

House Study Bill 179 - Introduced

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

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.