

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED ATTORNEY GENERAL  
BILL)

**A BILL FOR**

1 An Act establishing the sexual assault forensic examiner  
2 program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 13.31, Code 2021, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 8. Administer the sexual assault forensic  
4 examiner program established pursuant to section 915.46 for  
5 training, certifying, and providing technical assistance to  
6 sexual assault forensic examiners and sexual assault nurse  
7 examiners.

8 Sec. 2. NEW SECTION. 915.46 Sexual assault forensic  
9 examiner program.

10 1. As used in this section:

11 a. *"Federally qualified health center"* means a facility as  
12 defined in 42 U.S.C. §1396d(1)(2)(B) that provides primary care  
13 or sexual health services.

14 b. *"Medical forensic services"* include but are not  
15 limited to, taking a medical history, performing photographic  
16 documentation, performing a physical examination, assessing a  
17 patient for evidence collection, collection of evidence using  
18 a sexual abuse evidence collection kit, assessing a patient  
19 for drug-facilitated or alcohol-facilitated sexual assault,  
20 providing an evaluation of and care for sexually transmitted  
21 infection and HIV, pregnancy risk evaluation and care, and  
22 discharge and follow-up health care planning.

23 c. *"Pediatric treatment facility"* means a treatment facility  
24 that provides treatment relating to the development, care, and  
25 diseases of infants, children, and adolescents and that meets  
26 the accreditation requirements described in subsection 3.

27 d. *"Sexual assault forensic examiner"* means a physician  
28 licensed pursuant to chapter 148 or a physician assistant  
29 licensed pursuant to chapter 148C, who has completed a sexual  
30 assault forensic examiner program that meets the sexual  
31 assault nurse examiner education guidelines established by the  
32 international association of forensic nurses.

33 e. *"Sexual assault nurse examiner"* means a licensed  
34 practical nurse, a registered nurse, an advanced registered  
35 nurse practitioner, or an advanced practice registered nurse,

1 licensed pursuant to chapter 152 or 152E who has completed a  
2 sexual assault forensic examiner program that meets the sexual  
3 assault nurse examiner education guidelines established by the  
4 international association of forensic nurses.

5 *f. "Sexual assault survivor"* means a person who seeks  
6 medical forensic services in relation to injuries or trauma  
7 resulting from a sexual assault.

8 *g. "Treatment facility"* means a hospital, clinic, or  
9 pediatric treatment facility that provides medical forensic  
10 services to sexual assault survivors who seek medical forensic  
11 services for a sexual assault within seven days of a sexual  
12 assault, or who have disclosed a past sexual assault by a  
13 specific person.

14 2. A sexual assault forensic examiner program is  
15 established within the department of justice. The sexual  
16 assault forensic examiner program shall maintain a list of  
17 sexual assault forensic examiners and sexual assault nurse  
18 examiners who have completed didactic and clinical training  
19 requirements approved by the department of justice and  
20 consistent with the sexual assault forensic examiner education  
21 guidelines established by the international association of  
22 forensic nurses.

23 3. In order to qualify as a treatment facility under  
24 this section, a pediatric treatment facility shall meet  
25 the accreditation standards for children's advocacy centers  
26 adopted by the national children's alliance including any  
27 of the following medical provider eligibility or training  
28 requirements:

29 *a.* Child abuse pediatric sub-board eligibility or  
30 certification.

31 *b.* A minimum of sixteen hours of formal didactic training in  
32 the medical evaluation of child sexual abuse for a physician  
33 without board certification or board eligibility in child  
34 abuse pediatrics, an advanced practice registered nurse, or a  
35 physician assistant.

1     *c.* A minimum of forty hours of coursework specific to  
2 the medical evaluation of child sexual abuse followed by a  
3 competency-based clinical preceptorship.

4     4. *a.* By July 1, 2022, the sexual assault forensic  
5 examiner program shall develop and make available to treatment  
6 facilities two hours of online sexual assault training for  
7 sexual assault forensic examiners and sexual assault nurse  
8 examiners. Notwithstanding any other law regarding ongoing  
9 licensure requirements, such training shall apply toward the  
10 continuing medical education and continuing nursing education  
11 credits for physicians, physician assistants, licensed  
12 practical nurses, registered nurses, advanced registered nurse  
13 practitioners, and advanced practice registered nurses.

