

**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 in the Hospital Setting**

*PURPOSE: This proposed rule establishes the criteria and procedures for the care of victims of sexual offenses in Missouri hospitals as outlined in 192.2520 and 197.135*

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

(A) “Appropriate Medical Provider” means any licensed nurse, 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 rule. Nothing in this rule shall be interpreted to authorize any licensed nurse to act outside of their scope of practice.

(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 that is contracted with the Department to provide cSANE services within the SAFEvT Network. The hub site is responsible for overseeing the cSANE competency and 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 two (2) SAFEs every calendar year and completes at least four (4) hours of continuing education units directly related to SAFEs per calendar year;
2. Performs a minimum of two (2) SAFEs every calendar year and completes a SAFE course within the last calendar year;
3. Performs a minimum of one (1) SAFE mentored by a SANE per calendar year and completes at least four (4) hours of continuing education units directly related to SAFEs per calendar year;
4. Performs a minimum of one (1) SAFE mentored by a SANE per calendar year and completes

a SAFE course within the last calendar year; or

5. Adheres to documented continuing education standards set forth by their SAFE program.

(H) “Pre-brief” means a conversation between the cSANE and a satellite site staff conducted prior to the 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-day-a-week (24/7) SANE coverage that will utilize the Department’s SAFEvT Network by having an appropriate medical provider conduct a SAFEvT.

(J) “Sexual Assault Forensic Exam” or “(SAFE)” means an ongoing complex patient assessment performed by an appropriate medical provider on a victim of an alleged sexual offense to gather evidence for the evidentiary collection kit.

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

(L) “SAFEvT Network” means the network established by the Department to provide expert consultation services from cSANEs or another similarly trained provider during SAFEvTs using a hub and satellite model.

(M) “Sexual Assault Nurse Examiner” or “(SANE)” means a licensed registered nurse who has received specialized training in the examination of a patient, the collection of forensic evidence, and maintains competence through ongoing education and performance of SAFEs.

(N) “Similarly trained provider” means any appropriate medical provider who has received similar training to a SANE, including specialized training in the examination of a patient, the collection of forensic evidence, and maintains competence through ongoing education and performance of SAFEs. Nothing in this rule shall be interpreted to authorize any licensed nurse to act outside of their scope of practice.

(O) “Specialty Hospital” means a hospital designated by the department as something other than a general acute care hospital that applies to and is approved by the department to be designated as a specialty hospital. For the purposes of this rule, examples of specialty hospitals may include Children’s Hospitals, Psychiatric Hospitals, Long-Term Acute Care Hospitals, Rehabilitation Hospitals, and similarly situated hospitals.

(2) Hospitals are not required to utilize the SAFEvT Network, but hospitals are required to abide by the following:

(A) Each hospital in Missouri shall provide SAFEs upon request, either through the use of on-site (in-person) SANEs or similarly trained providers, or through consulting SANEs. SANEs or similarly trained providers shall answer calls requesting an exam within fifteen (15) minutes and be present to start the exam within two (2) hours of the patient requesting the exam and the patient being deemed medically cleared.

1. If the on-duty SANE or similarly trained provider or SAFEvT Network is engaged in a SAFE

when another SAFE is requested, the exam may be delayed until the SANE or SAFEvT Network becomes available.

2. If the on-duty SANE or similarly trained provider is engaged in stabilizing care of a critical patient when a SAFE is requested, they may complete the stabilization of that patient before responding for the SAFE.

3. If an exam is not anticipated to be started within two (2) hours of the request for a SAFE and the patient being medically cleared, then the patient shall be offered the option of waiting or transferring to a facility with the ability to begin the SAFE upon transfer.

(B) Each hospital shall report to the Department by email to [SAFEvT@health.mo.gov](mailto:SAFEvT@health.mo.gov), unless the Department provides other instructions, by October 1 of each year on the prior calendar year's data. The data reported shall not include any personally identifiable information of any patient or any appropriate medical provider performing a SAFE, but shall include:

1. The number of SAFEs performed on individuals 14 years and older at the hospital;  
2. The number of SAFEs requested for individuals 14 years and older, to be performed by a patient that the hospital did not perform and the reason why the examination was not performed. In a case where the patient 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 patient chose to transfer to a facility offering on-site SANE services;

B. The patient chose to leave without an exam after their initial presentation;

C. The patient was transferred to another facility due to a medical condition requiring a higher level of care; or

D. Unforeseen circumstances outside of the control of the facility (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.

(C) Each hospital shall keep a log that tracks the number of SAFEs for at least five (5) years after the hospital collects the evidence.

(D) Each hospital shall maintain the complete medical forensic record of the sexual assault visit separately from the patient's medical record to limit disclosure of unrelated information and to preserve confidentiality. Alternatively, the record may be stored with an additional layer of protection within the patient's existing medical record.

(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. Request for a waiver shall be submitted by the hospital by email to [SAFEvT@health.mo.gov](mailto:SAFEvT@health.mo.gov) or by certified mail to

Missouri Department of Health and Senior Services

Attn: SAFEvT

PO Box 570

Jefferson City, MO 65102-0570

2. Each request for a waiver shall include:

A. The type of technological hardship:

1) Inadequate broadband internet;

2) Cybersecurity attack; or

3) Unforeseen circumstances outside of the control of the hospital, with a description of what the circumstance is.

