



Illinois Health and Hospital Association

New Hospital Requirements for Sexual Assault Treatment

November 13, 2018

Sexual Assault Survivors Emergency Treatment Act (SASETA)

Amended:

2015 – P.A. 99-0454 effective 1/1/16 regarding billing

2016 – P.A. 99-0801 effective 1/1/17 regarding consent for evidence testing, storage and patient notice

2018 – P.A. 100-0775 (HB5245) effective 1/1/19 regarding definitions, treatment/transfer hospital requirements, IDPH/OAG requirements, creation of Task Force

2018 - P.A. 100–1087 (SB3404) effective 1/1/19 regarding offer of shower after exam, additional support person and evidence retained 10 years

Other Illinois Sexual Assault Laws

2016 – New Sexual Assault Incident Procedure Act

P.A. 99-0801 – Requires law enforcement:

- Mandatory report writing
- Additional responding officer responsibilities
- Collecting, storing and testing of sexual assault evidence
- Release of information to the victim relating to evidence testing
- Develop written policies

2018 – Rights of Crime Victims and Witnesses Act

P.A. 100-1087 Amended to allow advocate and support person to be present during exam

SASETA Revision Genesis

Pediatric survivor care:

- 2017 legislation introduced to allow treatment of pediatric survivors outside hospitals
- Same level of medical forensic care
- Provided by child abuse pediatrician or SANE-P
- Agreement with treatment hospital
- IDPH oversight

2018 expanded to include:

- SANES providing medical forensic care in hospitals
- Training of ED staff and many other requirements

Sexual Assault Medical Forensic Services Implementation Task Force

27 Members – co-chaired by IDPH/OAG

Legislators

Hospitals

SANEs

Physicians

Advocates

Law enforcement

Goals:

- Educational material
- Model rape crisis MOU
- Photography and storage options
- Facilitate area wide treatment plans & on-call systems
- Telemedicine recommendations
- Seek SANE training in nursing programs/emergency physician programs
- Report impact out-of-state transfer & treatment hospital availability

Sexual Assault Treatment: New Requirements

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Sexual Assault Survivors Emergency Treatment

Public Act 100-1087

November 13, 2018



Objectives

- Identify the different types of SASETA plans for hospitals
- Identify Hospital training requirements
- 24/7 availability of qualified medical provider
- Understand what an Area Wide Treatment means
- Requirements for submission of plans and the semi-annual reporting of statistics

Types of Facility Plans

- Treatment Hospitals- Provides medical forensic services to all sexual assault survivors
- Treatment Hospitals with approved pediatric transfer
- Approved Pediatric Health Care Facilities
- Transfer Hospital
- Out-of-State Hospital designated as trauma center (EMS) and has an approved areawide treatment plan, provides medical forensic services

Definitions/New Terminology

- **Pediatric sexual assault survivor** – a person under the age of 13 who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault
- **Prepubescent sexual assault survivor** – a female who is under the age of 18 years and has not had a first menstrual cycle or a male under the age of 18 years and has not started to develop secondary sex characteristics who presents for medical forensic services in relation to injuries or trauma resulting from a sexual assault
- **Qualified medical provider** - a board-certified child abuse pediatrician, board-eligible child abuse pediatrician, a sexual assault forensic examiner, or a nurse assault nurse examiner



Definitions/New Terminology

- **Sexual assault forensic examiner** - *a physician or physician assistant who has completed training that meets or is substantially similar to the Sexual Assault Nurse Examiner Education Guidelines established by the International Association for Forensic Nurses*
- **Sexual assault nurse examiner** - *advanced practice registered nurse or registered professional nurse who has completed a sexual assault nurse examiner training program that meets the Sexual Assault Nurse Examiner Education Guidelines established by the International Association for Forensic Nurses*



Changes to Treatment Requirements

- Provide appropriate oral and written information concerning evidence-based guidelines for the evidence collection (Standardized information to be provided by Attorney General's Office by January 2019)
- Photo Documentation (beginning 7/1/2019) for evidence to supplement the medical forensic and written documentation of physical findings (SASETA task force developing photography and storage options)
- By 1/1/2022 must employ or contract with a qualified medical provider to initiate medical forensic services to a sexual assault survivor within 90 minutes of the patient presenting
- Medical records retained for 60 years after the minor reaches age of 18, and 20 years for survivors of the age of 18