14     *b.* The sexual assault forensic examiner program shall  
15 provide didactic and clinical training opportunities consistent  
16 with the sexual assault forensic examiner education guidelines  
17 established by the international association of forensic  
18 nurses, in collaboration with the Iowa department of public  
19 health and the Iowa coalition against sexual assault, in  
20 sufficient numbers and geographical locations across the state  
21 to assist treatment facilities with training sexual assault  
22 forensic examiners and sexual assault nurse examiners.

23     *c.* Sexual assault training provided under this subsection  
24 may be provided in person or online and shall include but is  
25 not limited to information concerning all of the following:

- 26     (1) The provision of medical forensic services.
- 27     (2) The use of a sexual abuse evidence collection kit.
- 28     (3) Sexual assault epidemiology, the neurobiology of  
29 trauma, drug-facilitated sexual assault, child sexual abuse,  
30 and Iowa sexual assault-related laws.
- 31     (4) The treatment facility's sexual assault-related  
32 policies and procedures.

33     5. The sexual assault forensic examiner program, in  
34 consultation with qualified medical providers, the Iowa  
35 department of public health, and the Iowa coalition against

1 sexual assault, shall create uniform materials that all  
2 treatment facilities and federally qualified health centers  
3 are required to provide to patients and non-offending parents  
4 or legal guardians, if applicable, regarding medical forensic  
5 examination procedures, laws regarding consent relating to  
6 medical forensic services, and the benefits and risks of  
7 evidence collection, including recommended time frames for  
8 evidence collection pursuant to evidence-based research.  
9 These materials shall be made available on the department  
10 of justice's internet site to all treatment facilities and  
11 federally qualified health centers.

12 6. The sexual assault forensic examiner program, in  
13 consultation with qualified medical providers, the Iowa  
14 department of public health, and the Iowa coalition against  
15 sexual assault, shall create and update statewide sexual  
16 assault forensic examiner and sexual assault nurse examiner  
17 protocols, shall provide technical assistance upon request  
18 to health care professionals, and shall provide expertise on  
19 best practices to health care professionals relating to sexual  
20 assault forensic examinations.

21 7. *Advisory committee.*

22 a. The department of justice shall establish an advisory  
23 committee to support the sexual assault forensic examiner  
24 program implemented in accordance with this section. The  
25 duties of the committee shall include but are not limited to  
26 the following:

27 (1) Advising the department of justice regarding the  
28 training programs developed for the sexual assault forensic  
29 examiner program.

30 (2) Reviewing the implementation and effectiveness of the  
31 sexual assault forensic examiner program.

32 (3) Recommending to the department of justice changes in  
33 legislation and administrative rules concerning the sexual  
34 assault forensic examiner program.

35 b. Members of the advisory committee shall include staff

1 members of the department of justice managing the sexual  
2 assault forensic examiner program; representatives from the  
3 department of public health as determined by the director to  
4 be appropriate, the Iowa coalition against sexual assault, the  
5 board of nursing, and other constituencies as determined by  
6 the department of justice with an interest in sexual assault  
7 forensic examinations; and the hospital medical staff person  
8 involved with emergency services pursuant to section 915.82.  
9 Sec. 3. Section 915.94, Code 2021, is amended to read as  
10 follows:

11 **915.94 Victim compensation fund.**

12 A victim compensation fund is established as a separate fund  
13 in the state treasury. Moneys deposited in the fund shall  
14 be administered by the department and dedicated to and used  
15 for the purposes of section 915.41 and this subchapter. In  
16 addition, the department may use moneys from the fund for the  
17 purpose of the department's prosecutor-based victim service  
18 coordination, including the duties defined in sections 910.3  
19 and 910.6 and this chapter, to support the sexual assault  
20 forensic examiner program established in section 915.46, for  
21 the award of funds to programs that provide services and  
22 support to victims of domestic abuse as provided in chapter  
23 236, to victims of sexual abuse as provided in chapter 236A,  
24 to victims under section 710A.2, for reimbursement to the  
25 Iowa law enforcement academy for domestic abuse and human  
26 trafficking training, and for the support of an automated  
27 victim notification system established in section 915.10A.  
28 For each fiscal year, the department may also use up to three  
29 hundred thousand dollars from the fund to provide training  
30 for victim service providers, to provide training for related  
31 professionals concerning victim service programming, and  
32 to provide training concerning homicide, domestic assault,  
33 sexual assault, stalking, harassment, and human trafficking as  
34 required by section 710A.6. Notwithstanding section 8.33, any  
35 balance in the fund on June 30 of any fiscal year shall not

