

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 569, Page 1, Section A, Line 3,

2 of said page, by inserting after all of said line the following:

3 "192.2520. 1. Sections 192.2520 and 197.135 shall be known
4 and may be cited as the "Justice for Survivors Act".

5 2. As used in this section, the following terms shall mean:

6 (1) "Appropriate medical provider", the same meaning as
7 used in section 595.220;

8 (2) "Department", the department of health and senior
9 services;

10 (3) "Evidentiary collection kit", the same meaning as used
11 in section 595.220;

12 (4) "Forensic examination", the same meaning as used in
13 section 595.220;

14 (5) "Telehealth", the same meaning as used in section
15 191.1145.

16 3. No later than July 1, 2022, there shall be established
17 within the department a statewide telehealth network for forensic
18 examinations of victims of sexual offenses in order to provide
19 access to sexual assault nurse examiners (SANE) or other
20 similarly trained appropriate medical providers. A statewide
21 coordinator for the telehealth network shall be selected by the

1 director of the department of health and senior services and
2 shall have oversight responsibilities and provide support for the
3 training programs offered by the network, as well as the
4 implementation and operation of the network.

5 4. The network shall provide mentoring and educational
6 training services, including:

7 (1) Conducting a forensic examination of a victim of a
8 sexual offense, in accordance with best practices, while
9 utilizing an evidentiary collection kit;

10 (2) Proper documentation, transmission, and storage of the
11 examination evidence;

12 (3) Utilizing trauma-informed care to address the needs of
13 victims;

14 (4) Utilizing telehealth technology while conducting a live
15 examination; and

16 (5) Providing ongoing case consultation and serving as an
17 expert witness in event of a trial.

18
19 The network shall, in the mentoring and educational training
20 services provided, emphasize the importance of obtaining a
21 victim's informed consent to evidence collection, including
22 issues involving minor consent, and the scope and limitations of
23 confidentiality regarding information gathered during the
24 forensic examination.

25 5. The training offered may be made available both online
26 or in person, including the use of video conferencing technology
27 to connect trained interdisciplinary experts with providers in a
28 case-based learning environment.

29 6. The network shall, through telehealth services available

1 twenty-four hours a day, seven days a week, by a SANE or another
2 similarly trained appropriate medical provider, provide
3 mentoring, consultation services, guidance, and technical
4 assistance to appropriate medical providers during and outside of
5 a forensic examination of a victim of a sexual offense. The
6 network shall ensure that the system through which the network
7 provides telehealth services meets national standards for
8 interoperability to connect to telehealth systems.

9 7. The department may consult and enter into any necessary
10 contracts with any other local, state, or federal agency,
11 institution of higher education, or private entity to carry out
12 the provisions of this section, including, but not limited to, a
13 contract to:

14 (1) Develop, implement, maintain, or operate the network;

15 (2) Train and provide technical assistance to appropriate
16 medical providers on conducting forensic examinations of victims
17 of sexual offenses and the use of telehealth services; and

18 (3) Provide consultation, guidance, or technical assistance
19 to appropriate medical providers using telehealth services during
20 a forensic examination of a victim of a sexual offense.

21 8. Beginning October 1, 2021, and each year thereafter, all
22 hospitals licensed under chapter 197 shall report to the
23 department the following information for the previous year:

24 (1) The number of forensic examinations of victims of a
25 sexual offense performed at the hospital;

26 (2) The number of forensic examinations of victims of a
27 sexual offense requested to be performed by a victim of a sexual
28 offense that the hospital did not perform and the reason why the
29 examination was not performed;

1 (3) The number of evidentiary collection kits submitted to
2 a law enforcement agency for testing; and

3 (4) After July 1, 2022, the number of appropriate medical
4 providers employed at or contracted with the hospital who
5 utilized the training and telehealth services provided by the
6 network.

7
8 The information reported under this subsection and subsection 9
9 of this section shall not include any personally identifiable
10 information of any victim of a sexual offense or any appropriate
11 medical provider performing a forensic examination of such
12 victim.

13 9. Beginning January 1, 2022, and each year thereafter, the
14 department shall make publicly available a report that shall
15 include the information submitted under subsection 8 of this
16 section. The report shall also include, in collaboration with
17 the department of public safety, information about the number of
18 evidentiary collection kits submitted by a person or entity
19 outside of a hospital setting, as well as the number of
20 appropriate medical providers utilizing the training and
21 telehealth services provided by the network outside of a hospital
22 setting.

23 10. (1) The funding for the network shall be subject to
24 appropriations. In addition to appropriations from the general
25 assembly, the department shall apply for available grants and
26 shall be able to accept other gifts, grants, bequests, and
27 donations to develop and maintain the network and the training
28 offered by the network.

