

House File 603 - Enrolled

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AN ACT

ESTABLISHING THE SEXUAL ASSAULT FORENSIC EXAMINER PROGRAM.

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

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

NEW SUBSECTION. 8. Administer the sexual assault forensic examiner program established pursuant to section 915.46 for training and providing technical assistance to sexual assault examiners and sexual assault nurse examiners.

Sec. 2. NEW SECTION. 915.46 **Sexual assault forensic examiner program.**

1. As used in this section:

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

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

c. "Pediatric treatment facility" means a treatment facility that provides treatment relating to the development, care, and

diseases of infants, children, and adolescents and that meets the accreditation requirements described in subsection 3.

d. "Sexual assault examiner" means a medical practitioner who is trained to provide services that include but are not limited to the following:

- (1) Taking a medical history.
- (2) Performing photographic documentation.
- (3) Performing a physical examination.
- (4) Assessing a patient for evidence collection.
- (5) Collecting evidence using a sexual abuse evidence collection kit.
- (6) Assessing a patient for drug-facilitated or alcohol-facilitated sexual assault.
- (7) Providing an evaluation of care for sexually transmitted infection and HIV, pregnancy risk evaluation, and care.
- (8) Providing discharge follow-up health care planning.

e. "Sexual assault nurse examiner" means a registered nurse, an advanced registered nurse practitioner, or an advanced practice registered nurse, licensed pursuant to chapter 152 or 152E who has completed a sexual assault forensic examiner program that meets the sexual assault nurse examiner education guidelines established by the international association of forensic nurses.

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

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

2. A sexual assault forensic examiner program is established within the department of justice. The sexual assault forensic examiner program shall maintain a list of sexual assault examiners and sexual assault nurse examiners who have completed didactic and clinical training approved by the department of justice and consistent with the sexual assault

forensic examiner education guidelines established by the international association of forensic nurses.

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

a. Child abuse pediatric sub-board eligibility or certification.

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

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

d. A pediatric treatment facility shall not exclude the presence of or interfere with the activities of a victim counselor as defined in section 915.20A.

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

b. The sexual assault forensic examiner program shall provide didactic and clinical training opportunities consistent with the sexual assault forensic examiner education guidelines established by the international association of forensic nurses, in collaboration with the Iowa department of public health and the Iowa coalition against sexual assault, in sufficient numbers and geographical locations across the state to assist treatment facilities with training sexual assault

examiners and sexual assault nurse examiners.

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

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

5. The sexual assault forensic examiner program, in collaboration with qualified medical providers, the Iowa department of public health, and the Iowa coalition against sexual assault, shall create uniform materials that all treatment facilities and federally qualified health centers are required to provide to patients and non-offending parents or legal guardians, if applicable, regarding medical forensic examination procedures, laws regarding consent relating to medical forensic services, and the benefits and risks of evidence collection, including recommended time frames for evidence collection pursuant to evidence-based research. These materials shall be made available on the department of justice's internet site to all treatment facilities and federally qualified health centers.

6. The sexual assault forensic examiner program, in collaboration with qualified medical providers, the Iowa department of public health, and the Iowa coalition against sexual assault, shall create and update statewide sexual assault examiner and sexual assault nurse examiner protocols, shall provide technical assistance upon request to health care professionals, and shall provide expertise on best practices to health care professionals relating to sexual assault forensic examinations.

7. *Advisory committee.*

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

the following:

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

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

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

b. Members of the advisory committee shall include staff members of the department of justice managing the sexual assault forensic examiner program; representatives from the department of public health as determined by the director to be appropriate, the Iowa coalition against sexual assault, the board of nursing, and other constituencies as determined by the department of justice with an interest in sexual assault forensic examinations; and the hospital medical staff person involved with emergency services pursuant to section 915.82.

Sec. 3. Section 915.94, Code 2021, is amended to read as follows:

915.94 Victim compensation fund.

A victim compensation fund is established as a separate fund in the state treasury. Moneys deposited in the fund shall be administered by the department and dedicated to and used for the purposes of [section 915.41](#) and [this subchapter](#). In addition, the department may use moneys from the fund for the purpose of the department's prosecutor-based victim service coordination, including the duties defined in [sections 910.3](#) and [910.6](#) and [this chapter](#), to support the sexual assault forensic examiner program established in section 915.46, for the award of funds to programs that provide services and support to victims of domestic abuse as provided in [chapter 236](#), to victims of sexual abuse as provided in [chapter 236A](#), to victims under [section 710A.2](#), for reimbursement to the Iowa law enforcement academy for domestic abuse and human trafficking training, and for the support of an automated victim notification system established in [section 915.10A](#). For each fiscal year, the department may also use up to three hundred thousand dollars from the fund to provide training

for victim service providers, to provide training for related professionals concerning victim service programming, and to provide training concerning homicide, domestic assault, sexual assault, stalking, harassment, and human trafficking as required by [section 710A.6](#). Notwithstanding [section 8.33](#), any balance in the fund on June 30 of any fiscal year shall not revert to the general fund of the state.

PAT GRASSLEY
Speaker of the House

JAKE CHAPMAN
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 603, Eighty-ninth General Assembly.

MEGHAN NELSON
Chief Clerk of the House

Approved _____, 2021

KIM REYNOLDS
Governor