Changes to Treatment Requirements

- After the medical evidentiary or physical examination, provide access to shower for the survivor if available
- Written notice to the provider about the billing services, vouchers, and follow-up care as per section 545.100 of the Regulations
- The facility shall utilize The Illinois State Police Medical Forensic Documentation Forms:
 - Illinois State Police Consent: Collect and Test Evidence or Collect and Hold Evidence
 - Illinois State Police Patient Discharge Materials form (See Section 545.61 of the Regulations.) **Note the storage by the State Police is now 10 years from collection or ten years from age of 18 which ever is longer*



Changes to Treatment Requirements

- Have private, age-appropriate, or developmentally appropriate space of the medical forensic examination
- Procedures to comply with mandatory reporting requirements:
 - Abused and Neglected Child Reporting Act
 - Abused and Neglected Long Term Facility Residents Reporting Act
 - Adult Protective Services Act and Criminal Identification Act
- Provide information on Children's Advocacy Center and rape crisis center, if appropriate
- Memorandum of understanding with a rape crisis center for medical advocacy services



Transfer Hospitals

- ▶ Must have written agreement with a treatment hospital for all transfers of sexual assault survivors as a part of an area wide treatment plan
- ▶ In counties with a population less than 1, 000, 000 that has a 4-year public university, there must be at least one treatment hospital within a 20-mile radius of the University.



Algorithm for Pediatric Sexual Assault Care

- Per Section 5.3 outlines the treatment and transfer of pediatric patients for medical forensic services.
- Please refer to the 3 handouts provided by the Attorney General's Office regarding the transfer of pediatric sexual assault survivors between providers

Training Requirements for Hospitals

- Beginning January 1, 2019 each treatment hospital and treatment hospital with approved pediatric transfers, shall have clinical staff (ED physician, PA, APN, and RN) providing clinical services who do not meet the definition of qualified medical provider receive a minimum of 2 hours of sexual assault training by 7/1/2020.
- Training shall include information on at least
 - Provision of medical forensic services
 - Use of the Illinois Sexual Assault Evidence Collection Kit
 - On sexual assault epidemiology, neurobiology of trauma, drug-facilitated sexual assault, child sexual abuse and Illinois sexual assault-related laws
 - The hospital's sexual assaulted related policies and procedures
 - By 3/1/2019 online training created by the Sexual Assault Nurse Examiner Program will be available on Attorney General's website to meet this requirement



Training Requirements for Hospitals

- ▶ After 7/1/2020 hospitals who have **not** meet the requirement per subsection (a-7) of Section 5 (medical forensic services are provided by a qualified medical provider), must receive 2 hours of continuing education every two years
- ▶ Training requirements must be included in the plan.



Area Wide Plan

- This is a coordinated plan between hospitals and or a Pediatric health care facility to describe the medical forensic services to sexual assault survivors by each facility within the geographic area. The Plan must ensure that the minimum requirements per Section 5 of the Act provides medical forensic services to all patients in the area served.
 - Include criteria as to when a transfer would occur
 - Steps for the transfer process, with each facility's responsibility as related to SASETA
 - Collaborative review of the plan and its process and submission every three years by each facility



Mandatory Reporting Requirements

- ▶ IDPH will request the following data in July 2019 for data from January to June of 2019
 - Total number of patients who presented with a complaint of sexual assault
 - Total number of evidence collection kits offered
 - Total number of evidence collection kits offered to pediatrics
 - Total number of completed kits for all assault survivors
 - Total number of completed kits for pediatric assault survivors
 - Total number of survivors who declined evidence collection
 - Total number of pediatric survivors who declined evidence collection
 - Treatment hospitals, the number transfers received for SASETA



Submission of Plans

- ▶ Pursuant to Public Act 100-1087 after Jan 1, 2019, all hospitals shall submit an updated plan to either remain under its current classification as a treatment or transfer hospital or to request a new classification type.



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