



General Assembly

January Session, 2011

Raised Bill No. 6443

LCO No. 3818

03818 _____ PH_

Referred to Committee on Public Health

Introduced by:
(PH)

AN ACT CONCERNING HEALTH CARE SERVICES PROVIDED TO VICTIMS OF SEXUAL ASSAULT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-112a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) There is created a Commission on the Standardization of the
4 Collection of Evidence in Sexual Assault Investigations composed of
5 fourteen members as follows: The Chief State's Attorney or a designee;
6 the executive director of the Permanent Commission on the Status of
7 Women or a designee; the Commissioner of Children and Families or a
8 designee; one member from the Division of State Police and one
9 member from the Division of Scientific Services appointed by the
10 Commissioner of Public Safety; one member from Connecticut Sexual
11 Assault Crisis Services, Inc. appointed by its board of directors; one
12 member from the Connecticut Hospital Association appointed by the
13 president of the association; one emergency physician appointed by
14 the president of the Connecticut College of Emergency Physicians; one
15 obstetrician-gynecologist and one pediatrician appointed by the
16 president of the Connecticut State Medical Society; one nurse

17 appointed by the president of the Connecticut Nurses' Association; one
18 emergency nurse appointed by the president of the Emergency Nurses'
19 Association of Connecticut; and one police chief appointed by the
20 president of the Connecticut Police Chiefs Association. The Chief
21 State's Attorney or a designee shall be chairman of the commission.
22 The commission shall be within the Division of Criminal Justice for
23 administrative purposes only.

24 (b) (1) For the purposes of this section, "protocol" means the state of
25 Connecticut Technical Guidelines for Health Care Response to Victims
26 of Sexual Assault, including the Interim Sexual Assault Toxicology
27 Screen Protocol, as revised from time to time and as incorporated in
28 regulations adopted in accordance with subdivision (2) of this
29 subsection, pertaining to the collection of evidence in any sexual
30 assault investigation.

31 (2) The commission shall recommend the protocol to the Chief
32 State's Attorney for adoption as regulations in accordance with the
33 provisions of chapter 54. Such protocol shall include nonoccupational
34 post-exposure prophylaxis for human immunodeficiency virus (nPEP),
35 as recommended by the National Centers for Disease Control. The
36 commission shall annually review the protocol and may annually
37 recommend changes to the protocol for adoption as regulations.

38 (c) The commission shall design a sexual assault evidence collection
39 kit and may annually recommend changes in the kit to the Chief State's
40 Attorney. Each kit shall include instructions on the proper use of the
41 kit, standardized reporting forms, standardized tests which shall be
42 performed if the victim so consents and standardized receptacles for
43 the collection and preservation of evidence. The commission shall
44 provide the kits to all health care facilities in the state at which
45 evidence collection examinations are performed at no cost to such
46 health care facilities.

47 (d) Each health care facility in the state which provides for the
48 collection of sexual assault evidence shall follow the protocol as

49 described in subsection (b) of this section and, with the consent of the
50 victim, shall collect sexual assault evidence. Upon determining a
51 victim's eligibility for nonoccupational post-exposure prophylaxis for
52 human immunodeficiency virus (nPEP), a sexual assault forensic
53 examiner, as defined in section 19a-112g, shall provide the victim with
54 a card that the victim shall present to a pharmacist when obtaining the
55 nPEP. The card shall guarantee payment to the pharmacist for the
56 nPEP by the Office of Victim Services from the Criminal Injuries
57 Compensation Fund established under section 54-215. The health care
58 facility shall contact a police department which shall transfer evidence
59 collected pursuant to subsection (b) of this section, in a manner that
60 maintains the integrity of the evidence, to the Division of Scientific
61 Services within the Department of Public Safety or the Federal Bureau
62 of Investigation laboratory. The agency that receives such evidence
63 shall hold that evidence for sixty days after such collection, except that,
64 if the victim reports the sexual assault to the police, the evidence shall
65 be analyzed upon request of the police department that transferred the
66 evidence to such agency and held by the agency or police department
67 until the conclusion of any criminal proceedings.

68 (e) (1) No costs incurred by a health care facility for the examination
69 of a victim of sexual assault, when such examination is performed for
70 the purpose of gathering evidence as prescribed in the protocol,
71 including the costs of testing for pregnancy and sexually transmitted
72 diseases and the costs of prophylactic treatment as provided in the
73 protocol, shall be charged directly or indirectly to such victim. Any
74 such costs shall be charged to the Office of Victim Services within the
75 Judicial Department.

76 (2) No costs incurred by a health care facility for any toxicology
77 screening of a victim of sexual assault, when such screening is
78 performed as prescribed in the protocol, shall be charged directly or
79 indirectly to such victim. Any such costs shall be charged to the
80 Division of Scientific Services within the Department of Public Safety.

81 (f) The commission shall advise the Chief State's Attorney on the
82 establishment of a mandatory training program for health care facility
83 staff regarding the implementation of the regulations, the use of the
84 evidence collection kit and procedures for handling evidence.

85 (g) The commission shall advise the Chief State's Attorney not later
86 than July 1, 1997, on the development of a sexual assault examiner
87 program and annually thereafter on the implementation and
88 effectiveness of such program.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011</i>	19a-112a

Statement of Purpose:

To ensure that victims of sexual assault are provided nonoccupational post-exposure prophylaxis for human immunodeficiency virus (nPEP), when prescribed by a sexual assault forensic examiner.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]