

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

H.256

Introduced by Representatives Christie of Hartford, Wright of Burlington,  
Baser of Bristol, Bock of Chester, Cupoli of Rutland City, Deen  
of Westminster, Fields of Bennington, Head of South  
Burlington, Joseph of North Hero, Long of Newfane, Lucke of  
Hartford, Masland of Thetford, McCoy of Poultney, Ode of  
Burlington, Parent of St. Albans Town, Poirier of Barre City,  
Sheldon of Middlebury, Townsend of South Burlington, Weed  
of Enosburgh, and Wood of Waterbury

Referred to Committee on

Date:

Subject: Crimes and criminal procedure; sexual assault nurse examiners

Statement of purpose of bill as introduced: This bill proposes to revise the  
purpose and procedures of the Sexual Assault Nurse Examiner Board; to  
require all critical access hospitals to provide patients with care from a paid  
employee who is also a certified sexual assault nurse examiner or have access  
to a shared regional staffing pool that includes certified sexual assault nurse  
examiners; to require appropriate emergency department personnel at all  
hospitals to receive at a minimum annual training by the SANE Program  
regarding standards for care of sexual assault patients; and to create the Sexual

1 Assault Evidence Kit Study Committee for the purpose of conducting a  
2 comprehensive examination of issues related to sexual assault evidence kits.

3 An act relating to sexual assault nurse examiners

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

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

6 § 5432. SANE BOARD

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

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

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

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

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

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

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

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

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

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

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

8 (10) a ~~physician~~ healthcare professional whose practice includes the care  
9 of victims of sexual assault, appointed by the Vermont Medical Society;

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

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

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

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

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

19 (16) the Commissioner of Health or designee.

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

21 (1) statewide program priorities;

- 1           (2) training and educational requirements;  
2           (3) a standardized sexual assault protocol and kit to be used by all  
3           physicians and hospitals in this State when providing forensic examinations of  
4           victims of alleged sexual offenses; and  
5           (4) statewide policy development related to sexual assault.

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

7           § 5433. SANE PROGRAM CLINICAL COORDINATOR

8           ~~A grant program shall be established by the~~ The Vermont Center for Crime  
9           Victim Services, ~~subject to available funding, to~~ shall fund a clinical  
10           coordinator position for the purpose of staffing the SANE ~~program~~ Program.  
11           The position shall be contracted through the Vermont Network Against  
12           Domestic and Sexual Violence. The Clinical Coordinator shall consult with  
13           the SANE Board in performing the following duties:

- 14           (1) overseeing the recruitment and retention of SANEs in the State of  
15           Vermont;  
16           (2) administering a statewide ~~training~~ educational program, including:  
17           (A) the initial SANE certification training;  
18           (B) ongoing training to ensure currency of practice for SANEs; and  
19           (C) advanced training programs as needed;

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

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

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

8           Sec. 3. REPEAL

9           13 V.S.A. § 5434 (SANE Board duties) is repealed.

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

11          § 5435. ACCESS TO A SEXUAL ASSAULT NURSE EXAMINER

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

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

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

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

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

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

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

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

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

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

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

19               (5) the Commissioner of Health or designee;

20               (6) a representative of Vermont Sexual Assault Nurse Examiners  
21       (SANE) program; and

1           (7) a law enforcement professional appointed by Commissioner of  
2 Public Safety.

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

4           (1) the current practices for kit tracking;

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

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

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

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

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

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

1        (f) Meetings.

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

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

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

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

8        (g) Reimbursement.

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

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

17        Sec. 6. EFFECTIVE DATE

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