

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1179**  
**101ST GENERAL ASSEMBLY**

2417H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 192.2520 and 197.135, RSMo, and to enact in lieu thereof two new sections relating to forensic examinations.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 192.2520 and 197.135, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 192.2520 and 197.135, to read as follows:

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

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

4 (1) "Appropriate medical provider", the same meaning as used in section 595.220;

5 (2) "Department", the department of health and senior services;

6 (3) "Evidentiary collection kit", the same meaning as used in section 595.220;

7 (4) "Forensic examination", the same meaning as used in section 595.220;

8 (5) "Telehealth", the same meaning as used in section 191.1145.

9 3. No later than July 1, 2022, there shall be established within the department a statewide  
10 telehealth network for forensic examinations of victims of sexual offenses in order to provide  
11 access to sexual assault nurse examiners (SANE) or other similarly trained appropriate medical  
12 providers. A statewide coordinator for the telehealth network shall be selected by the director  
13 of the department of health and senior services and shall have oversight responsibilities and  
14 provide support for the training programs offered by the network, as well as the implementation  
15 and operation of the network. **The statewide coordinator shall regularly consult with**  
16 **Missouri-based stakeholders and clinicians actively engaged in the collection of forensic**  
17 **evidence regarding the training programs offered by the network, as well as the**  
18 **implementation and operation of the network.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19           4. The network shall provide mentoring and educational training services, including:  
20           (1) Conducting a forensic examination of a victim of a sexual offense, in accordance  
21 with best practices, while utilizing an evidentiary collection kit;  
22           (2) Proper documentation, transmission, and storage of the examination evidence;  
23           (3) Utilizing trauma-informed care to address the needs of victims;  
24           (4) Utilizing telehealth technology while conducting a live examination; and  
25           (5) Providing ongoing case consultation and serving as an expert witness in event of a  
26 trial.

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28 The network shall, in the mentoring and educational training services provided, emphasize the  
29 importance of obtaining a victim's informed consent to evidence collection, including issues  
30 involving minor consent, and the scope and limitations of confidentiality regarding information  
31 gathered during the forensic examination.

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

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

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

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

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

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

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

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

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

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

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

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

67 9. Beginning January 1, 2022, and each year thereafter, the department shall make  
68 publicly available a report that shall include the information submitted under subsection 8 of this  
69 section. The report shall also include, in collaboration with the department of public safety,  
70 information about the number of evidentiary collection kits submitted by a person or entity  
71 outside of a hospital setting, as well as the number of appropriate medical providers utilizing the  
72 training and telehealth services provided by the network outside of a hospital setting.

73 10. (1) The funding for the network shall be subject to appropriations. In addition to  
74 appropriations from the general assembly, the department shall apply for available grants and  
75 shall be able to accept other gifts, grants, bequests, and donations to develop and maintain the  
76 network and the training offered by the network.

77 (2) There is hereby created in the state treasury the "Justice for Survivors Telehealth  
78 Network Fund", which shall consist of any gifts, grants, bequests, and donations accepted under  
79 this subsection. The state treasurer shall be custodian of the fund. In accordance with sections  
80 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated  
81 fund and money in the fund shall be used solely by the department for the purpose of developing  
82 and maintaining the network and the training offered by the network. The state treasurer shall  
83 invest moneys in the fund in the same manner as other funds are invested. Any interest and  
84 moneys earned on such investments shall be credited to the fund.

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

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

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

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

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

197.135. 1. Beginning January 1, 2023, **or no later than six months after the**  
2 **establishment of the statewide telehealth network under section 192.2520, whichever is**  
3 **later**, any hospital licensed under this chapter shall perform a forensic examination using an  
4 evidentiary collection kit upon the request and consent of the victim of a sexual offense, or the  
5 victim's guardian, when the victim is at least fourteen years of age. In the case of minor consent,  
6 the provisions of subsection 2 of section 595.220 shall apply. Victims under fourteen years of  
7 age shall be referred, **and victims between fourteen and seventeen years of age may be**  
8 **referred**, to a SAFE CARE provider, as such term is defined in section 334.950, for medical or  
9 forensic evaluation and case review. Nothing in this section shall be interpreted to preclude a  
10 hospital from performing a forensic examination for a victim under fourteen years of age upon  
11 the request and consent of the victim or victim's guardian, subject to the provisions of section  
12 595.220 and the rules promulgated by the department of public safety.

13 2. **(1)** An appropriate medical provider, as such term is defined in section 595.220, shall  
14 perform the forensic examination of a victim of a sexual offense. The hospital shall ensure that  
15 any provider performing the examination has received training conducting such examinations  
16 that is, at a minimum, equivalent to the training offered by the statewide telehealth network  
17 under subsection 4 of section 192.2520. **Nothing in this section shall require providers to**  
18 **utilize the training offered by the statewide telehealth network, as long as the training**  
19 **utilized is, at a minimum, equivalent to the training offered by the statewide telehealth**  
20 **network.**

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

28           3. The department of health and senior services may issue a waiver of the telehealth  
29 requirements of subsection 2 of this section if the hospital demonstrates to the department, in  
30 writing, a technological hardship in accessing telehealth services or a lack of access to adequate  
31 broadband services sufficient to access telehealth services. Such waivers shall be granted  
32 sparingly and for no more than a year in length at a time, with the opportunity for renewal at the  
33 department's discretion.

34           4. The department shall waive the requirements of this section if the statewide telehealth  
35 network established under section 192.2520 ceases operation, the director of the department of  
36 health and senior services has provided written notice to hospitals licensed under this chapter that  
37 the network has ceased operation, and the hospital cannot, in good faith, comply with the  
38 requirements of this section without assistance or resources of the statewide telehealth network.  
39 Such waiver shall remain in effect until such time as the statewide telehealth network resumes  
40 operation or until the hospital is able to demonstrate compliance with the provisions of this  
41 section without the assistance or resources of the statewide telehealth network.

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

44           **6. No individual hospital shall be required to comply with the provisions of this**  
45 **section and section 192.2520 unless and until the department provides such hospital with**  
46 **access to the statewide telehealth network for the purposes of mentoring and training**  
47 **services required under section 192.2520 without charge to the hospital.**

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