

# Legislation to Enhance Medical Care for Sexual Assault Victims

The Pennsylvania Coalition Against Rape (PCAR) advocates for the expansion of medical care and options for survivors undergoing healthcare and evidence collection associated with their assault.

The Pennsylvania General Assembly has made significant strides in strengthening the options and resources available to victims of sexual assault by amending the Sexual Assault Testing and Evidence Collection (SATEC) Act over multiple legislative sessions. Most recently, in the 2019 legislative session, we saw SATEC amended through Senate Bill 399 (Langerholc) and enacted into law, establishing consistent rights and options for victims throughout the Commonwealth. As a result, Pennsylvania can be viewed as a national leader in employing best practices in medical care for victims and evidence collection and testing. SATEC establishes the procedures for sexual assault evidence collection and testing throughout Pennsylvania. SATEC and the Department of Health regulations require certain protocols to ensure victims have access to critical care and services including but not limited to the support of a sexual assault counselor



from a rape crisis center, the right to seek care and have evidence collected and tested anonymously and free-of-charge, and the right to have evidence preserved for the full duration of the current statute of limitations.

## Establish a Statewide Sexual Assault Evidence Tracking System

While Pennsylvania has worked hard to increase survivors' access to important healthcare and evidence collection services related to their assault, there are still significant gaps in these efforts. Currently, there is no statewide tracking system for sexual assault evidence (more commonly known as rape kits). We are proud of the progress Pennsylvania has made toward ending its rape kit backlog. A statewide tracking system is the next step in continuing this progress and providing victims, law enforcement, medical providers, and prosecutors with real-time status updates pertaining to sexual assault evidence and its progression from collection to testing. It takes courage to come forward and get a forensic exam. Victims often fear that they won't be believed, or that they were at fault for what happened to them. Shame and embarrassment are often strong emotions during this time as well. For survivors that have experienced the trauma of sexual assault, having the option and ability to check on the status of their kit after a medical forensic exam may be very empowering and can be a step in healing by helping them feel more in control.

A statewide tracking system for all sexual assault evidence (or rape kits) would expand SATEC and the rights of victims in important ways. The system would track evidence, beginning with the initial collection of evidence within medical facilities and follow its progress across law enforcement, testing, and prosecutorial processes. This would

address a problem that victims currently face in gaining access to the status of their evidence and its progress across systems. While victim notification is provided for in SATEC, inconsistencies remain across counties. A tracking system would provide much-needed transparency to victims who could log into the portal and receive timely information about the status of evidence and reminders about their rights as a crime victim and the local and state services available to support their healing. The tracking system is also cost-effective, as the Idaho State Police shares its infrastructure—at no cost—with other states as a result of their landmark legislation. This system is likely to expedite and streamline rape kit reporting, alleviating the administrative time and resources currently expended by Commonwealth agencies in tracking kits. Please join us in supporting this legislation, in development with the leadership and partnership of Senator Muth and Representatives McClinton and Toohil.

## Expand Victims' Access to Sexual Assault Nurse Examiners (SANEs) Throughout PA and Ensure Survivors Receive Trauma-Informed Care

There is a shortage of SANE nurses and medical providers trained to provide trauma-informed medical care and evidence collection in Pennsylvania and the nation. This is especially true in rural areas, smaller hospitals, and urban facilities where the current staffing does not meet the needs of victims.

SANEs trained in trauma-informed care are vital to the sexual assault forensic examination process; for survivors, this procedure can be challenging and time-intensive. The support of rape crisis advocates and SANEs is critical. However, not every survivor has access to a SANE during their examination, so not every victim can benefit from their expertise. PCAR advocates for administrative and legislative efforts to expand access to SANE across the Commonwealth, and to guarantee that every survivor has access to SANE, either in-person or through tele-health.

Department of Health regulations require hospitals to serve victims and are not to turn them away or transfer them to another facility. However, we know that not every Pennsylvania hospital is staffed by a SANE or a healthcare provider who is trained in trauma-informed care and evidence collection. There are times when victims may be transferred; yet, this opens a risk that they will never make it to the next facility because of the effects of trauma and barriers such as transportation, costs, child care, work, or other obligations. This leaves victims in some communities without the critical care they need and deserve following the traumatic sexual assault. It also undermines the ability of our systems to hold individuals accountable for their acts of sexual violence.

### PCAR supports:

- 1 Efforts to bridge gaps in victims' access to SANE-trained and SANE-certified medical providers, through tele-health and other mechanisms
- 2 Monetary and structural supports that enable medical providers to complete the training, clinical preceptorships, and certification necessary to become SANE-trained and SANE-certified

Victims are best served by medical providers who are either SANE-trained or SANE-certified. This is a distinction that is important for system and policymakers to understand.

The Department of Health does not require medical providers to be SANE trained nor certified in order to treat victims of sexual violence in the context of the forensic rape exam. Pennsylvania does not have a SANE certification program. Individuals who seek such certification do so through the International Association of Forensic Nurses (IAFN). This certification is rigorous, time-intensive, and costly. There are, however, individuals who are SANE-trained and who possess the expertise and skills needed to provide trauma-informed care to patients in the context of the forensic rape exam. It is widely considered a best practice to have SANE trained healthcare providers conducting the medical forensic exam.

Please join us in supporting legislation that will expand sexual assault victims' access to SANE-trained and SANE-certified forensic medical care, through Senator Vogel's (SCO 896) and Representative Kosierowski's (HB 1172) leadership.

## Protect Victims' Rights to Seek Care and Have Evidence Collected and Tested Anonymously

Survivors of sexual assault benefit from healthcare that responds to the many possible physical, psychological, and emotional effects of assault. When barriers to seeking care are removed and survivors are treated with the best possible care, our communities thrive. The critical evidence collected during a forensic rape exam may help identify people who commit sexual assault and bring them to justice, helping individual victims who seek justice and enhancing the safety of our communities. However, due to the stigma, shame, and trauma associated with sexual assault, many victims wish to seek these services anonymously.



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In the 2019 legislative session, SB 399 established many important rights for victims of sexual assault, including the right to seek medical care and have evidence collected and tested anonymously. This bill became Act 29 of 2019. Anonymous evidence submission is an important provision, as it helps address victims' safety and privacy concerns and reduces their barriers to reporting and seeking critical medical care. Victims may fear retaliation and further harm when they come forward. They may be concerned their privacy will be violated by including their name when seeking care. Some counties were allowing for anonymous evidence submission for adult victims of sexual assault prior to SB 399's passage, but not all. Act 29 codifies this right and requires that it be offered to survivors regardless of their zip code or county location. However, while victims are not required to submit their name or other identifying information with evidence through Act 29 of 2019, another law (Title 18, Sec. 5106) requires healthcare providers to submit identifying information about injuries to victims of certain violent crimes to law enforcement. PCAR has received calls from healthcare providers, advocates, and law enforcement throughout the state, expressing concerns about this conflict.

We seek legislation that will resolve this conflict through a technical amendment to the Sexual Assault Testing and Evidence Collection Act. Please join us in supporting this legislation, sponsored by Representative Schroeder.

### For more information, contact:



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The Pennsylvania Coalition Against Rape (PCAR) works to eliminate all forms of sexual violence and to advocate for the rights and needs of victims of sexual assault. PCAR works with a network of sexual assault centers that serve all of the Commonwealth's 67 counties.