29 (2) There is hereby created in the state treasury the

1 "Justice for Survivors Telehealth Network Fund", which shall
2 consist of any gifts, grants, bequests, and donations accepted
3 under this subsection. The state treasurer shall be custodian of
4 the fund. In accordance with sections 30.170 and 30.180, the
5 state treasurer may approve disbursements. The fund shall be a
6 dedicated fund and money in the fund shall be used solely by the
7 department for the purpose of developing and maintaining the
8 network and the training offered by the network. Notwithstanding
9 the provisions of section 33.080 to the contrary, any moneys
10 remaining in the fund at the end of the biennium shall not revert
11 to the credit of the general revenue fund. The state treasurer
12 shall invest moneys in the fund in the same manner as other funds
13 are invested. Any interest and moneys earned on such investments
14 shall be credited to the fund.

15 11. The department shall promulgate rules and regulations
16 in order to implement the provisions of this section, including,
17 but not limited to, the following:

18 (1) The operation of a statewide telehealth network for
19 forensic examinations of victims of sexual offenses;

20 (2) The development of training for appropriate medical
21 providers conducting a forensic examination of a victim of a
22 sexual offense; and

23 (3) Maintenance of records and data privacy and security of
24 patient information.

25
26 Any rule or portion of a rule, as that term is defined in section
27 536.010, that is created under the authority delegated in this
28 section shall become effective only if it complies with and is
29 subject to all of the provisions of chapter 536 and, if

1 applicable, section 536.028. This section and chapter 536 are
2 nonseverable and if any of the powers vested with the general
3 assembly pursuant to chapter 536 to review, to delay the
4 effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking
6 authority and any rule proposed or adopted after August 28, 2020,
7 shall be invalid and void.

8 197.135. 1. Beginning January 1, 2023, any hospital
9 licensed under this chapter shall perform a forensic examination
10 using an evidentiary collection kit upon the request and consent
11 of the victim of a sexual offense, or the victim's guardian, when
12 the victim is at least fourteen years of age. In the case of
13 minor consent, the provisions of subsection 2 of section 595.220
14 shall apply. Victims under fourteen years of age shall be
15 referred to a SAFE CARE provider, as such term is defined in
16 section 334.950, for medical or forensic evaluation and case
17 review. Nothing in this section shall be interpreted to preclude
18 a hospital from performing a forensic examination for a victim
19 under fourteen years of age upon the request and consent of the
20 victim or victim's guardian, subject to the provisions of section
21 595.220 and the rules promulgated by the department of public
22 safety.

23 2. An appropriate medical provider, as such term is defined
24 in section 595.220, shall perform the forensic examination of a
25 victim of a sexual offense. The hospital shall ensure that any
26 provider performing the examination has received training
27 conducting such examinations that is, at a minimum, equivalent to
28 the training offered by the statewide telehealth network under
29 subsection 4 of section 192.2520. If the provider is not a

1 sexual assault nurse examiner (SANE), or another similarly
2 trained physician or nurse, then the hospital shall utilize
3 telehealth services during the examination, such as those
4 provided by the statewide telehealth network, to provide guidance
5 and support through a SANE, or other similarly trained physician
6 or nurse, who may observe the live forensic examination and who
7 shall communicate with and support the onsite provider with the
8 examination, forensic evidence collection, and proper
9 transmission and storage of the examination evidence.

10 3. The department of health and senior services may issue a
11 waiver of the telehealth requirements of subsection 2 of this
12 section if the hospital demonstrates to the department, in
13 writing, a technological hardship in accessing telehealth
14 services or a lack of access to adequate broadband services
15 sufficient to access telehealth services. Such waivers shall be
16 granted sparingly and for no more than a year in length at a
17 time, with the opportunity for renewal at the department's
18 discretion.

19 4. The department shall waive the requirements of this
20 section if the statewide telehealth network established under
21 section 192.2520 ceases operation, the director of the department
22 of health and senior services has provided written notice to
23 hospitals licensed under this chapter that the network has ceased
24 operation, and the hospital cannot, in good faith, comply with
25 the requirements of this section without assistance or resources
26 of the statewide telehealth network. Such waiver shall remain in
27 effect until such time as the statewide telehealth network
28 resumes operation or until the hospital is able to demonstrate
29 compliance with the provisions of this section without the

1 assistance or resources of the statewide telehealth network.

2 5. The provisions of section 595.220 shall apply to the
3 reimbursement of the reasonable costs of the examinations and the
4 provision of the evidentiary collection kits."; and

5 Further amend the title and enacting clause accordingly.