

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 88, Page
2 5, Section 197.100, Line 31, by inserting after all of said Section and Line the following:

3
4 "595.220. 1. The department of public safety shall make payments to appropriate medical
5 providers, out of appropriations made for that purpose, to cover the reasonable charges of the
6 forensic examination of persons who may be a victim of a sexual offense if:

7 (1) The victim or the victim's guardian consents in writing to the examination; and

8 (2) The report of the examination is made on a form approved by the attorney general with
9 the advice of the department of public safety. The department shall establish maximum
10 reimbursement rates for charges submitted under this section, which shall reflect the reasonable cost
11 of providing the forensic exam.

12 2. A minor may consent to examination under this section. Such consent is not subject to
13 disaffirmance because of minority, and consent of parent or guardian of the minor is not required for
14 such examination. The appropriate medical provider making the examination shall give written
15 notice to the parent or guardian of a minor that such an examination has taken place.

16 3. The attorney general, with the advice of the department of public safety, shall develop the
17 forms and procedures for gathering evidence during the forensic examination under the provisions of
18 this section. The department of health and senior services shall develop a checklist, protocols, and
19 procedures for appropriate medical providers to refer to while providing medical treatment to
20 victims of a sexual offense, including those specific to victims who are minors.

21 4. Evidentiary collection kits shall be developed and made available, subject to
22 appropriation, to appropriate medical providers by the highway patrol or its designees and eligible
23 crime laboratories. Such kits shall be distributed with the forms and procedures for gathering
24 evidence during forensic examinations of victims of a sexual offense to appropriate medical
25 providers upon request of the provider, in the amount requested, and at no charge to the medical
26 provider. All appropriate medical providers shall, with the written consent of the victim, perform a
27 forensic examination using the evidentiary collection kit, or other collection procedures developed
28 for victims who are minors, and forms and procedures for gathering evidence following the checklist
29 for any person presenting as a victim of a sexual offense.

30 5. In reviewing claims submitted under this section, the department shall first determine if
31 the claim was submitted within ninety days of the examination. If the claim is submitted within
32 ninety days, the department shall, at a minimum, use the following criteria in reviewing the claim:
33 examination charges submitted shall be itemized and fall within the definition of forensic
34 examination as defined in subdivision (3) of subsection [7] 8 of this section.

35 6. All appropriate medical provider charges for eligible forensic examinations shall be billed
36 to and paid by the department of public safety. No appropriate medical provider conducting forensic
37 examinations and providing medical treatment to victims of sexual offenses shall charge the victim

Action Taken _____ Date _____

1 for the forensic examination. For appropriate medical provider charges related to the medical
2 treatment of victims of sexual offenses, if the victim is an eligible claimant under the crime victims'
3 compensation fund, the victim shall seek compensation under sections 595.010 to 595.075.

4 7. The department of public safety shall establish rules regarding the reimbursement of the
5 costs of forensic examinations for children under fourteen years of age, including establishing
6 conditions and definitions for emergency and non-emergency forensic examinations and may by rule
7 establish additional qualifications for appropriate medical providers performing non-emergency
8 forensic examinations for children under fourteen years of age.

9 8. For purposes of this section, the following terms mean:

10 (1) "Appropriate medical provider",

11 (a) Any licensed nurse, physician, or physician assistant, and any institution employing
12 licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the
13 only persons at such institution to perform tasks under the provisions of this section; or

14 (b) For the purposes of any non-emergency forensic examination of a child under fourteen
15 years of age, the department of public safety may establish additional qualifications for any provider
16 listed in subparagraph (a) under rules authorized under subsection 7 of this section;

17 (2) "Evidentiary collection kit", a kit used during a forensic examination that includes
18 materials necessary for appropriate medical providers to gather evidence in accordance with the
19 forms and procedures developed by the attorney general for forensic examinations;

20 (3) "Forensic examination", an examination performed by an appropriate medical provider
21 on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit or using
22 other collection procedures developed for victims who are minors;

23 (4) "Medical treatment", the treatment of all injuries and health concerns resulting directly
24 from a patient's sexual assault or victimization;

25 (5) "Emergency forensic examination", an examination of a person under fourteen years of
26 age that occurs within five days of the alleged sexual offense. The department of public safety may
27 further define the term "emergency forensic examination" by rule;

28 (6) "Non-emergency forensic examination", an examination of a person under fourteen years
29 of age that occurs more than five days after the alleged sexual offense. The department of public
30 safety may further define the term "non-emergency forensic examination" by rule.

31 [8.] 9. The department shall have authority to promulgate rules and regulations necessary to
32 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in
33 section 536.010, that is created under the authority delegated in this section shall become effective
34 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
35 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with
36 the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
37 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
38 any rule proposed or adopted after August 28, 2009, shall be invalid and void."; and

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40 Further amend said bill by amending the title, enacting clause, and intersectional references
41 accordingly.