

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 7, Page 9, Section 190.166, Line 85,

2 by inserting after all of said line the following:

3 "197.135. 1. Beginning January 1, 2023, or no later  
4 than six months after the establishment of the statewide  
5 telehealth network under section 192.2520, whichever is  
6 later, any hospital licensed under this chapter shall  
7 perform a forensic examination using an evidentiary  
8 collection kit upon the request and consent of the victim of  
9 a sexual offense, or the victim's guardian, when the victim  
10 is at least fourteen years of age. In the case of minor  
11 consent, the provisions of subsection 2 of section 595.220  
12 shall apply. Victims under fourteen years of age shall be  
13 referred, and victims fourteen years of age or older but  
14 less than eighteen years of age may be referred, to a SAFE  
15 CARE provider, as such term is defined in section 334.950,  
16 for medical or forensic evaluation and case review. Nothing  
17 in this section shall be interpreted to preclude a hospital  
18 from performing a forensic examination for a victim under  
19 fourteen years of age upon the request and consent of the  
20 victim or victim's guardian, subject to the provisions of  
21 section 595.220 and the rules promulgated by the department  
22 of public safety.

23 2. (1) An appropriate medical provider, as such term  
24 is defined in section 595.220, shall perform the forensic  
25 examination of a victim of a sexual offense. The hospital  
26 shall ensure that any provider performing the examination

27 has received training conducting such examinations that is,  
28 at a minimum, equivalent to the training offered by the  
29 statewide telehealth network under subsection 4 of section  
30 192.2520. Nothing in this section shall require providers  
31 to utilize the training offered by the statewide telehealth  
32 network, as long as the training utilized is, at a minimum,  
33 equivalent to the training offered by the statewide  
34 telehealth network.

35 (2) If the provider is not a sexual assault nurse  
36 examiner (SANE), or another similarly trained physician or  
37 nurse, then the hospital shall utilize telehealth services  
38 during the examination, such as those provided by the  
39 statewide telehealth network, to provide guidance and  
40 support through a SANE, or other similarly trained physician  
41 or nurse, who may observe the live forensic examination and  
42 who shall communicate with and support the onsite provider  
43 with the examination, forensic evidence collection, and  
44 proper transmission and storage of the examination evidence.

45 3. The department of health and senior services may  
46 issue a waiver of the telehealth requirements of subsection  
47 2 of this section if the hospital demonstrates to the  
48 department, in writing, a technological hardship in  
49 accessing telehealth services or a lack of access to  
50 adequate broadband services sufficient to access telehealth  
51 services. Such waivers shall be granted sparingly and for  
52 no more than a year in length at a time, with the  
53 opportunity for renewal at the department's discretion.

54 4. The department shall waive the requirements of this  
55 section if the statewide telehealth network established  
56 under section 192.2520 ceases operation, the director of the  
57 department of health and senior services has provided  
58 written notice to hospitals licensed under this chapter that  
59 the network has ceased operation, and the hospital cannot,

60 in good faith, comply with the requirements of this section  
61 without assistance or resources of the statewide telehealth  
62 network. Such waiver shall remain in effect until such time  
63 as the statewide telehealth network resumes operation or  
64 until the hospital is able to demonstrate compliance with  
65 the provisions of this section without the assistance or  
66 resources of the statewide telehealth network.

67 5. The provisions of section 595.220 shall apply to  
68 the reimbursement of the reasonable costs of the  
69 examinations and the provision of the evidentiary collection  
70 kits.

71 6. No individual hospital shall be required to comply  
72 with the provisions of this section and section 192.2520  
73 unless and until the department provides such hospital with  
74 access to the statewide telehealth network for the purposes  
75 of mentoring and training services required under section  
76 192.2520 without charge to the hospital.

77 7. A specialty hospital shall be considered exempt  
78 from the provisions of this section and section 192.2520 if  
79 such hospital has a policy for the transfer of a victim of a  
80 sexual offense to an appropriate hospital with an emergency  
81 department. As used in this section, "specialty hospital"  
82 shall mean a hospital licensed under this chapter and  
83 designated by the department as something other than a  
84 general acute care hospital."; and

85 Further amend the title and enacting clause accordingly.