



**Substitute Senate Bill No. 796**

**Public Act No. 19-114**

**AN ACT CONCERNING SEXUAL ASSAULT FORENSIC EXAMINERS.**

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

Section 1. Section 19a-112f of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) There is established a Sexual Assault Forensic Examiners Advisory Committee consisting of the following: (1) The Chief Court Administrator, or the Chief Court Administrator's designee; (2) [the Chief State's Attorney, or the Chief State's Attorney's designee; (3)] the Commissioner of Public Health, or the commissioner's designee; [(4)] (3) the director of the Office of Victim Services, or the director's designee; (4) the chairperson of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations, or the chairperson's designee; (5) a representative from the Division of Scientific Services, appointed by the Commissioner of Emergency Services and Public Protection; [(5) a representative from the Division of State Police appointed by the Commissioner of Emergency Services and Public Protection;] (6) the Victim Advocate, or the Victim Advocate's designee; (7) the president of the Connecticut Hospital Association, or the president's designee; (8) the president of the Connecticut College of Emergency Physicians, or the president's

**Substitute Senate Bill No. 796**

designee; (9) one member from Connecticut Alliance to End Sexual Violence, appointed by its board of directors; (10) [one member from the Connecticut Police Chiefs Association, appointed by the association; (11)] one member from the Connecticut Emergency Nurses Association, appointed by the association; [and (12)] (11) one member from the Connecticut Chapter of the International Association of Forensic Nurses, appointed by the association; (12) one member from the Connecticut Nurses Association, appointed by the association; and (13) the program manager of the sexual assault forensic examiners program established pursuant to subdivision (14) of subsection (b) of section 54-203, as amended by this act, or the program manager's designee.

(b) The committee shall [advise] recommend to the Office of Victim Services [on the establishment and implementation of] policies and procedures with regard to the sexual assault forensic examiners program established pursuant to subdivision (14) of subsection (b) of section 54-203, as amended by this act, and section 19a-112g, as amended by this act. [The committee shall make specific recommendations concerning: (1) The recruitment of registered nurses, advanced practice registered nurses and physicians to participate in such program; (2) the development of a specialized training course concerning such program for registered nurses, advanced practice registered nurses and physicians who participate in the program; (3) the development of agreements between the Judicial Branch, the Department of Public Health and acute care hospitals relating to the scope of services offered under the program and hospital standards governing the provision of such services; (4) individual case tracking mechanisms; (5) utilization of medically accepted best practices; and (6) the development of quality assurance measures.] Recommendations from the committee may include, but need not be limited to, the following: (1) The certification process for individuals qualified to participate as sexual assault forensic examiners, as defined

**Substitute Senate Bill No. 796**

in subsection (a) of section 19a-112e, as amended by this act; (2) continuing education requirements for the maintenance and renewal of such certification; (3) the development of quality assurance measures to ensure the needs of victims of sexual assault are met; and (4) such other related recommendations as determined by the committee.

(c) [The Sexual Assault Forensic Examiners Advisory Committee shall terminate on June 30, 2013.] Any recommendations of the committee made pursuant to subsection (b) of this section shall be presented to the director of the Office of Victim Services for consideration. The director of the Office of Victim Services may forward such recommendations to the Office of the Chief Court Administrator. The Chief Court Administrator, in his or her discretion, may direct the implementation of such recommendations as policies and procedures pursuant to section 54-207a, as amended by this act. Individuals qualified to participate as sexual assault forensic examiners, as defined in subsection (a) of section 19a-112e, as amended by this act, shall comply with all policies and procedures implemented by the Chief Court Administrator to obtain certification and to remain in good standing.

Sec. 2. Section 19a-112e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(a) As used in this section and sections 19a-112f and 19a-112g, as amended by this act:

(1) "Emergency contraception" means one or more prescription drugs used separately or in combination administered to or self-administered by a patient to prevent pregnancy, within a medically recommended amount of time after sexual intercourse and provided for that purpose, in accordance with professional standards of practice, and determined to be safe by the United States Food and Drug

**Substitute Senate Bill No. 796**

Administration.

(2) "Emergency treatment" means any medical examination or treatment provided in a licensed health care facility to a victim of sexual assault following an alleged sexual assault.

(3) "Medically and factually accurate and objective" means verified or supported by the weight of research conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where applicable.

(4) "Victim of sexual assault" means any [female] person who alleges or is alleged to have suffered an injury as a result of a sexual offense.

(5) "Sexual offense" means a violation of subsection (a) of section 53a-70, section 53a-70a or 53a-70b, subsection (a) of section 53a-71, section 53a-72a or 53a-72b, subdivision (2) of subsection (a) of section 53a-86, subdivision (2) of subsection (a) of section 53a-87 or section 53a-90a, 53a-196a or 53a-196b.

