

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Committee Substitute for Senate Substitute No. 2
2 for Senate Bill No. 862, Page 2, Lines 14-19, by deleting said lines and inserting in lieu thereof the
3 following:

4
5 "authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void."; and";
6 and

7
8 Further amend said amendment and page, Line 24, by deleting said line and inserting in lieu thereof
9 the following:

10
11 ""197.135. 1. Beginning January 1, 2023, or no later than six months after the establishment
12 of the statewide telehealth network under section 192.2520, whichever is later, any hospital licensed
13 under this chapter shall perform a forensic examination using an evidentiary collection kit upon the
14 request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at
15 least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section
16 595.220 shall apply. Victims under fourteen years of age shall be referred, and victims fourteen
17 years of age or older but less than eighteen years of age may be referred, to a SAFE CARE provider,
18 as such term is defined in section 334.950, for medical or forensic evaluation and case review.
19 Nothing in this section shall be interpreted to preclude a hospital from performing a forensic
20 examination for a victim under fourteen years of age upon the request and consent of the victim or
21 victim's guardian, subject to the provisions of section 595.220 and the rules promulgated by the
22 department of public safety.

23 2. (1) An appropriate medical provider, as such term is defined in section 595.220, shall
24 perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any
25 provider performing the examination has received training conducting such examinations that is, at
26 a minimum, equivalent to the training offered by the statewide telehealth network under subsection
27 4 of section 192.2520. Nothing in this section shall require providers to utilize the training offered
28 by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to
29 the training offered by the statewide telehealth network.

Action Taken _____ Date _____

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

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

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

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

23 6. No individual hospital shall be required to comply with the provisions of this section and
24 section 192.2520 unless and until the department provides such hospital with access to the statewide
25 telehealth network for the purposes of mentoring and training services required under section
26 192.2520 without charge to the hospital.

27 7. A specialty hospital shall be considered exempt from the provisions of this section and
28 section 192.2520 if such hospital has a policy for the transfer of a victim of a sexual offense to an
29 appropriate hospital with an emergency department. As used in this section, "specialty hospital"
30 shall mean a hospital licensed under this chapter and designated by the department as something
31 other than a general acute care hospital.

32 210.030. 1. Every licensed physician, midwife, registered nurse and all persons who may";
33 and

34
35 Further amend said bill by amending the title, enacting clause, and intersectional references
36 accordingly.

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38 THIS AMENDMENT AMENDS 2844H09.23H.