

June 7, 2017

Oregon State Legislature
House Committee on Judiciary
900 Court St. NE
Salem Oregon 97301

Re: *Senate Bill 842 – Sexual Assault Forensic Kit*

Chair Jeff Barker and House Committee on Judiciary Members:

The Oregon Association of Hospitals and Health Systems (Association) appreciates the opportunity to share with the committee hospital protocols for sexual assault medical assessments and the collection of a sexual assault forensic evidence kits as it relates to SB 842. The Association also want to express our concerns with elements within the bill that do not support evidence based patient centered care.

All emergency room physicians can perform a sexual assault medical assessment and collect forensic evidence. Many hospitals cross train their nurses to be Sexual Assault Examiners (SAE) or Sexual Assault Nurse Examiners (SANE). Only registered nurses who are certified and trained as SANE/SAE can provide forensic examinations of sexual assault victims. SANE/SAE are part of a larger coordinated response team to sexual assault victims and therefore often work closely with law enforcement officers, forensic lab staff, child protective services, prosecutors, sexual assault advocates, and crisis programs. In addition, some hospitals have contracted with qualified organizations, such as Rapid Save Investigators in the Portland area, who specialize only in victims of sexual assaults and these critical exams.

Small and rural hospitals typically only have one emergency physician available at any time and may not have a SAE/SANE qualified examiner on staff. (Rural providers do not see the volume of sexual assault cases needed to maintain a provider's SAE/SANE certification) The exam, collection and documentation of forensic evidence typically take 4-6 hours; ideally with no disruption. If an emergency physician begins a sexual assault medical assessment the hospital would likely need to have its emergency department go on divert. With that said, hospitals often do not have their emergency room physicians perform the sexual assault medical assessment and transfer the patient to a hospital with a higher level of care. Transfers are done via an ambulance because the victim that presents in an emergency department are under the care of that hospital. However, the patient may decide to have a family member or friend take them via a private car. If that is the choice of the patient, that is documented in the patient's chart. The patient also has the right to excuse themselves or self-release themselves. If this is the case, the patient signs a release form and it is documented in the patient's medical chart.

Another situation where a hospital may not perform a sexual assault medical assessment is when the victim is a child. Children, unless they present at a specialized children's hospital, are more likely to be transferred to a higher level of care facility that specializing in children's needs.

Sexual Assault Forensic Evidence Safe Kits (sexual assault kits) are provided by the Oregon State Police Forensic Laboratory. Inside each sexual assault kit, used for collecting evidence, is a step by step guide how to collect, label and store evidence so as not to disrupt the chain of evidence. Chain of evidence starts with the collection of an evidence item to its disposition with the receiving officer. The chain of evidence (process) is documented to track the evidence collection process, its

integrity and disposition with the officer. The 60-day storage requirement would contradict current law which requires hospitals to notify appropriate law enforcement within 7-days of a completed sexual assault kit. Requiring a hospital to hold a sexual assault kit longer than that is not in the best interest of patient care nor is it good for ensuring a clean chain of evidence. Hospitals are not equipped to store evidence for any great length of time like law enforcement.

While Oregon hospitals are always looking for ways to ensure better care for its patients, requiring hospitals to perform a sexual assault medical assessment and store the sexual assault kit for up to 60-days is not a path to better patient care.

Respectfully,

Andi Easton
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Oregon Association of Hospital and Health Systems