

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 95 entitled “An act relating to sexual assault nurse examiners” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

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

8 Subchapter 5. Sexual Assault Nurse Examiners

9 § 5431. DEFINITION; CERTIFICATION

10 (a) As used in this subchapter, “SANE” means a sexual assault nurse
11 examiner.

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

16 § 5432. SANE BOARD

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

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

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

- 1 (2) the President of the Vermont Association of Hospitals and Health
2 Systems;
- 3 (3) the Director of the Vermont Forensic Laboratory or designee;
- 4 (4) the Director of the Vermont Network Against Domestic and Sexual
5 Violence or designee;
- 6 (5) an attorney with experience prosecuting sexual assault crimes,
7 appointed by the Attorney General;
- 8 (6) the Executive Director of the Vermont Center for Crime Victim
9 Services or designee;
- 10 (7) a law enforcement officer assigned to one of Vermont’s special units
11 of investigation, appointed by the Commissioner of Public Safety;
- 12 (8) a law enforcement officer employed by a municipal police
13 department, appointed by the Executive Director of the Vermont Criminal
14 Justice Training Council;
- 15 (9) three sexual assault nurse examiners, appointed by the Attorney
16 General;
- 17 (10) a ~~physician~~ health care provider as defined in 18 V.S.A. § 9402
18 whose practice includes the care of victims of sexual assault, appointed by the
19 Vermont Medical Society provider’s supervising entity;

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

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

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

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

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

10 (16) the Commissioner of Health or designee.

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

12 (1) statewide program priorities;

13 (2) training and educational requirements;

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

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

19 § 5433. SANE PROGRAM CLINICAL COORDINATOR

20 A grant program shall be established by the **A clinical coordinator position**
21 shall be funded by either the **Vermont Center for Crime Victim Services;**

1 ~~subject to available funding, to fund a clinical coordinator position for the or~~
2 ~~through other identified state funding options~~ purpose of staffing the SANE
3 ~~program Program.~~ The position shall be contracted through the Vermont
4 Network Against Domestic and Sexual Violence. The Clinical Coordinator
5 shall consult with the SANE Board in performing the following duties:

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

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

9 (A) the initial SANE certification training;

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

11 (C) advanced training programs as needed;

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

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

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

19 § 5434. ~~SANE BOARD DUTIES~~

20 (a) ~~A person licensed under 26 V.S.A. chapter 28 (nursing) may obtain a~~
21 ~~specialized certification as a sexual assault nurse examiner if he or she~~

1 ~~demonstrates compliance with the requirements for specialized certification as~~
2 ~~established by the SANE Board by rule.~~

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

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

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

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

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

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

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

17 § 5435. ACCESS TO A SEXUAL ASSAULT NURSE EXAMINER

18 (a) On or before September 1, 2017, the Vermont Association of Hospitals
19 And Health Systems (VAHHS) and the Vermont SANE Program shall enter
20 into a memorandum of understanding (MOU) to ensure improved access to
21 Sexual Assault Nurse Examiners (SANE) for victims of sexual assault in

1 underserved regions. Improved access may include all acute care hospitals to
2 provide patients with care from a paid employee who is also a certified sexual
3 assault nurse examiner or access to a shared regional staffing pool that includes
4 certified sexual assault nurse examiners

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

10 (c) On or before January 1, 2018, The SANE Program shall report to the
11 Legislature on training participation rates pursuant to subsection (b).

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

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

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

18 (1) the Director of the Vermont Forensic Lab or designee;

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

21 (3) the Commissioner of Health or designee;

1 (4) a representative of Vermont Sexual Assault Nurse Examiners
2 (SANE) program;

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

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

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

8 (1) the current practices for kit tracking;

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

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

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

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

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

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

6 (f) Meetings.

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

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

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

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

13 ~~(g) Reimbursement.~~

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

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

1 Sec. 4. EFFECTIVE DATE

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

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4

5 (Committee vote: _____)

6

7

Senator _____

8

FOR THE COMMITTEE