

Title:	Sexual Assault Care and Forensic Evidence Collection				
Department/Service Line:	Nursing/Emergency Services				
Approver(s):	CNOs				
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SCOPE

This document applies to Baylor Scott & White Health including Controlled Affiliates (“BSWH”).

DEFINITIONS

When used in this document with initial capital letter(s), the following word(s)/phrase(s) have the meaning(s) set forth below unless a different meaning is required by context. Additional defined terms may be found in the BSWH P&P Definitions document.

Sexual Assault – Any act of sexual contact or intimacy performed upon one person by another without consent or with an inability to give consent due to age, mental or physical incapacity.

SAFE-Ready Facility (aka SANE program) – Health care facility recognized by the State of Texas as a Sexual Assault forensic exam-ready facility with access to a currently certified forensic examiner.

POLICY

Patients presenting for treatment to a BSWH Emergency Department subsequent to a Sexual Assault will receive a medical screening exam and appropriate stabilizing treatment for identified emergency medical conditions. The facility will provide a transfer or timely medical/forensic exam.

Medical/Forensic Exam

A facility that is not a SAFE-Ready Facility will inform the patient/guardian that the facility is not a SAFE-Ready Facility, provide the name and location of the community SAFE-Ready Facility, and offer a transfer to that SAFE-Ready Facility. If the patient/legal representative declines a transfer to a SAFE-Ready Facility, the original facility will perform the medical/forensic exam.

EXCEPTION: BSWH facilities will only perform a medical forensic exam for Sexual Assault for individuals 17 years of age or less if they have a currently certified pediatric SANE nurse (regardless of if the minor is emancipated or otherwise permitted to consent to medical treatment on their own behalf). When there is no currently certified pediatric SANE nurse, the patient/guardian will be informed that a transfer is required.

Reporting

BSWH is committed to identify and reporting appropriately possible victims of Abuse, Neglect or Exploitation with respect to all persons including children, Elderly or Disabled Persons. Patient consent is required prior to notifying law enforcement for the adult patient (i.e., non-elderly/disabled patient).

PROCEDURE

1. The patient who presents to the ED with known or suspected Sexual Assault has the option of receiving evidence collection as a part of their care if they are examined not later than 120 hours after the assault.
2. The patient has the right to understand the limits of confidentiality as it applies to the medical/forensic examination and the examiner's mandatory reporting requirements. The adult patient has the right to cooperate or not cooperate with law enforcement.
 - For pediatric patients 17 years of age or less, advise patient/legal representative of the need to notify Law Enforcement, report Sexual Assault/abuse, and transfer to SAFE-Ready Facility with resources for pediatric medical/forensic exams, if applicable.
 - For adult patient, obtain patient permission to contact Law Enforcement in city/county with jurisdiction where the assault occurred. If adult patient declines police notification, follow Texas Department of Public Safety Non-Reporting rules and protocol.
3. RN will triage patient as ESI-2 (unless Level 1 ESI or other criteria met).
4. Staff will place patient in a private treatment room/area, if available.
5. A qualified medical provider (QMP) will perform the medical screening exam and stabilize any emergency medical conditions and injuries. Removal of patient clothing and care of minor injuries may be delayed.
6. Obtain patient/guardian permission to contact Social Worker, Chaplain, or Sexual Assault advocate for support.
7. For patients at a SAFE-Ready Facility, notify a SANE for the medical/forensic exam. The SANE will follow SAFE-Ready Facility specific policies, as applicable.
8. A facility that is not a SAFE-Ready Facility will inform the patient/guardian that the facility is not a SAFE-Ready Facility, provide the name and location of the community SAFE-Ready Facility, and offer a transfer to that SAFE-Ready Facility. Provide to the patient/guardian the Information Sheet for Sexual Assault Patients and the Information for Sexual Assault Survivors at a Health Care Facility that is Not a SAFE-Ready Facility.
 - If patient accepts transfer to designated center, carry out transfer process as per Patient Transfer (EMTALA) policy.
 - If the patient/legal representative declines a transfer to a SAFE-Ready Facility, the original facility will perform the medical/forensic exam.
9. The medical/forensic exam will be performed by a currently certified SANE, if available. If a currently certified SANE is not available, the medical/forensic exam may be performed by an RN with basic forensic evidence collection training.
10. The RN performing the medical/forensic exam will:
 - Prepare equipment and supplies including a Sexual Assault evidence collection kit
 - Obtain patient informed written consent for collection and release of evidence
 - Obtain Law Enforcement signature for authorization of exam, if applicable
 - Perform the medical forensic exam following Texas and/or National Evidence Collection Protocol
 - Maintain chain of evidence until evidence released to law enforcement or designated lockbox.
 - For non-report cases, evidence will be packaged and sent to the Texas Secure Biowarehouse through secured mail.
11. After medical/forensic exam is complete, the physician/provider will ensure:
 - Complete emergency care and treatment, as applicable
 - Determine patient disposition
 - Prepare discharge instructions, as applicable
 - Prophylactic treatment and/or prescriptions for sexually transmitted disease, as applicable,
 - Prescription and/or instructions for pregnancy prophylaxis, as applicable
 - Referrals for follow-up care, as applicable
12. A RN will discharge the patient and will:
 - Complete emergency nursing care and treatment, as applicable
 - Provide written discharge instructions to patient/guardian including the *Information Sheet for Sexual Assault Patients* and, if not a SAFE-Ready Facility, the *Information for Sexual Assault Survivors at a Health Care Facility that is Not a SAFE-Ready Facility*.
 - Provide contact information for local crisis advocacy center
 - Offer access to wash room
 - Offer clean clothes, if available
 - Facilitate transport home, if necessary

ATTACHMENTS

None.

RELATED DOCUMENTS

BSWH Notification of Authorities (BSWH.RISK.019.P)
BSWH ED Triage Policy (BSWH.NUR.ED.003.P)
BSWH Patient Transfer (EMTALA) Policy (BSWH.ADMIN.001.P)
SAFE-Ready Facility Specific Policies

Information Sheet for Sexual Assault Patients
Information for Sexual Assault Survivors at a Health Care Facility that is Not a SAFE-Ready Facility

REFERENCES

Tex. Health & Safety Code §§ 323.001 – 323.008
Texas Administrative Code Board of Nurses Continuing Competency Requirements, Title 22, Part 11, Rule 216.3
https://www.bon.texas.gov/rr_current/216-3.asp
Texas Department of Family and Protective Services - Report Abuse, Neglect or Exploitation, [://www.dfps.state.tx.us/contact_us/report_abuse.asp](http://www.dfps.state.tx.us/contact_us/report_abuse.asp)
Texas Department of Public Safety, Non-Reported Sexual Assault Evidence Program, <https://www.dps.texas.gov/CrimeLaboratory/NRSA.htm>
Texas Office of the Attorney General, Texas Evidence Collection Protocol.
<https://www.texasattorneygeneral.gov/crime-victims/sexual-assault-exams/texas-evidence-collection-protocol>
Texas Department of State Health Services, Information Sheet for Sexual Assault Patients (ENG, SPA), <https://hhs.texas.gov/doing-business-hhs/provider-portals/health-care-facilities-regulation/information-survivors-sexual-assault>

The information contained in this document should not be considered standards of professional practice or rules of conduct or for the benefit of any third party. This document is intended to provide guidance and, generally, allows for professional discretion and/or deviation when the individual health care provider or, if applicable, the "Approver" deems appropriate under the circumstances.