

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill Nos. 53 & 60, Page 11, Section 191.1165, Lines 39-40, by deleting said lines and
3 inserting in lieu thereof the following:
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5 "disorders using standard diagnostic criteria by a social worker; licensed professional
6 counselor; licensed psychologist; psychiatrist; or qualified addiction professional, as defined by the
7 department of mental health, acting within the scope of practice for which the qualified addiction
8 professional is credentialed. The department of corrections or entity"; and
9

10 Further amend said bill, page, and section, Line 53, by inserting after said section and line the
11 following:
12

13 "192.2520. 1. Sections 192.2520 and 197.135 shall be known and may be cited as the
14 "Justice for Survivors Act".

15 2. As used in this section, the following terms shall mean:

- 16 (1) "Appropriate medical provider", the same meaning as used in section 595.220;
17 (2) "Department", the department of health and senior services;
18 (3) "Evidentiary collection kit", the same meaning as used in section 595.220;
19 (4) "Forensic examination", the same meaning as used in section 595.220;
20 (5) "Telehealth", the same meaning as used in section 191.1145.

21 3. No later than July 1, 2022, there shall be established within the department a statewide
22 telehealth network for forensic examinations of victims of sexual offenses in order to provide access
23 to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical providers.
24 A statewide coordinator for the telehealth network shall be selected by the director of the
25 department of health and senior services and shall have oversight responsibilities and provide
26 support for the training programs offered by the network, as well as the implementation and
27 operation of the network. The statewide coordinator shall regularly consult with Missouri-based
28 stakeholders and clinicians actively engaged in the collection of forensic evidence regarding the
29 training programs offered by the network, as well as the implementation and operation of the
30 network.

31 4. The network shall provide mentoring and educational training services, including:

- 32 (1) Conducting a forensic examination of a victim of a sexual offense, in accordance with
33 best practices, while utilizing an evidentiary collection kit;
34 (2) Proper documentation, transmission, and storage of the examination evidence;
35 (3) Utilizing trauma-informed care to address the needs of victims;
36 (4) Utilizing telehealth technology while conducting a live examination; and

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1 (5) Providing ongoing case consultation and serving as an expert witness in event of a trial.
2 The network shall, in the mentoring and educational training services provided, emphasize the
3 importance of obtaining a victim's informed consent to evidence collection, including issues
4 involving minor consent, and the scope and limitations of confidentiality regarding information
5 gathered during the forensic examination.

6 5. The training offered [~~may~~] shall be made available [~~both~~] online [~~or in person~~], including
7 the use of video conferencing technology to connect trained interdisciplinary experts with providers
8 in a case-based learning environment, and may also be made available in-person.

9 6. The network shall, through telehealth services available twenty-four hours a day, seven
10 days a week, by a SANE or another similarly trained appropriate medical provider, provide
11 mentoring, consultation services, guidance, and technical assistance to appropriate medical
12 providers during and outside of a forensic examination of a victim of a sexual offense. The network
13 shall ensure that the system through which the network provides telehealth services meets national
14 standards for interoperability to connect to telehealth systems.

15 7. The department may consult and enter into any necessary contracts with any other local,
16 state, or federal agency, institution of higher education, or private entity to carry out the provisions
17 of this section, including, but not limited to, a contract to:

18 (1) Develop, implement, maintain, or operate the network;

19 (2) Train and provide technical assistance to appropriate medical providers on conducting
20 forensic examinations of victims of sexual offenses and the use of telehealth services; and

21 (3) Provide consultation, guidance, or technical assistance to appropriate medical providers
22 using telehealth services during a forensic examination of a victim of a sexual offense.

23 8. Beginning October 1, 2021, and each year thereafter, all hospitals licensed under chapter
24 197 shall report to the department the following information for the previous year:

25 (1) The number of forensic examinations of victims of a sexual offense performed at the
26 hospital;

27 (2) The number of forensic examinations of victims of a sexual offense requested to be
28 performed by a victim of a sexual offense that the hospital did not perform and the reason why the
29 examination was not performed;

30 (3) The number of evidentiary collection kits submitted to a law enforcement agency for
31 testing; and

32 (4) After July 1, 2022, the number of appropriate medical providers employed at or
33 contracted with the hospital who utilized the training and telehealth services provided by the
34 network.

35
36 The information reported under this subsection and subsection 9 of this section shall not include any
37 personally identifiable information of any victim of a sexual offense or any appropriate medical
38 provider performing a forensic examination of such victim.

39 9. Beginning January 1, 2022, and each year thereafter, the department shall make publicly
40 available a report that shall include the information submitted under subsection 8 of this section.

