

# SENATE BILL NO. 550

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHUPP.

2174S.02I

ADRIANE D. CROUSE, Secretary

## AN ACT

To repeal sections 192.2520 and 197.135, RSMo, and to enact in lieu thereof two new sections relating to forensic examinations.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 192.2520 and 197.135, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 192.2520 and 197.135, to read as follows:

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

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

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

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

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

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

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

15 3. No later than July 1, 2022, there shall be  
16 established within the department a statewide telehealth  
17 network for forensic examinations of victims of sexual  
18 offenses in order to provide access to sexual assault nurse

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 examiners (SANE) or other similarly trained appropriate  
20 medical providers. A statewide coordinator for the  
21 telehealth network shall be selected by the director of the  
22 department of health and senior services and shall have  
23 oversight responsibilities and provide support for the  
24 training programs offered by the network, as well as the  
25 implementation and operation of the network. **The statewide**  
26 **coordinator shall regularly consult with Missouri-based**  
27 **stakeholders and clinicians actively engaged in the**  
28 **collection of forensic evidence regarding the training**  
29 **programs offered by the network, as well as the**  
30 **implementation and operation of the network.**

31 4. The network shall provide mentoring and educational  
32 training services, including:

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

36 (2) Proper documentation, transmission, and storage of  
37 the examination evidence;

38 (3) Utilizing trauma-informed care to address the  
39 needs of victims;

40 (4) Utilizing telehealth technology while conducting a  
41 live examination; and

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

44 The network shall, in the mentoring and educational training  
45 services provided, emphasize the importance of obtaining a  
46 victim's informed consent to evidence collection, including  
47 issues involving minor consent, and the scope and  
48 limitations of confidentiality regarding information  
49 gathered during the forensic examination.

50           5. The training offered [may] **shall** be made available  
51 [both] online [or in person], including the use of video  
52 conferencing technology to connect trained interdisciplinary  
53 experts with providers in a case-based learning environment,  
54 **and may also be made available in-person.**

55           6. The network shall, through telehealth services  
56 available twenty-four hours a day, seven days a week, by a  
57 SANE or another similarly trained appropriate medical  
58 provider, provide mentoring, consultation services,  
59 guidance, and technical assistance to appropriate medical  
60 providers during and outside of a forensic examination of a  
61 victim of a sexual offense. The network shall ensure that  
62 the system through which the network provides telehealth  
63 services meets national standards for interoperability to  
64 connect to telehealth systems.

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

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

72           (2) Train and provide technical assistance to  
73 appropriate medical providers on conducting forensic  
74 examinations of victims of sexual offenses and the use of  
75 telehealth services; and

76           (3) Provide consultation, guidance, or technical  
77 assistance to appropriate medical providers using telehealth  
78 services during a forensic examination of a victim of a  
79 sexual offense.

80           8. Beginning October 1, 2021, and each year  
81 thereafter, all hospitals licensed under chapter 197 shall

82 report to the department the following information for the  
83 previous year:

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

86 (2) The number of forensic examinations of victims of  
87 a sexual offense requested to be performed by a victim of a  
88 sexual offense that the hospital did not perform and the  
89 reason why the examination was not performed;

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

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

96 The information reported under this subsection and  
97 subsection 9 of this section shall not include any  
98 personally identifiable information of any victim of a  
99 sexual offense or any appropriate medical provider  
100 performing a forensic examination of such victim.

101 9. Beginning January 1, 2022, and each year  
102 thereafter, the department shall make publicly available a  
103 report that shall include the information submitted under  
104 subsection 8 of this section. The report shall also  
105 include, in collaboration with the department of public  
106 safety, information about the number of evidentiary  
107 collection kits submitted by a person or entity outside of a  
108 hospital setting, as well as the number of appropriate  
109 medical providers utilizing the training and telehealth  
110 services provided by the network outside of a hospital  
111 setting.

112           10. (1) The funding for the network shall be subject  
113 to appropriations. In addition to appropriations from the  
114 general assembly, the department shall apply for available  
115 grants and shall be able to accept other gifts, grants,  
116 bequests, and donations to develop and maintain the network  
117 and the training offered by the network.

118           (2) There is hereby created in the state treasury the  
119 "Justice for Survivors Telehealth Network Fund", which shall  
120 consist of any gifts, grants, bequests, and donations  
121 accepted under this subsection. The state treasurer shall  
122 be custodian of the fund. In accordance with sections  
123 30.170 and 30.180, the state treasurer may approve  
124 disbursements. The fund shall be a dedicated fund and money  
125 in the fund shall be used solely by the department for the  
126 purpose of developing and maintaining the network and the  
127 training offered by the network. The state treasurer shall  
128 invest moneys in the fund in the same manner as other funds  
129 are invested. Any interest and moneys earned on such  
130 investments shall be credited to the fund.

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

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

136           (2) The development of training for appropriate  
137 medical providers conducting a forensic examination of a  
138 victim of a sexual offense; and

139           (3) Maintenance of records and data privacy and  
140 security of patient information.

141 Any rule or portion of a rule, as that term is defined in  
142 section 536.010, that is created under the authority

143 delegated in this section shall become effective only if it  
144 complies with and is subject to all of the provisions of  
145 chapter 536 and, if applicable, section 536.028. This  
146 section and chapter 536 are nonseverable and if any of the  
147 powers vested with the general assembly pursuant to chapter  
148 536 to review, to delay the effective date, or to disapprove  
149 and annul a rule are subsequently held unconstitutional,  
150 then the grant of rulemaking authority and any rule proposed  
151 or adopted after August 28, 2020, shall be invalid and void.

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

19 2. **(1)** An appropriate medical provider, as such term  
20 is defined in section 595.220, shall perform the forensic  
21 examination of a victim of a sexual offense. The hospital  
22 shall ensure that any provider performing the examination  
23 has received training conducting such examinations that is,

24 at a minimum, equivalent to the training offered by the  
25 statewide telehealth network under subsection 4 of section  
26 192.2520. **Nothing in this section shall require providers**  
27 **to utilize the training offered by the statewide telehealth**  
28 **network, as long as the training utilized is, at a minimum,**  
29 **equivalent to the training offered by the statewide**  
30 **telehealth network.**

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

41 3. The department of health and senior services may  
42 issue a waiver of the telehealth requirements of subsection  
43 2 of this section if the hospital demonstrates to the  
44 department, in writing, a technological hardship in  
45 accessing telehealth services or a lack of access to  
46 adequate broadband services sufficient to access telehealth  
47 services. Such waivers shall be granted sparingly and for  
48 no more than a year in length at a time, with the  
49 opportunity for renewal at the department's discretion.

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

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

63 5. The provisions of section 595.220 shall apply to  
64 the reimbursement of the reasonable costs of the  
65 examinations and the provision of the evidentiary collection  
66 kits.

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

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