

HB 2582 -- VICTIMS OF SEXUAL ABUSE

SPONSOR: Ingle

This bill creates the "Justice for Survivors Act" and directs the Department of Health and Senior Services (DHSS) to establish a statewide telehealth network for forensic examinations of victims of sexual offenses by July 1, 2022, subject to appropriations. A statewide coordinator shall be selected by the Director of DHSS to oversee the network. The network shall provide mentoring, training, and assistance for medical providers conducting forensic examinations, including training on obtaining informed consent. The network shall also provide consultation services, guidance, and technical assistance through telehealth services by a Sexual Assault Nurse Examiner (SANE) or other similarly trained medical providers. The training may be offered in-person and online. This bill also creates the "Justice for Survivors Telehealth Network Fund" for any grants, gifts, bequests, or donations accepted by the Department for the development and maintenance of the network and the training provided.

The bill requires any licensed hospital, by January 1, 2023, to perform a forensic examination using an evidentiary collection kit upon the request and consent of a victim of a sexual offense 14 years of age or older or the victim's guardian. Victims under 14 years of age shall be referred to a SAFE CARE provider; however, nothing prevents a hospital from performing a forensic examination for a minor upon the minor or guardian's request in accordance with state law and regulations.

An appropriate medical provider shall perform the examination and the hospital shall ensure that any provider performing the examination has received training to conduct such examinations. If the provider is not a SANE or similarly trained physician or nurse, the hospital shall utilize telehealth services, such as those provided by the statewide telehealth network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who shall observe the live examination and communicate with and support the onsite provider. The department may issue a waiver of the telehealth requirement if the hospital demonstrates a technological hardship in accessing telehealth services or a lack of access to adequate broadband services. Such waivers shall be granted sparingly for no more than one year at a time, subject to renewal at the department's discretion.

The department shall waive the requirements of this bill for any licensed hospital if the statewide telehealth network ceases operation, the director notifies the hospital that the network has ceased operation, and the hospital cannot, in good faith, comply

with the requirements without the assistance or resources of the network. Such waiver shall remain in effect until the network resumes operation or until the hospital can comply with the requirements without the assistance or resources of the network.

By October 1, 2021, each hospital shall report specified information concerning forensic examinations performed at the hospital to the department each year. Beginning January 1, 2022 the department shall make the information publicly available; provided, that such information shall not include any personally identifiable information of any victim or medical provider performing the examination. After July 1, 2022, the number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the network.

Currently, the reimbursement of such examinations and the provision of evidentiary collection kits shall apply to the forensic examinations under these provisions.

This bill is the same as SB 951 (2020).