

# SENATE BILL REPORT

## SHB 2585

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As Reported by Senate Committee On:  
Health & Long Term Care, February 22, 2018

**Title:** An act relating to hospital notification of availability of sexual assault evidence kit collection.

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

**Sponsors:** House Committee on Health Care & Wellness (originally sponsored by Representatives Caldier, Orwall, McCabe, Gregerson, Jinkins, Cody, Pike, Senn, Wylie and Shea).

**Brief History:** Passed House: 2/07/18, 98-0.

**Committee Activity:** Health & Long Term Care: 2/22/18, 2/22/18 [DP, DNP].

### Brief Summary of Bill

- Requires any hospital that does not provide sexual assault evidence kit collection or does not have appropriate providers available at all times, to notify patients within two hours of presentation and have a plan to assist patients in finding an appropriate facility.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Majority Report:** Do pass.

Signed by Senators Cleveland, Chair; Kuderer, Vice Chair; Rivers, Ranking Member; Conway, Fain, Keiser, Mullet and Van De Wege.

**Minority Report:** Do not pass.

Signed by Senators Bailey and Becker.

**Staff:** Greg Attanasio (786-7410)

**Background:** After a person has been the victim of a sexual assault, they may undergo a forensic examination for the purpose of collecting any evidence that may have been left behind. Generally, a sexual assault nurse examiner (SANE), who is a registered nurse

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specially trained to provide evidentiary examinations of sexual assault victims, conducts the examination and preserves the evidence using a sexual assault forensic examination kit. However, nurses without SANE training or certification can also conduct such examinations.

The Office of Crime Victims Advocacy has accredited 38 Community Sexual Assault Programs in Washington. These programs may provide a 24/7 crisis hotline and referrals to other community service providers.

**Summary of Bill:** By July 1, 2019, any hospital that does not provide sexual assault evidence kit collection or does not have appropriate providers available at all times, must develop a plan, in consultation with the local community sexual assault agency, to assist individuals with obtaining sexual assault evidence kit collection.

Beginning July 1, 2019, a hospital that does not perform sexual assault evidence kit collection or does not have an appropriate provider available, must notify within two hours of a request, any individual who presents at the emergency department requesting a sexual assault evidence kit collection that it does not provide the service or does not have a provider available. If the hospital must notify an individual, it must coordinate care with the local community sexual assault agency and assist the patient in finding a facility with an appropriate provider available.

Failure to comply with this requirement is punishable by a civil penalty of \$2,000.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Hospitals often have poor communication with sexual assault victims and that can result in the victim waiting for hours before finding out if the hospital can assist them. The delay often results in loss of evidence. The bill requires hospitals to notify victims in a short timeframe.

OTHER: We support the intent of the bill, but believe hospitals should not be financially penalized for failure to comply with the act. Requiring a corrective action plan to address communication issues with victims would be more productive than a fine.

**Persons Testifying:** PRO: Representative Michelle Caldier, Prime Sponsor; Hailee Avocato, citizen.

OTHER: Lisa Thatcher, Washington State Hospital Association.

**Persons Signed In To Testify But Not Testifying:** No one.