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**Health Care & Wellness Committee**

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**HB 2585**

**Brief Description:** Concerning hospital notification of availability of sexual assault evidence kit collection.

**Sponsors:** Representatives Caldier, Orwall, McCabe, Gregerson, Jinkins, Cody, Pike, Senn, Wylie and Shea.

**Brief Summary of Bill**

- Requires any hospital that does not provide sexual assault evidence kit collection or does not have a provider available to notify within two hours any individual who presents at the hospital's emergency department requesting or requiring such service that it does not provide it and to provide the individual with a list of the nearest health care facilities that provide such collection.
- Creates a civil penalty of \$2,000 for failure to comply with this requirement.

**Hearing Date:** 1/26/18

**Staff:** Kim Weidenaar (786-7120).

**Background:**

After a person has been the victim of a sexual assault, the person may undergo a forensic examination for the purpose of collecting any evidence that may have been left behind during the assault. The physician or nurse conducting the examination preserves the evidence using a sexual assault forensic examination kit, also commonly referred to as a sexual assault kit (SAK) or rape kit. After the examination, custody of a SAK may be transferred to a law enforcement agency to be utilized during an investigation and subsequent criminal prosecution. The victim is prohibited by law from being charged directly or indirectly for the examination.

Sexual assault nurse examiners (SANE) are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of patients who have experienced sexual assault or abuse. In addition to other services, they can provide medical assistance while

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also assessing, documenting, and preserving evidence for potential prosecutions. The SANEs conduct forensic examinations where SAKs are collected. However, nurses without SANE training or certification can also conduct such examinations.

**Summary of Bill:**

Beginning July 1, 2019, any hospital that does not provide sexual assault evidence kit collection or does not have a provider available must notify within two hours any individual who presents at the hospital's emergency department requesting or requiring such service that it does not provide it. The hospital must provide the individual with a list of the nearest health care facilities and practitioners that provide sexual assault evidence kit collection. The list must be updated quarterly. The notice must include a written statement that the health care facilities and practitioners may be out-of-network or otherwise not covered by the individual's insurance.

Failure to comply with this requirement is punishable by a civil penalty of two thousand dollars.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.