

Senate File 570 - Introduced

SENATE FILE 570
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1154)

(COMPANION TO HF 603 BY
COMMITTEE ON JUDICIARY)

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 and providing technical assistance to sexual assault
6 examiners and sexual assault nurse examiners.

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

9 1. As used in this section:

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

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

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

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

29 (1) Taking a medical history.

30 (2) Performing photographic documentation.

31 (3) Performing a physical examination.

32 (4) Assessing a patient for evidence collection.

33 (5) Collecting evidence using a sexual abuse evidence
34 collection kit.

35 (6) Assessing a patient for drug-facilitated or

1 alcohol-facilitated sexual assault.

2 (7) Providing an evaluation of care for sexually
3 transmitted infection and HIV, pregnancy risk evaluation, and
4 care.

5 (8) Providing discharge follow-up health care planning.

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

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

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

22 2. A sexual assault forensic examiner program is
23 established within the department of justice. The sexual
24 assault forensic examiner program shall maintain a list of
25 sexual assault examiners and sexual assault nurse examiners who
26 have completed didactic and clinical training approved by the
27 department of justice and consistent with the sexual assault
28 forensic examiner education guidelines established by the
29 international association of forensic nurses.

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

1 *a.* Child abuse pediatric sub-board eligibility or
2 certification.

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

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

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

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

24 *b.* The sexual assault forensic examiner program shall
25 provide didactic and clinical training opportunities consistent
26 with the sexual assault forensic examiner education guidelines
27 established by the international association of forensic
28 nurses, in collaboration with the Iowa department of public
29 health and the Iowa coalition against sexual assault, in
30 sufficient numbers and geographical locations across the state
31 to assist treatment facilities with training sexual assault
32 examiners and sexual assault nurse examiners.

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

1 (1) The provision of medical forensic services.

2 (2) The use of a sexual abuse evidence collection kit.

3 (3) Sexual assault epidemiology, the neurobiology of
4 trauma, drug-facilitated sexual assault, child sexual abuse,
5 and Iowa sexual assault-related laws.

6 (4) The treatment facility's sexual assault-related
7 policies and procedures.

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

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

31 7. *Advisory committee.*

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

1 the following:

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

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

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

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

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

21 **915.94 Victim compensation fund.**

22 A victim compensation fund is established as a separate fund
23 in the state treasury. Moneys deposited in the fund shall
24 be administered by the department and dedicated to and used
25 for the purposes of [section 915.41](#) and [this subchapter](#). In
26 addition, the department may use moneys from the fund for the
27 purpose of the department's prosecutor-based victim service
28 coordination, including the duties defined in [sections 910.3](#)
29 and [910.6](#) and [this chapter](#), to support the sexual assault
30 forensic examiner program established in section 915.46, for
31 the award of funds to programs that provide services and
32 support to victims of domestic abuse as provided in chapter
33 236, to victims of sexual abuse as provided in [chapter 236A](#),
34 to victims under [section 710A.2](#), for reimbursement to the
35 Iowa law enforcement academy for domestic abuse and human

1 trafficking training, and for the support of an automated
2 victim notification system established in [section 915.10A](#).
3 For each fiscal year, the department may also use up to three
4 hundred thousand dollars from the fund to provide training
5 for victim service providers, to provide training for related
6 professionals concerning victim service programming, and
7 to provide training concerning homicide, domestic assault,
8 sexual assault, stalking, harassment, and human trafficking as
9 required by [section 710A.6](#). Notwithstanding [section 8.33](#), any
10 balance in the fund on June 30 of any fiscal year shall not
11 revert to the general fund of the state.

12

EXPLANATION

13

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

15 This bill establishes the sexual assault forensic examiner
16 program.

17 The bill provides that the victim assistance program
18 established in the department of justice shall administer
19 the sexual assault forensic examiner program established in
20 the bill (Code section 915.46) for training, certifying, and
21 providing technical assistance to sexual assault forensic
22 examiners and sexual assault nurse examiners. The bill
23 provides definitions including definitions of "sexual assault
24 examiner", "sexual assault nurse examiner", "treatment
25 facility", and "pediatric treatment facility".

26 The bill provides that a sexual assault forensic examiner
27 program is established within the department of justice. The
28 sexual assault forensic examiner program shall maintain a list
29 of sexual assault examiners and sexual assault nurse examiners
30 who have completed certain training. By July 1, 2022, the
31 sexual assault forensic examiner program shall develop and
32 make available to treatment facilities two hours of online
33 sexual assault training for sexual assault examiners and
34 sexual assault nurse examiners. Notwithstanding any other law
35 regarding ongoing licensure requirements, such training shall

1 apply toward the continuing medical education and continuing
2 nursing education credits for physicians, physician assistants,
3 registered nurses, advanced registered nurse practitioners, and
4 advanced practice registered nurses.

5 The bill provides that sexual assault examiner training,
6 including didactic and clinical training, may be provided
7 in person or online and shall include but is not limited to
8 information concerning the provision of medical forensic
9 services; the use of a sexual abuse evidence collection kit;
10 sexual assault epidemiology, the neurobiology of trauma,
11 drug-facilitated sexual assault, child sexual abuse, and Iowa
12 sexual assault-related laws; and the treatment facility's
13 sexual assault-related policies and procedures.

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

1 The bill provides that the department of justice shall
2 establish an advisory committee to support the sexual assault
3 forensic examiner program. The duties of the committee shall
4 include but are not limited to the following: advising the
5 department of justice regarding the training programs developed
6 for the sexual assault forensic examiner program; reviewing the
7 implementation and effectiveness of the sexual assault forensic
8 examiner program; and recommending to the department of justice
9 changes in legislation and administrative rules concerning the
10 sexual assault forensic examiner program. The bill specifies
11 the members of the advisory committee.

12 The bill provides that the department may use moneys from the
13 victim compensation fund to support the sexual assault forensic
14 examiner program.