(6) "Independent provider" means a physician licensed under chapter 370, a physician assistant licensed under chapter 370, an advanced practice registered nurse or registered nurse licensed under chapter 378, or a nurse-midwife licensed under chapter 377, all of whom are trained and certified pursuant to the certification process implemented by the Chief Court Administrator pursuant to subsection (c) of section 19a-112f, as amended by this act, to conduct a forensic exam in accordance with the state of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault, published by the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations pursuant to section 19a-112a.

(7) "Sexual assault forensic examiner" means a physician or physician assistant licensed pursuant to chapter 370, a registered nurse or advanced practice registered nurse licensed pursuant to chapter 378

***Substitute Senate Bill No. 796***

or nurse midwife licensed pursuant to chapter 377 who has successfully completed the certification process and met all continuing education and recertification requirements implemented by the Chief Court Administrator pursuant to subsection (c) of section 19a-112f, as amended by this act.

(8) "Health care facility" means (A) a hospital licensed under chapter 368v that has an emergency department, including any free-standing emergency department, or (B) an infirmary operated by The University of Connecticut at Storrs.

(b) The standard of care for each [licensed] health care facility that provides emergency treatment to a victim of sexual assault shall include promptly:

(1) Providing each victim of sexual assault with medically and factually accurate and objective information relating to emergency contraception;

(2) Informing such victim of sexual assault of the availability of emergency contraception, its use and efficacy; and

(3) Providing emergency contraception to such victim of sexual assault at the facility upon the request of such victim, except that a [licensed] health care facility shall not be required to provide emergency contraception to a victim of sexual assault who has been determined to be pregnant through the administration of a pregnancy test approved by the United States Food and Drug Administration.

(c) In order to comply with the standard of care requirements prescribed in subsection (b) of this section, a [licensed] health care facility [may contract with one or more independent providers to] shall: (1) Ensure compliance at the facility with the standard of care requirements prescribed in said subsection (b), and (2) conduct at the facility a forensic exam of the sexual assault victim in accordance with

**Substitute Senate Bill No. 796**

the state of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault, published by the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations pursuant to section 19a-112a. A health care facility may contract with one or more independent providers who has been certified as a sexual assault forensic examiner pursuant to the certification process implemented by the Chief Court Administrator pursuant to subsection (c) of section 19a-112f, as amended by this act.

(d) No [licensed] health care facility that provides emergency treatment to a victim of sexual assault shall determine such facility's protocol for complying with the standard of care requirements prescribed in subsection (b) of this section on any basis other than a pregnancy test approved by the United States Food and Drug Administration.

(e) No person shall use the title "sexual assault forensic examiner", or any variant of such title, without successfully completing the certification requirements imposed by the Chief Court Administrator pursuant to subsection (c) of section 19a-112f, as amended by this act.

Sec. 3. Section 19a-112g of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

[(a) As used in this section:

(1) "Sexual assault forensic examiner" means a registered nurse or advanced practice registered nurse licensed pursuant to chapter 378 or a physician licensed pursuant to chapter 370; and

(2) "Health care facility" means a facility (A) operated by an institution of higher education, (B) licensed by the Department of Public Health as an infirmary operated by an educational institution or as an outpatient clinic, and (C) accredited by the Joint Commission or the Accreditation Association for Ambulatory Health Care.]

**Substitute Senate Bill No. 796**

[(b)] A sexual assault forensic examiner may provide immediate care and treatment to a victim of sexual assault who is a patient in [an acute care hospital or in] a health care facility and collect evidence pertaining to the investigation of any sexual assault in accordance with the State of Connecticut Technical Guidelines for Health Care Response to Victims of Sexual Assault, published by the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations pursuant to section 19a-112a. Services provided by a sexual assault forensic examiner shall be: (1) In accordance with the policies and accreditation standards of the [acute care hospital or] health care facility; and (2) pursuant to a written agreement entered into by the [(A) acute care hospital or] health care facility [, (B) Department of Public Health, and (C)] and the Office of Victim Services concerning the training of identified health care providers and participation of the [acute care hospital or] health care facility in the sexual assault forensic examiners program. Nothing in this section shall be construed as altering the scope of the practice of nursing as set forth in section 20-87a.

Sec. 4. Subdivision (14) of subsection (b) of section 54-203 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

(14) To (A) maintain, within available appropriations, a sexual assault forensic examiners program that will train and make available sexual assault forensic examiners to adolescent and adult victims of sexual assault who are patients at participating health care facilities. In order to maintain such program, the Office of Victim Services may apply for, receive, allocate, disburse and account for grants of funds made available by the United States, the state, foundations, corporations and other businesses, agencies or individuals; or (B) establish, within available appropriations, a training program for health care professionals [in nonparticipating health care facilities] on

***Substitute Senate Bill No. 796***

the care of and collection of evidence from adolescent and adult victims of sexual assault;

Sec. 5. Section 54-207a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2019*):

The Office of the Chief Court Administrator shall prescribe such policies and procedures, as deemed necessary, to implement the provisions of sections 54-201 to 54-235, inclusive, and sections 19a-112e to 19a-112g, inclusive, as amended by this act, and may formulate standards for the uniform application of the payment of compensation of claims.

Approved July 1, 2019