

BULLETIN

November 15, 2022

To: Hospital Chief Nursing Officers, Emergency Department Directors, Legal Counsel, and Government Affairs Leaders
Please forward to staff in charge of services for sexual assault survivors

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Subject: **Sexual assault evidence kit collection—Availability, plan, and notice requirements.**

Purpose:

This bulletin is a reminder that as of July 2020, RCW [70.41.367](#) requires acute care hospitals to provide specific information and notification to individuals seeking sexual assault evidence kit collections and have a plan in place to assist individuals with obtaining those services.

Applicability/Scope:

The requirements under RCW [70.41.367](#) apply to all acute care hospitals licensed under chapter [70.41](#) RCW.

Overview

RCW [70.41.367](#), effective July 1, 2020, sought to ensure that survivors of sexual assault have timely access to forensic evidence exams. If a survivor presents to a hospital and requests a forensic evidence exam, the law requires that the individual seeking care is notified by the hospital within two hours if services are not available and referred to a hospital that is able to provide the service.

These requirements apply to all acute care hospitals licensed under chapter [70.41](#) RCW:

- A. If a hospital does not provide sexual assault evidence kit (SAK) collection or does not have appropriate providers available to provide this service “at all times,” the hospital is required to have a plan in place to assist individuals with obtaining a SAK collection from a facility that can provide the service. Since many hospitals do not have sexual assault nurse examiners (SANE) or other specially trained staff available 24/7, all hospitals should consider developing a plan and process to provide patients with notice if SAK collection is not available and how to assist the patient to receive care.



Washington State Hospital Association

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- The plan must be developed with the hospital's local community sexual assault agency.
 - The plan should dictate how staff will coordinate care with the local community sexual assault agency in such cases, and how they will assist individuals with finding a facility that can provide these services.
- B. Hospitals must notify any individual who presents at their emergency department requesting a SAK within two hours of requesting this service if the hospital does not provide this service or does not have the appropriate providers available.
- C. Hospitals must notify any individual who presents at their emergency department requesting a SAK that they may file a complaint with the Department of Health if a hospital fails to notify them if services are not available within two hours of requesting a SAK.

Next Steps:

As RCW 70.41.367 came into effect in July 2020, if your hospital does not have a plan and policies in place, establish those as soon as possible. WSHA has guidance for hospitals to develop policies and the notifications required by RCW [70.41.367](#).

Background:

Most hospitals in Washington State provide sexual assault forensic evidence examinations and collection by trained medical providers. These providers include Sexual Assault Nurse Examiners (SANEs). SANE staff are specifically trained and are a critical and limited resource in the state. As a result, some hospitals may not be able to provide this service due to the significant time and cost associated with specialized SANE training. Note that [HB 1621](#) requires the Department of Health (DOH) to establish a stipend program to cover out-of-pocket expenses incurred by licensed nurses completing the training necessary to become certified sexual assault nurse examiners. DOH is currently developing this program and WSHA will provide additional guidance when more information is available.

If a hospital is not able to provide SANE services to a patient, regardless of the reason, the patient should be screened, stabilized, and transferred or referred to a different hospital that can provide the forensic assault examination. It is essential that sexual assault survivors are connected to timely and appropriate resources. The 2020 changes in law provided by RCW [70.41.367](#) ensure hospitals have a plan and policies in place that staff can follow to connect individuals with sexual assault resources.

References:

- [RCW 70.41](#) – Hospital licensing and regulation.
- [RCW 70.41.367](#): Concerning hospital notification of availability of sexual assault evidence kit collection.
- [HB 1621](#): Relating to creating programs to encourage sexual assault nurse examiner training.

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When the bulletin is ready, it must be circulated for review. The author is responsible for giving it to one person at a time and having their approval before it goes to the next person. Please remember that content reviewers are not responsible for re-writing content, so allow yourself some time to make revisions.

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