1 revert to the general fund of the state.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill establishes the sexual assault forensic examiner  
6 program.

7 The bill provides that the victim assistance program  
8 established in the department of justice shall administer  
9 the sexual assault forensic examiner program established in  
10 the bill (Code section 915.46) for training, certifying, and  
11 providing technical assistance to sexual assault forensic  
12 examiners and sexual assault nurse examiners. The bill  
13 provides definitions including definitions of "sexual assault  
14 forensic examiner", "sexual assault nurse examiner", "treatment  
15 facility", and "pediatric treatment facility".

16 The bill provides that a sexual assault forensic examiner  
17 program is established within the department of justice. The  
18 sexual assault forensic examiner program shall maintain a list  
19 of sexual assault forensic examiners and sexual assault nurse  
20 examiners who have completed certain training requirements.  
21 By July 1, 2022, the sexual assault forensic examiner program  
22 shall develop and make available to treatment facilities two  
23 hours of online sexual assault training for sexual assault  
24 forensic examiners and sexual assault nurse examiners.  
25 Notwithstanding any other law regarding ongoing licensure  
26 requirements, such training shall apply toward the continuing  
27 medical education and continuing nursing education credits for  
28 physicians, physician assistants, licensed practical nurses,  
29 registered nurses, advanced registered nurse practitioners, and  
30 advanced practice registered nurses.

31 The bill provides that sexual assault forensic examiner  
32 training, including didactic and clinical training, may be  
33 provided in person or online and shall include but is not  
34 limited to information concerning the provision of medical  
35 forensic services; the use of a sexual abuse evidence

1 collection kit; sexual assault epidemiology, the neurobiology  
2 of trauma, drug-facilitated sexual assault, child sexual  
3 abuse, and Iowa sexual assault-related laws; and the treatment  
4 facility's sexual assault-related policies and procedures.

5 The bill provides that the sexual assault forensic examiner  
6 program, in consultation with qualified medical providers,  
7 the Iowa department of public health, and the Iowa coalition  
8 against sexual assault, shall create uniform materials that all  
9 treatment facilities and federally qualified health centers  
10 are required to provide to patients and non-offending parents  
11 or legal guardians, if applicable, regarding medical forensic  
12 examination procedures, laws regarding consent relating to  
13 medical forensic services, and the benefits and risks of  
14 evidence collection including recommended time frames for  
15 evidence collection pursuant to evidence-based research.  
16 The materials shall be made available on the department  
17 of justice's internet site to all treatment facilities and  
18 federally qualified health centers. The sexual assault  
19 forensic examiner program, in consultation with qualified  
20 medical providers, the Iowa department of public health, and  
21 the Iowa coalition against sexual assault, shall create and  
22 update statewide sexual assault forensic examiner and sexual  
23 assault nurse forensic examiner protocols, shall provide  
24 technical assistance upon request to health care professionals,  
25 and shall provide expertise on best practices to health care  
26 professionals relating to sexual assault forensic examinations.

27 The bill provides that the department of justice shall  
28 establish an advisory committee to support the sexual assault  
29 forensic examiner program. The duties of the committee shall  
30 include but are not limited to the following: advising the  
31 department of justice regarding the training programs developed  
32 for the sexual assault forensic examiner program; reviewing the  
33 implementation and effectiveness of the sexual assault forensic  
34 examiner program; and recommending to the department of justice  
35 changes in legislation and administrative rules concerning the



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1 sexual assault forensic examiner program. The bill specifies  
2 the members of the advisory committee.

3 The bill provides that the department may use moneys from the  
4 victim compensation fund to support the sexual assault forensic  
5 examiner program.