

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 644, Page 6, Section
2 191.1160, Line 47, by inserting after said section and line the following:

3
4 "192.2520. 1. Sections 192.2520 and 197.135 shall be known and may be cited as the "Justice for
5 Survivors Act".

6 2. As used in this section, the following terms shall mean:

7 (1) "Appropriate medical provider", the same meaning as used in section 595.220;

8 (2) "Department", the department of health and senior services;

9 (3) "Evidentiary collection kit", the same meaning as used in section 595.220;

10 (4) "Forensic examination", the same meaning as used in section 595.220;

11 (5) "Telehealth", the same meaning as used in section 191.1145.

12 3. No later than July 1, 2022, there shall be established within the department a statewide telehealth
13 network for forensic examinations of victims of sexual offenses in order to provide access to sexual assault
14 nurse examiners (SANE) or other similarly trained appropriate medical providers. A statewide coordinator
15 for the telehealth network shall be selected by the director of the department of health and senior services and
16 shall have oversight responsibilities and provide support for the training programs offered by the network, as
17 well as the implementation and operation of the network.

18 4. The network shall provide mentoring and educational training services, including:

19 (1) Conducting a forensic examination of a victim of a sexual offense, in accordance with best
20 practices, while utilizing an evidentiary collection kit;

21 (2) Proper documentation, transmission, and storage of the examination evidence;

22 (3) Utilizing trauma-informed care to address the needs of victims;

23 (4) Utilizing telehealth technology while conducting a live examination; and

24 (5) Providing ongoing case consultation and serving as an expert witness in event of a trial.

25 The network shall, in the mentoring and educational training services provided, emphasize the importance of
26 obtaining a victim's informed consent to evidence collection, including issues involving minor consent, and
27 the scope and limitations of confidentiality regarding information gathered during the forensic examination.

28 5. The training offered may be made available both online or in person, including the use of video
29 conferencing technology to connect trained interdisciplinary experts with providers in a case-based learning
30 environment.

31 6. The network shall, through telehealth services available twenty-four hours a day, seven days a
32 week, by a SANE or another similarly trained appropriate medical provider, provide mentoring, consultation
33 services, guidance, and technical assistance to appropriate medical providers during and outside of a forensic
34 examination of a victim of a sexual offense. The network shall ensure that the system through which the
35 network provides telehealth services meets national standards for interoperability to connect to telehealth
36 systems.

37 7. The department may consult and enter into any necessary contracts with any other local, state, or
38 federal agency, institution of higher education, or private entity to carry out the provisions of this section,
39 including, but not limited to, a contract to:

40 (1) Develop, implement, maintain, or operate the network;

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(2) Train and provide technical assistance to appropriate medical providers on conducting forensic examinations of victims of sexual offenses and the use of telehealth services; and

(3) Provide consultation, guidance, or technical assistance to appropriate medical providers using telehealth services during a forensic examination of a victim of a sexual offense.

8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter 197 shall report to the department the following information for the previous year:

(1) The number of forensic examinations of victims of a sexual offense performed at the hospital;

(2) The number of forensic examinations of victims of a sexual offense requested to be performed by a victim of a sexual offense that the hospital did not perform and the reason why the examination was not performed;

(3) The number of evidentiary collection kits submitted to a law enforcement agency for testing; and

(4) 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.

The information reported under this subsection and subsection 9 of this section shall not include any personally identifiable information of any victim of a sexual offense or any appropriate medical provider performing a forensic examination of such victim.

9. Beginning January 1, 2022, and each year thereafter, the department shall make publicly available a report that shall include the information submitted under subsection 8 of this section. The report shall also include, in collaboration with the department of public safety, information about the number of evidentiary collection kits submitted by a person or entity outside of a hospital setting, as well as the number of appropriate medical providers utilizing the training and telehealth services provided by the network outside of a hospital setting.

10. (1) The funding for the network shall be subject to appropriations. In addition to appropriations from the general assembly, the department shall apply for available grants and shall be able to accept other gifts, grants, bequests, and donations to develop and maintain the network and the training offered by the network.

(2) There is hereby created in the state treasury the "Justice for Survivors Telehealth Network Fund", which shall consist of any gifts, grants, bequests, and donations accepted under this subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and money in the fund shall be used solely by the department for the purpose of developing and maintaining the network and the training offered by the network. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11. The department shall promulgate rules and regulations in order to implement the provisions of this section, including, but not limited to, the following:

(1) The operation of a statewide telehealth network for forensic examinations of victims of sexual offenses;

(2) The development of training for appropriate medical providers conducting a forensic examination of a victim of a sexual offense; and

(3) Maintenance of records and data privacy and security of patient information.

Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2020, shall be invalid and void."; and

Further amend said bill and page, Section 195.815, Line 28, by inserting after said section and line the following:

"197.135. 1. Beginning January 1, 2023, any hospital licensed under this chapter shall perform a forensic examination using an evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at least fourteen years of age. In the case of minor

1 consent, the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of age
2 shall be referred to a SAFE CARE provider, as such term is defined in section 334.950, for medical or
3 forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a hospital from
4 performing a forensic examination for a victim under fourteen years of age upon the request and consent of
5 the victim or victim's guardian, subject to the provisions of section 595.220 and the rules promulgated by the
6 department of public safety.

7 2. An appropriate medical provider, as such term is defined in section 595.220, shall perform the
8 forensic examination of a victim of a sexual offense. The hospital shall ensure that any provider performing
9 the examination has received training conducting such examinations that is, at a minimum, equivalent to the
10 training offered by the statewide telehealth network under subsection 4 of section 192.2520. If the provider is
11 not a sexual assault nurse examiner (SANE), or another similarly trained physician or nurse, then the hospital
12 shall utilize telehealth services during the examination, such as those provided by the statewide telehealth
13 network, to provide guidance and support through a SANE, or other similarly trained physician or nurse, who
14 may observe the live forensic examination and who shall communicate with and support the onsite provider
15 with the examination, forensic evidence collection, and proper transmission and storage of the examination
16 evidence.

17 3. The department of health and senior services may issue a waiver of the telehealth requirements of
18 subsection 2 of this section if the hospital demonstrates to the department, in writing, a technological
19 hardship in accessing telehealth services or a lack of access to adequate broadband services sufficient to
20 access telehealth services. Such waivers shall be granted sparingly and for no more than a year in length at a
21 time, with the opportunity for renewal at the department's discretion.

22 4. The department shall waive the requirements of this section if the statewide telehealth network
23 established under section 192.2520 ceases operation, the director of the department of health and senior
24 services has provided written notice to hospitals licensed under this chapter that the network has ceased
25 operation, and the hospital cannot, in good faith, comply with the requirements of this section without
26 assistance or resources of the statewide telehealth network. Such waiver shall remain in effect until such time
27 as the statewide telehealth network resumes operation or until the hospital is able to demonstrate compliance
28 with the provisions of this section without the assistance or resources of the statewide telehealth network.

29 5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable costs of the
30 examinations and the provision of the evidentiary collection kits."; and
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32 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.