

**Title 19 – DEPARTMENT OF HEALTH AND SENIOR SERVICES
Division 40 – Division of Maternal, Child and Family Health**

Chapter 10 – Forensic Examinations for Sexual Assault

PROPOSED RULE

19 CSR 40-10.020 Sexual Assault Forensic Exams with Telehealth Statewide Network (SAFEvT Network).

PURPOSE: This proposed rule establishes the criteria and procedures for hospitals implementing provisions of the statewide telehealth network for forensic examinations of victims of sexual offenses.

(1) The following definitions shall apply throughout this rule:

(A) “Appropriate Medical Provider” means any licensed nurse (RN or higher), physician, or physician assistant, and any institution employing licensed nurses, physicians, or physician assistants, provided that such licensed professionals are the only persons at such institution to perform tasks under the provisions of this section, as such term is defined in section 595.220 RSMo.

(B) “Consulting SANE” or “(cSANE)” means the Sexual Assault Nurse Examiner (SANE) who is the consulting expert during the Sexual Assault Forensic Exam via Telehealth (SAFEvT).

(C) “Debrief” means a conversation between the cSANE and satellite site staff conducted immediately following the Sexual Assault Forensic Exam (SAFE), during which successes, opportunities, and questions are discussed.

(D) “Department” means the Missouri Department of Health and Senior Services.

(E) “Hospital” means any hospital licensed under Chapter 197.

(F) “Hub site” means a facility with an established Sexual assault Forensic Exam (SAFE) program, contracted by the Department to provide cSANE services with the SAFEvT Network. The hub site is responsible for overseeing the SAFEvTs for their designated satellite sites.

(G) “Ongoing education and performance of SAFEs” means that at a minimum the SANE or similarly trained provider meets one of the following criteria:

1. Performs a minimum of one (1) SAFE every three (3) months, for a total of no less than four (4) SAFEs per calendar year;
2. Performs a minimum of two (2) SAFEs mentored by a SANE per calendar year no further than three (3) months apart;
3. Completes at least ten (10) hours of continuing education units directly related to SAFEs; or
4. Completes a SAFE course within the last calendar year.

RECEIVED

By Administrative Rules at 11:19 am, Dec 27, 2024

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By JCAR at 11:12 am, Dec 27, 2024

Nothing in this section shall require SANEs or providers to utilize training offered by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to the training offered by the statewide telehealth network.

(H) “Pre-brief” means a conversation between the cSANE and satellite site staff (nurse, prescriber, and advocate as available) conducted prior to the Sexual Assault Forensic Exam (SAFE), during which roles and expectations are clearly defined for each team member.

(I) “Satellite site” means a hospital without twenty-four hour a day, seven days a week (24/7) SANE coverage that will utilize the Department’s SAFEvT Network by having an appropriate medical provider conduct aSAFEvT.

(J) “Sexual Assault Forensic Exam” or “(SAFE)” means a forensic exam as set forth in 595.220.8(7).

(K) “Sexual Assault Forensic Exam via Telehealth” or “(SAFEvT)” means a Sexual Assault Forensic Exam (SAFE) performed under the guidance of a consulting Sexual Assault Nurse Examiner (cSANE) utilizing telemedicine.

(L) “SAFEvT Network” means the Sexual assault Forensic Exam via Telehealth (SAFEvT) Network established by the Department to provide expert consultation services from cSANEs or another similarly trained providers during SAFEvTs using a hub and satellite model.

(M) “Sexual Assault Nurse Examiner” or “(SANE)” means a nurse who has received specialized training (forty-one (41) hours of didactic and twenty-four (24) hours of practical) in the examination of a Survivor and the collection of forensic evidence and maintaining competence through ongoing education and performance of SAFEs.

(N) “Similarly trained” provider means an appropriate medical provider who has received specialized training (forty-one (41) hours of didactic and twenty-four (24) hours of practical) in the examination of a Survivor and the collection of forensic evidence and maintaining competence through ongoing education and performance of SAFEs.

(O) “Survivor” means a victim of a sexual offense, meaning the same as defined in 595.201 RSMo.

(2) Hospitals in Missouri

(A) Each hospital shall report to the Department by October 1 of each year on the prior calendar year’s data by email to SAFEvT@heath.mo.gov unless the Department provides instruction otherwise. Data shall include:

1. The number of SAFEs performed at the hospital;
2. The number of SAFEs requested to be performed by a Survivor that the hospital did not perform and the reason why the examination was not performed. In a case where the Survivor requested a hospital to perform a SAFE, and the hospital did not perform the examination, the

hospital may only use the following options as reasons why the hospital did not perform the exam:

- A. The Survivor chose to transfer to a facility offering on-site SANE services;
 - B. The Survivor chose to leave without an exam after their initial presentation;
 - C. The Survivor was unable to provide informed consent/assent at the time of presentation and the hospital transferred the survivor to another facility due to a medical condition requiring a higher level of care;
 - D. There was a failure of the SAFEvT Network (requires a description of the failure); or
 - E. Unforeseen circumstances outside of the control of the provider (requires a description of the circumstance).
3. The number of evidentiary collection kits submitted to a law enforcement agency for testing; and
 4. The number of appropriate medical providers employed at or contracted with the hospital who utilized the training and telehealth services provided by the SAFEvT Network.
 5. The information reported shall not include any personally identifiable information of any Survivor or any appropriate medical provider performing a SAFE of such Survivor.

(B) Each hospital shall keep a log of SAFEs supporting reporting numbers for at least five (5) years after the hospital collects the evidence or five (5) years after the survivor turns eighteen (18), whichever is longer.

