) Meetings.

(1) The Center for Crime Victim Services shall call the first meeting of the Committee to occur on or before August 1, 2017.

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

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

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

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2017.