

HOUSE BILL NO. 1329

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Health, Welfare and Institutions

on February 10, 2022)

(Patron Prior to Substitute--Delegate Delaney)

A BILL to amend and reenact §§ 32.1-162.15:2, as it shall become effective, 32.1-162.15:5, and 32.1-162.15:11 of the Code of Virginia, relating to pediatric sexual assault survivors; Task Force on Services for Survivors of Sexual Assault.

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-162.15:2, as it shall become effective, 32.1-162.15:5, and 32.1-162.15:11 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-162.15:2. (Effective July 1, 2023) Definitions.

"Anonymous physical evidence recovery kit" has the same meaning as in § 19.2-11.5.

"Approved pediatric health care facility" means a pediatric health care facility for which a plan for the delivery of services to pediatric survivors of sexual assault has been approved pursuant to § 32.1-162.15:6.

"Board" means the Board of Health.

"Department" means the Department of Health.

"Emergency contraception" means medication approved by the U.S. Food and Drug Administration that can significantly reduce the risk of pregnancy if taken within 72 hours after sexual assault.

"Follow-up health care" means any physical examination, laboratory tests to determine the presence of sexually transmitted infection, or appropriate medications, including HIV-prophylaxis, provided to a survivor of sexual assault by a health care provider within 90 days after the date on which treatment or transfer services pursuant to this article are first provided.

26 "Forensic medical examination" means health care services provided to a survivor of sexual assault
27 that include medical history, physical examination, laboratory testing, assessment for drug-facilitated or
28 alcohol-facilitated sexual assault, collection of evidence in accordance with the requirements of Chapter
29 1.2 (§ 19.2-11.5 et seq.) of Title 19.2, and discharge and follow-up health care planning necessary to
30 ensure the health, safety, and welfare of the survivor of sexual assault and the collection and preservation
31 of evidence that may be used in a criminal proceeding.

32 "Hospital" means any hospital licensed by the Department pursuant to this chapter.

33 "Pediatric health care facility" means a hospital, clinic, or physician's office that provides health
34 care services to pediatric patients.

35 "Pediatric survivor of sexual assault" means a survivor of sexual assault who is under ~~13~~ 18 years
36 of age.

37 "Physical evidence recovery kit" has the same meaning as in § 19.2-11.5.

38 "Sexual assault forensic examiner" means a sexual assault nurse examiner, physician, physician
39 assistant, nurse practitioner, or registered nurse who has completed training that meets or is substantially
40 similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International
41 Association of Forensic Nurses.

42 "Sexual assault survivor transfer services" means an appropriate medical examination and such
43 stabilizing treatment as may be necessary prior to the transfer of a sexual assault survivor from a transfer
44 hospital to a treatment hospital in accordance with the provisions of a transfer plan approved by the
45 Department.

46 "Sexual assault survivor treatment services" means a forensic medical examination and other
47 health care services provided to a sexual assault survivor by a hospital in accordance with § 32.1-162.15:4
48 or pediatric health care facility in accordance with § 32.1-162.15:6.

49 "Transfer hospital" means a hospital with a sexual assault survivor transfer plan approved by the
50 Department.

51 "Transportation service" means transportation provided to a survivor of sexual assault who is
52 transferred from a transfer hospital, treatment hospital, or approved pediatric health care facility to a

53 treatment hospital or approved pediatric care facility pursuant to a transfer plan approved in accordance
54 with this article.

55 "Treatment hospital" means a hospital with a sexual assault survivor treatment plan approved by
56 the Department to provide sexual assault survivor treatment services to all survivors of sexual assault who
57 present with a complaint of sexual assault within the previous seven days or who have disclosed past
58 sexual assault by a specific individual and were in the care of that individual within the previous seven
59 days.

60 **§ 32.1-162.15:5. Transfer services.**

61 The Board shall adopt regulations to establish standards for review and approval of sexual assault
62 survivor transfer plans and pediatric sexual assault survivor transfer plans, which shall include provisions
63 for the following services, when ordered by a health care provider and with the consent of the survivor of
64 sexual assault:

65 1. Appropriate medical examination and such stabilizing treatment as may be necessary prior to
66 the transfer of a survivor of sexual assault from the transfer hospital to a treatment hospital or clinic that
67 provides treatment services for survivors of sexual assault that are comparable to those described in §
68 32.1-162.15:4;

69 2. Medically and factually accurate written and oral information about emergency contraception,
70 the indications and contraindications and potential risks associated with the use of emergency
71 contraception, and the availability of emergency contraception for survivors of sexual assault; and

72 3. Prompt transfer of the survivor of sexual assault to a treatment hospital ~~or~~, approved pediatric
73 health care facility, or clinic that provides treatment services for survivors of sexual assault that are
74 comparable to those described in § 32.1-162.15:4, as may be appropriate, including provisions necessary
75 to ensure that transfer of the survivor of sexual assault or pediatric survivor of sexual assault would not
76 unduly burden the survivor of sexual assault or pediatric survivor of sexual assault.

77 **§ 32.1-162.15:11. Task Force on Services for Survivors of Sexual Assault.**

78 A. There is hereby created the Task Force on Services for Survivors of Sexual Assault (the Task
79 Force), which shall consist of (i) two members of the House of Delegates appointed by the Speaker of the

80 House of Delegates; (ii) one member of the Senate appointed by the Senate Committee on Rules; (iii) the
81 Attorney General, or his designee; (iv) the Commissioners of Health and Social Services, or their
82 designees; (v) the Director of the Department of State Police; (vi) two representatives of hospitals licensed
83 by the Department of Health appointed by the Governor; (vii) three physicians licensed by the Board of
84 Medicine to practice medicine or osteopathy appointed by the Governor, each of whom is a practitioner
85 of emergency medicine and at least one of whom is a pediatrician; (viii) three nurses licensed to practice
86 in the Commonwealth appointed by the Governor, each of whom is a sexual assault nurse examiner; (ix)
87 two representatives of organizations providing advocacy on behalf of survivors of sexual assault appointed
88 by the Governor; ~~and~~ (x) one representative of an organization providing advocacy on behalf of children
89 appointed by the Governor; and (xi) one representative of a forensic clinic appointed by the Governor.
90 The Commissioner of Health or his designee shall serve as chairman of the Task Force. Staff support for
91 the Task Force shall be provided by the Department of Health.

92 B. The Task Force shall:

93 1. Develop model treatment and transfer plans for use by transfer hospitals, treatment hospitals,
94 and pediatric health care facilities and work with hospitals and pediatric health care facilities to facilitate
95 the development of treatment and transfer plans in accordance with the requirements of this article;

96 2. Develop model written transfer agreements for use by treatment hospitals, transfer hospitals,
97 and pediatric health care facilities and work with treatment hospitals, transfer hospitals, and pediatric
98 health care facilities to facilitate the development of transfer agreements in accordance with the
99 requirements of this article;

100 3. Develop model written agreements for use by treatment hospitals and approved pediatric health
101 care facilities required to enter into agreements with rape crisis centers pursuant to subsection D of § 32.1-
102 162.15:4;

103 4. Work with treatment hospitals and approved pediatric health care facilities to develop plans to
104 employ or contract with sexual assault forensic examiners to ensure the provision of treatment services to
105 survivors of sexual assault by sexual assault forensic examiners, including plans for implementation of
106 on-call systems to ensure availability of sexual assault forensic examiners;

