

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Bill No. 26, Page 2,
2 Section 84.400, Line 14, 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
5 "Justice for 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
13 telehealth network for forensic examinations of victims of sexual offenses in order to provide access
14 to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers.
15 A statewide coordinator for the telehealth network shall be selected by the director of the
16 department of health and senior services and shall have oversight responsibilities and provide
17 support for the training programs offered by the network, as well as the implementation and
18 operation of the network. The statewide coordinator shall regularly consult with Missouri-based
19 stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the
20 training programs offered by the network, as well as the implementation and operation of the
21 network.

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

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

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

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

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

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

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

33 5. The training offered ~~[may]~~ shall be made available ~~[both]~~ online ~~[or in person]~~, including
34 the use of video conferencing technology to connect trained interdisciplinary experts with providers
35 in a case-based learning environment, and may also be made available in-person.

36 6. The network shall, through telehealth services available twenty-four hours a day, seven

Action Taken _____ Date _____

1 days a week, by a SANE or another similarly trained appropriate medical provider, provide
 2 mentoring, consultation services, guidance, and technical assistance to appropriate medical
 3 providers during and outside of a forensic examination of a victim of a sexual offense. The network
 4 shall ensure that the system through which the network provides telehealth services meets national
 5 standards for interoperability to connect to telehealth systems.

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

- 9 (1) Develop, implement, maintain, or operate the network;
- 10 (2) Train and provide technical assistance to appropriate medical providers on conducting
 11 forensic examinations of victims of sexual offenses and the use of telehealth services; and
- 12 (3) Provide consultation, guidance, or technical assistance to appropriate medical providers
 13 using telehealth services during a forensic examination of a victim of a sexual offense.

14 8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter
 15 197 shall report to the department the following information for the previous year:

- 16 (1) The number of forensic examinations of victims of a sexual offense performed at the
 17 hospital;
- 18 (2) The number of forensic examinations of victims of a sexual offense requested to be
 19 performed by a victim of a sexual offense that the hospital did not perform and the reason why the
 20 examination was not performed;
- 21 (3) The number of evidentiary collection kits submitted to a law enforcement agency for
 22 testing; and
- 23 (4) After July 1, 2022, the number of appropriate medical providers employed at or
 24 contracted with the hospital who utilized the training and telehealth services provided by the
 25 network.

26
 27 The information reported under this subsection and subsection 9 of this section shall not include any
 28 personally identifiable information of any victim of a sexual offense or any appropriate medical
 29 provider performing a forensic examination of such victim.

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

36 10. (1) The funding for the network shall be subject to appropriations. In addition to
 37 appropriations from the general assembly, the department shall apply for available grants and shall
 38 be able to accept other gifts, grants, bequests, and donations to develop and maintain the network
 39 and the training offered by the network.

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

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

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

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

5 (3) Maintenance of records and data privacy and security of patient information.
6

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

14 197.135. 1. Beginning January 1, 2023, or no later than six months after the establishment
15 of the statewide telehealth network under section 192.2520, whichever is later, any hospital licensed
16 under this chapter shall perform a forensic examination using an evidentiary collection kit upon the
17 request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at
18 least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section
19 595.220 shall apply. Victims under fourteen years of age shall be referred, and victims fourteen
20 years of age or older but less than eighteen years of age may be referred, to a SAFE CARE provider,
21 as such term is defined in section 334.950, for medical or forensic evaluation and case review.
22 Nothing in this section shall be interpreted to preclude a hospital from performing a forensic
23 examination for a victim under fourteen years of age upon the request and consent of the victim or
24 victim's guardian, subject to the provisions of section 595.220 and the rules promulgated by the
25 department of public safety.

26 2. (1) An appropriate medical provider, as such term is defined in section 595.220, shall
27 perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any
28 provider performing the examination has received training conducting such examinations that is, at
29 a minimum, equivalent to the training offered by the statewide telehealth network under subsection
30 4 of section 192.2520. Nothing in this section shall require providers to utilize the training offered
31 by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to
32 the training offered by the statewide telehealth network.

33 (2) If the provider is not a sexual assault nurse examiner (SANE), or another similarly
34 trained physician or nurse, then the hospital shall utilize telehealth services during the examination,
35 such as those provided by the statewide telehealth network, to provide guidance and support through
36 a SANE, or other similarly trained physician or nurse, who may observe the live forensic
37 examination and who shall communicate with and support the onsite provider with the examination,
38 forensic evidence collection, and proper transmission and storage of the examination evidence.

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

45 4. The department shall waive the requirements of this section if the statewide telehealth
46 network established under section 192.2520 ceases operation, the director of the department of
47 health and senior services has provided written notice to hospitals licensed under this chapter that
48 the network has ceased operation, and the hospital cannot, in good faith, comply with the
49 requirements of this section without assistance or resources of the statewide telehealth network.

1 Such waiver shall remain in effect until such time as the statewide telehealth network resumes
2 operation or until the hospital is able to demonstrate compliance with the provisions of this section
3 without the assistance or resources of the statewide telehealth network.

4 5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable
5 costs of the examinations and the provision of the evidentiary collection kits.

6 6. No individual hospital shall be required to comply with the provisions of this section and
7 section 192.2520 unless and until the department provides such hospital with access to the statewide
8 telehealth network for the purposes of mentoring and training services required under section
9 192.2520 without charge to the hospital."; and

10
11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.