(C) Each hospital shall keep all sexual assault forensic exam records secured and separate from medical records to ensure confidentiality in accordance with all state and federal laws.

(D) Each hospital shall send any concerns or complaints regarding the SAFEvT Network to SAFEvT@health.mo.gov.

(E) Each hospital unable to conduct SAFEs using SANEs or similarly trained providers in person and unable to conduct SAFEvTs with or without the SAFEvT Network due to technological hardship shall request a waiver from the Department.

1. Technological hardships include:

- A. Inadequate broadband internet;
- B. Cyber security attacks; or
- C. Unforeseen circumstances outside of the control of the provider with a description as to what the circumstance is.

2. Request for a waiver shall be submitted by the hospital by email to SAFEvT@health.mo.gov or by letter to

Missouri Department of Health and Senior Services

Attn: SAFEvT

930 Wildwood Dr.

PO Box 570

Jefferson City, MO 65102-0570

3. Each waiver request shall include:

- A. Length of time the hospital expects it will not be able to provide SAFEs or SAFEvTs;
- B. Documentation of technological hardship, including network speeds, if applicable; and
- C. Contact person for the hospital.

4. Each hospital may only request a waiver for up to one (1) year at a time.
5. Each hospital needing a waiver longer than one (1) year shall submit a new written request each calendar year.

(F) Each hospital not utilizing the SAFEvT Network shall maintain training records for their staff members (SANEs or similarly trained providers) performing SAFEs for no less than 5 years. These records shall be made available to the Department upon request.

(3) Satellite Site Hospitals in Missouri

(A) Each satellite site utilizing the SAFEvT Network for the provision of SAFEvTs shall ensure appropriate medical providers have received training on conducting the exams prior to performing the SAFEvTs.

(B) Each satellite site shall utilize Department-sponsored training or offer equivalent training.

(C) Each satellite site using an equivalent training to those provided by the Department shall:

1. Submit training outlines and materials to SAFEvT@health.mo.gov at least thirty (30) days prior to offering the training and receive Department approval prior to offering the training;
2. Maintain training records that include:
 - A. Participant names;
 - B. Training dates; and
 - C. Evaluation of participants certifying proficiency in course content; and
3. Ensure the training content includes the following:
 - A. How to utilize telehealth technology while conducting a live examination;
 - B. Obtaining necessary, informed consent;
 - C. Collecting history of assault;
 - D. Conducting a forensic examination;
 - E. Trauma and trauma-informed care to address the needs of the survivors, including speculum examinations;
 - F. Evidence collection, equipment, and supplies;
 - G. Documentation of SAFEs;
 - H. SAFE care, including biologic and photographic evidence collection;
 - I. Transmission and storage of forensic examination evidence;
 - J. Safety and discharge planning;
 - K. On going case consultation and serving and testifying as an expert witness basics; and
 - L. Self-care for those providing SAFE.

(D) When providing a SAFEvT, satellite site hospital staff shall participate in:

1. Pre-brief before the exam occurs;
2. SAFEvT exam, including supporting the hub sites with consents, and
3. Debrief after the exam occurs with a hub site.

(E) Satellite Sites shall work with their assigned hub site to secure telehealth equipment and medical equipment and supplies necessary to conduct SAFEvT exams.

(D) Each satellite site shall participate in any statewide telehealth program reviews or compliance monitoring deemed necessary by the Department.

(4) Hub Site Hospitals in Missouri

(A) Each hub site hospital contracted with the State of Missouri supporting satellite site hospitals using the SAFEvT Network for the provision of sexual assault forensic exams shall ensure cSANEs or similarly trained providers have received training on conducting the SAFEvT exams and health information privacy and portability act (HIPPA) compliance prior to performing the exam.

(B) Each hub site shall support assigned satellite sites in conducting a SAFEvT for Survivors, including the following:

1. Pre-brief with satellite site staff;
2. Obtaining consent from the Survivor before assisting the appropriate medical provider in conducting the SAFEvT;
3. Debrief with satellite site staff; and
4. Storing medical forensic files for all Survivors receiving a SAFEvT at a satellite site hospital.

(C) Each hub site provides assigned satellite site hospitals with telehealth equipment to conduct the exams, pending appropriation. The Department provides equipment to hub sites to distribute to assigned satellite sites pending appropriations. In the event that appropriations are not available, existing equipment will not be replaced after it has reached the end of its useful life and the program will cease to exist.

(D) Each hub site shall participate in any statewide telehealth program reviews or compliance monitoring deemed necessary by the Department.

(5) The Department

(A) The Department shall provide education in the form of online training for appropriate medical providers.

(B) The Department may initiate a review and monitor compliance with the provisions set forth in this rule at any time.

(C) The Department may supply technological equipment necessary to complete the SAFEvT exam, pending appropriation and at the discretion of the Department.

AUTHORITY: Section 192.2520 and 197.135 RSMo 2021. Original rule filed [date].

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions twenty nine thousand six hundred fifty-nine dollars (\$29,659) in the first year and twenty-five thousand nine hundred and five dollars (\$25,905) every following year.

PRIVATE COST: This proposed rule will cost private entities between one hundred eighty-seven thousand dollars (\$187,000) and two hundred twenty seven thousand eight hundred dollars (\$227,800) annually.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Health and Senior Services, Attn: Office on Women's Health, SAFEvT Network, PO Box 570, Jefferson City, MO 65102, or via email to SAFEvT@health.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*