B. Documentation of technological hardship, including network speeds, if applicable;

C. Length of time the hospital expects it will not be able to provide SAFEs or SAFEvTs; and

D. Contact person for the hospital.

3. Each hospital may only request a waiver for up to one (1) year at a time.

4. Each hospital needing a waiver longer than one (1) year shall submit a new written request each calendar year.

(F) Each hospital wishing to be exempt from the requirements of this rule due to specialty hospital designation, RSMo, shall e-mail [SAFEvT@health.mo.gov](mailto:SAFEvT@health.mo.gov).

1. The Department will verify if the hospital is a specialty hospital and, if so, if the specialty hospital meets the requirements in section 197.135, RSMo.

2. If the specialty hospital does meet the requirements in section 197.135, RSMo, the Department will provide written documentation of the specialty hospital's designation and exemption from this rule.

3. The specialty hospital shall maintain a copy of the Department-provided written documentation indicating its designation and exemption.

4. The specialty hospital shall reapply every five (5) years to be exempt from the requirements of this rule.

(G) Each hospital shall send any concerns or complaints regarding the SAFEvT Network to [SAFEvT@health.mo.gov](mailto:SAFEvT@health.mo.gov).

(H) Each hospital shall maintain training records for its SANEs or similarly trained providers performing SAFEs for no less than five (5) years. These records shall be made available to the Department upon request.

### (3) Satellite Site Hospitals

(A) Each satellite site utilizing the SAFEvT Network to provide SAFEvTs shall ensure appropriate medical providers have received training on conducting the SAFEs and Health Insurance Portability and Accountability Act (HIPAA) compliance 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 that provided by the Department shall:

1. Receive approval from the Department before offering an equivalent training.

A. Satellite sites shall submit training outlines and materials to [SAFEvT@health.mo.gov](mailto:SAFEvT@health.mo.gov) at least sixty (60) days prior to offering the training.

- B. Satellite sites shall ensure the training content includes the following:
- (I). How to utilize telehealth technology while conducting a live examination;
  - (II) Obtaining necessary, informed consent;
  - (III) Collecting history of assault;
  - (IV) Conducting a forensic examination;
  - (V) Trauma and trauma-informed care to address the needs of the patients, including speculum examinations;
  - (VI) Evidence collection, equipment, and supplies;
  - (VII) Proper documentation of SAFEs;
  - (VIII) SAFE care, including biologic and photographic evidence collection;
  - (IX) Transmission and storage of forensic examination evidence;
  - (X) Safety and discharge planning;
  - (XI) Ongoing case consultation and serving and testifying as an expert witness basics; and
  - (XII) Self-care for those providing SAFE.

C. The Department will provide notice of the approval or required revisions prior to the proposed training date.

2. Maintain training records that include:

- A. Participant names, license type and license numbers;
- B. Facilitator/trainer name and contact information;
- C. Training dates; and
- D. Evaluation of participants certifying proficiency in course content.

(D) When providing a SAFE via the SAFEvT Network, satellite site hospital staff shall:

- 1. Participate in a pre-brief before the exam occurs;
- 2. Participate in the SAFEvT exam, including supporting the hub sites with obtaining consent from the patient before the appropriate medical provider conducts the SAFE; and
- 3. Participate in a debrief after the exam occurs with a hub site,
- 4. Store medical documentation collected by the appropriate medical providers for all patients receiving a SAFEvT at a satellite site hospital.
- 5. Store evidence collected by the appropriate medical providers for all patients receiving a SAFEvT at a satellite site hospital, until released to law enforcement or transferred to the state's central repository for unreported evidentiary collection kits.

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

(F) Each satellite site shall participate in any statewide telehealth program reviews or compliance monitoring deemed necessary by the Department. Information pertaining to scheduled reviews will be communicated through the hub sites.

(4) Hub Site Hospitals

(A) Each hub site hospital contracted with the Department for supporting satellite site hospitals

using the SAFEvT Network for the provision of SAFEs shall ensure cSANEs or similarly trained providers have received training on conducting SAFEvT exams and Health Information Portability and Accountability Act (HIPAA) compliance prior to performing the exam.

(B) When providing a SAFE via the SAFEvT, the hub site shall:

1. Participate in a pre-brief with satellite site staff;
2. Participate in obtaining consent from the patient before assisting the appropriate medical provider in conducting the SAFE;
3. Participate in a debrief with satellite site staff; and
4. Store medical documentation completed by the cSANE for all patients receiving a SAFEvT at a satellite site hospital.

(C) Each hub site shall provide its contractually assigned satellite site hospitals with telehealth equipment to conduct the exams, pending appropriation.

1. The Department provides equipment to hub sites to distribute to their contractually assigned satellite sites, pending appropriations.
2. 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 offer in-person training opportunities at its discretion.

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

(D) 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 eighty-one thousand four hundred sixty-nine dollars (\$81,469 in aggregate) for the first three years and twenty-five thousand nine hundred five dollars (\$25,905) every following year.*

*PRIVATE COST: This proposed rule will cost private entities between sixty-three thousand nine hundred twenty dollars (\$63,920) and one hundred eighty-seven thousand dollars (\$187,000) 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.*