

SENATE No. 1227

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the sexual assault nurse examiner program.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

SENATE No. 1227

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1227) of Cynthia Stone Creem for legislation to enhance sexual assault evidence kit collection. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1174 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to the sexual assault nurse examiner program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Section 2VVVV of chapter 29 of the General Laws, as appearing in section
2 41 of chapter 133 of the Acts of 2016, is hereby amended by inserting, after the words “local
3 governmental entities” the following language:- “and fees, fees-for-service reimbursements, or
4 other assessments collected by the Massachusetts SANE program” and by inserting at the end
5 thereof the following language: “Nothing in this section should be interpreted to supplant the
6 commonwealth’s obligation to support forensic evidence collection.”

7 SECTION 2: Section 220 of chapter 111 of the General Laws, as so appearing, is hereby
8 amended by inserting the following new definitions:-

9 “Acute care hospital” shall mean a hospital subject to licensing pursuant to sections 51
10 through 53, inclusive, of chapter 111, but shall not include the following:

- 11 (1) Psychiatric Hospitals as defined in 42 CFR 412.23(a);
- 12 (2) Rehabilitation Hospitals as defined in 42 CFR 412.23(b);
- 13 (3) Alcohol/Drug Hospitals as defined in 42 CFR 412.23(c); and
- 14 (4) Chronic Care Hospitals.

15 “Program Protocols”, the most current program protocols prepared by the Massachusetts
16 Sexual Assault Nurse Examiner program for the treatment and examination of both pediatric and
17 adult sexual assault victims.

18 “SANE designated site,” a site designed by the department to have Massachusetts SANE
19 nurses contracted or otherwise employed by the department to respond directly to victims of
20 sexual assault at said designated site.

21 SECTION 3: Said section 220 is hereby amended by inserting, after the words “site
22 designation.” in line 48 the following words:-“The department shall examine the regional needs
23 of the commonwealth for sexual assault nurse examiner services and for sexual assault
24 counselors trained as medical advocates and expand sexual assault nurse examiner services into
25 underserved regions. The department shall also ensure, subject to appropriation, that adequate
26 numbers of sexual assault nurse examiners are made available in all regions of the
27 Commonwealth to meet the needs of victims.”

28 SECTION 4: Said section 220 is hereby amended by inserting, at the end thereof, the
29 following new subsections:-

30 (i) Acute care hospitals shall make program protocols available electronically to sexual
31 assault nurse examiners and all other nurses and physicians collecting evidence for inclusion in a
32 sexual assault evidence collection kit or toxicology kit.

33 (j) In consultation with the advisory board, the department shall promulgate regulations
34 requiring all teaching hospitals and academic medical centers, as defined by the center for health
35 information and analysis hospital cohorts, to be SANE designated sites.

36 (k) In consultation with the advisory board, the department shall promulgate regulations
37 requiring appropriate emergency department personnel, as defined by the department, at all acute
38 care hospitals that treat sexual assault victims, but are not SANE designated sites, to receive, at a
39 minimum, bi-annual training by the department in the program protocols.

40 (l) In consultation with the advisory board, the department shall amend all applicable
41 contracts or memoranda of agreement to require appropriate emergency department personnel, as
42 defined by the department, at all SANE designated sites to receive, at a minimum, bi-annual
43 training by the department in the program protocols.

44 (m) In consultation with the advisory board, the department shall establish a fee structure
45 relative to SANE site designation and SANE operated training programs. Fees shall be payable
46 to the Sexual Assault Nurse Examiner Trust Fund established in section 2VVVV of chapter 29,
47 as appearing in section 41 of chapter 133 of the Acts of 2016 . Nothing in this section should be
48 interpreted to supplant the commonwealth's obligation to support forensic evidence collection.

49 (n) The department shall publicly report on hospital training and designation compliance
50 rates pursuant to this section.