

SENATE BILL REPORT

HB 1016

As Passed Senate - Amended, April 15, 2019

Title: An act relating to hospital notification of availability of sexual assault evidence kit collection.

Brief Description: Concerning hospital notification of availability of sexual assault evidence kit collection.

Sponsors: Representatives Caldier, Cody, Griffey, Mosbrucker, Maycumber, Macri, Jinkins, Slatter, Shea, Van Werven, Irwin, Fitzgibbon, Appleton, Wylie, Doglio, Robinson, Chambers, Orwall, Stanford, Rude, Frame, Leavitt, Walen and Young.

Brief History: Passed House: 2/07/19, 96-0.

Committee Activity: Health & Long Term Care: 3/29/19, 4/01/19 [DPA].

Floor Activity:

Passed Senate - Amended: 4/15/19, 46-0.

Brief Summary of Bill (As Amended by Senate)

- Requires a hospital that does not perform sexual assault evidence kit collection or does not have an appropriate provider available, to notify any individual who presents at the emergency department requesting a sexual assault evidence kit collection that it does not provide the service, and to coordinate care with the local community sexual assault agency to assist the patient in finding a facility with an appropriate provider available.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass as amended.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Bailey, Becker, Conway, Dhingra, Frockt, Keiser, Rivers and Van De Wege.

Staff: Greg Attanasio (786-7410)

Background: After a person has been the victim of a sexual assault, the person may undergo a forensic examination for collecting any evidence that may have been left behind during the

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assault. The physician or nurse conducting the examination preserves the evidence using a sexual assault forensic examination kit, also commonly referred to as a sexual assault evidence kit, or rape kit. After the examination, custody of a sexual assault evidence kit may be transferred to a law enforcement agency to be utilized during an investigation and subsequent criminal prosecution. The victim may not be charged directly or indirectly for the examination.

Sexual assault nurse examiners (SANEs) are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of patients who have experienced sexual assault or abuse. In addition to other services, they can provide medical assistance while also assessing, documenting, and preserving evidence for potential prosecutions. The SANEs conduct forensic examinations where sexual assault evidence kits are collected. However, nurses without SANE training or certification can also conduct such examinations.

The 38 community sexual assault programs in Washington are accredited by the Office of Crime Victims Advocacy and may provide a 24/7 hotline, information about sexual assault, crisis intervention, and referrals to other community service providers.

Summary of Amended Bill: By July 1, 2020, any hospital that does not provide sexual assault evidence kit collection or does not have appropriate providers available at all times must develop a plan, in consultation with the local community sexual assault agency, to assist individuals with obtaining sexual assault evidence kit collection.

Beginning July 1, 2020, a hospital that does not perform sexual assault evidence kit collection, or does not have an appropriate provider available, must, within two hours, notify individuals that present at the emergency department requesting a sexual assault evidence kit collection that it does not provide the service or does not have a provider available. If the hospital must notify an individual, it must coordinate care with the local community sexual assault agency and assist the patient in finding a facility with an appropriate provider available.

Hospitals must notify individuals upon arrival that they may file a complaint with the Department of Health if the hospital fails to notify the individual within two hours that the hospital does not or cannot provide sexual assault evidence kit collection.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on the Bill as Amended by Committee: PRO: The bill does not require hospitals to have SANEs available, only to notify patients that the hospital does not or cannot provide the services. Many survivors face the challenge of

finding the services and this will help victims find the appropriate services in a timely manner.

Persons Testifying: PRO: Representative Michelle Caldier, Prime Sponsor; Rick Torrance, Department of Commerce; Andrea Piper-Wentland, Washington Coalition of Sexual Assault Programs.

Persons Signed In To Testify But Not Testifying: No one.