41 The report shall also include, in collaboration with the department of public safety, information
42 about the number of evidentiary collection kits submitted by a person or entity outside of a hospital
43 setting, as well as the number of appropriate medical providers utilizing the training and telehealth
44 services provided by the network outside of a hospital setting.

45 10. (1) The funding for the network shall be subject to appropriations. In addition to
46 appropriations from the general assembly, the department shall apply for available grants and shall
47 be able to accept other gifts, grants, bequests, and donations to develop and maintain the network
48 and the training offered by the network.

49 (2) There is hereby created in the state treasury the "Justice for Survivors Telehealth

1 Network Fund", which shall consist of any gifts, grants, bequests, and donations accepted under this
 2 subsection. The state treasurer shall be custodian of the fund. In accordance with sections 30.170
 3 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and
 4 money in the fund shall be used solely by the department for the purpose of developing and
 5 maintaining the network and the training offered by the network. The state treasurer shall invest
 6 moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned
 7 on such investments shall be credited to the fund.

8 11. The department shall promulgate rules and regulations in order to implement the
 9 provisions of this section, including, but not limited to, the following:

10 (1) The operation of a statewide telehealth network for forensic examinations of victims of
 11 sexual offenses;

12 (2) The development of training for appropriate medical providers conducting a forensic
 13 examination of a victim of a sexual offense; and

14 (3) Maintenance of records and data privacy and security of patient information.
 15

16 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
 17 authority delegated in this section shall become effective only if it complies with and is subject to all
 18 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
 19 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
 20 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
 21 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 22 August 28, 2020, shall be invalid and void.

23 197.135. 1. Beginning January 1, 2023, or no later than six months after the establishment
 24 of the statewide telehealth network under section 192.2520, whichever is later, any hospital licensed
 25 under this chapter shall perform a forensic examination using an evidentiary collection kit upon the
 26 request and consent of the victim of a sexual offense, or the victim's guardian, when the victim is at
 27 least fourteen years of age. In the case of minor consent, the provisions of subsection 2 of section
 28 595.220 shall apply. Victims under fourteen years of age shall be referred, and victims fourteen
 29 years of age or older but less than eighteen years of age may be referred, to a SAFE CARE provider,
 30 as such term is defined in section 334.950, for medical or forensic evaluation and case review.
 31 Nothing in this section shall be interpreted to preclude a hospital from performing a forensic
 32 examination for a victim under fourteen years of age upon the request and consent of the victim or
 33 victim's guardian, subject to the provisions of section 595.220 and the rules promulgated by the
 34 department of public safety.

35 2. (1) An appropriate medical provider, as such term is defined in section 595.220, shall
 36 perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that any
 37 provider performing the examination has received training conducting such examinations that is, at
 38 a minimum, equivalent to the training offered by the statewide telehealth network under subsection
 39 4 of section 192.2520. Nothing in this section shall require providers to utilize the training offered
 40 by the statewide telehealth network, as long as the training utilized is, at a minimum, equivalent to
 41 the training offered by the statewide telehealth network.

42 (2) If the provider is not a sexual assault nurse examiner (SANE), or another similarly
 43 trained physician or nurse, then the hospital shall utilize telehealth services during the examination,
 44 such as those provided by the statewide telehealth network, to provide guidance and support through
 45 a SANE, or other similarly trained physician or nurse, who may observe the live forensic
 46 examination and who shall communicate with and support the onsite provider with the examination,
 47 forensic evidence collection, and proper transmission and storage of the examination evidence.

48 3. The department of health and senior services may issue a waiver of the telehealth
 49 requirements of subsection 2 of this section if the hospital demonstrates to the department, in

1 writing, a technological hardship in accessing telehealth services or a lack of access to adequate
2 broadband services sufficient to access telehealth services. Such waivers shall be granted sparingly
3 and for no more than a year in length at a time, with the opportunity for renewal at the department's
4 discretion.

5 4. The department shall waive the requirements of this section if the statewide telehealth
6 network established under section 192.2520 ceases operation, the director of the department of
7 health and senior services has provided written notice to hospitals licensed under this chapter that
8 the network has ceased operation, and the hospital cannot, in good faith, comply with the
9 requirements of this section without assistance or resources of the statewide telehealth network.
10 Such waiver shall remain in effect until such time as the statewide telehealth network resumes
11 operation or until the hospital is able to demonstrate compliance with the provisions of this section
12 without the assistance or resources of the statewide telehealth network.

13 5. The provisions of section 595.220 shall apply to the reimbursement of the reasonable
14 costs of the examinations and the provision of the evidentiary collection kits.

15 6. No individual hospital shall be required to comply with the provisions of this section and
16 section 192.2520 unless and until the department provides such hospital with access to the statewide
17 telehealth network for the purposes of mentoring and training services required under section
18 192.2520 without charge to the hospital."; and

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20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.