

HOUSE COMMITTEE OF REFERENCE REPORT

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Chairman of Committee

March 17, 2015  
Date

Committee on Public Health Care & Human Services.

After consideration on the merits, the Committee recommends the following:

HB15-1220 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, strike everything below the enacting clause and  
2 substitute:  
3 "SECTION 1. In Colorado Revised Statutes, add 23-5-143 as  
4 follows:  
5 **23-5-143. Sexual assault victim care - memorandum of**  
6 **understanding - training - definitions.** (1) THE GENERAL ASSEMBLY  
7 FINDS AND DECLARES:  
8 (a) COLLEGE-AGED STUDENTS ARE AT A HIGH RISK OF BEING  
9 VICTIMS OF SEXUAL ASSAULT;  
10 (b) IT IS IMPORTANT FOR A VICTIM OF A SEXUAL ASSAULT TO  
11 RECEIVE TIME-SENSITIVE MEDICAL CARE FOLLOWING THE ASSAULT  
12 WHETHER OR NOT MEDICAL FORENSIC EVIDENCE IS COLLECTED;  
13 (c) THE MEDICAL PROFESSIONALS BEST EQUIPPED TO PROVIDE THIS  
14 CARE HAVE SPECIALIZED SEXUAL ASSAULT TRAINING, INCLUDING SEXUAL  
15 ASSAULT NURSE EXAMINER TRAINING, SEXUAL ASSAULT FORENSIC  
16 EXAMINER TRAINING, OR MEDICAL FORENSIC EXAM TRAINING;  
17 (d) FEW, IF ANY, INSTITUTIONS OF HIGHER EDUCATION HAVE  
18 MEDICAL PROFESSIONALS ON SITE WITH THE NECESSARY SPECIALIZED  
19 TRAINING TO CARE FOR SEXUAL ASSAULT VICTIMS; AND  
20 (e) INSTITUTIONS OF HIGHER EDUCATION SHOULD HAVE  
21 PROCEDURES IN PLACE TO REFER AND TRANSPORT SEXUAL ASSAULT  
22 VICTIMS TO NEARBY HOSPITALS OR CLINICS THAT HAVE MEDICAL  
23 PROFESSIONALS SPECIFICALLY TRAINED TO CARE FOR THOSE VICTIMS.  
24 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

1 REQUIRES:

2 (a) "INSTITUTION OF HIGHER EDUCATION" MEANS A STATE  
3 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-18-102 OR  
4 A PARTICIPATING PRIVATE INSTITUTION OF HIGHER EDUCATION AS DEFINED  
5 IN SECTION 23-18-102.

6 (b) "MEDICAL FORENSIC EXAM PROGRAM" MEANS A HEALTHCARE  
7 PROGRAM WITH LICENSED MEDICAL PROFESSIONALS, SUCH AS REGISTERED  
8 NURSES, NURSE PRACTITIONERS, PHYSICIAN ASSISTANTS, OR PHYSICIANS,  
9 WHO HAVE RECEIVED SOME SPECIALIZED TRAINING IN CONDUCTING  
10 MEDICAL FORENSIC EXAMINATIONS OF ADULTS AND ADOLESCENTS  
11 ACCORDING TO ESTABLISHED COLORADO PROTOCOLS BUT HAVE NOT  
12 RECEIVED FORMAL SAFE OR SANE TRAINING. "MEDICAL FORENSIC EXAM  
13 PROGRAMS" MAY BE BASED IN HOSPITALS, MEDICAL CLINICS, SAFE HOUSES,  
14 CHILDREN'S ADVOCACY CENTERS, STAND-ALONE MEDICAL FORENSIC EXAM  
15 CLINICS, PUBLIC HEALTH CLINICS, OR ANOTHER FACILITY WHERE  
16 APPROPRIATE MEDICAL CARE IS PROVIDED TO SEXUAL ASSAULT VICTIMS.

17 (c) "SEXUAL ASSAULT FORENSIC EXAMINER" OR "SAFE" MEANS  
18 A REGISTERED NURSE, PHYSICIAN ASSISTANT, OR PHYSICIAN WHO HAS  
19 BEEN SPECIFICALLY TRAINED TO PROVIDE COMPREHENSIVE SEXUAL  
20 ASSAULT CARE, INCLUDING EVIDENCE COLLECTION AND TESTIMONY,  
21 PURSUANT TO THE INTERNATIONAL ASSOCIATION OF FORENSIC NURSES'  
22 FORENSIC NURSING EDUCATION GUIDELINES.

23 (d) "SEXUAL ASSAULT NURSE EXAMINER" OR "SANE" MEANS A  
24 REGISTERED NURSE, INCLUDING AN ADVANCED PRACTICE NURSE, WHO HAS  
25 BEEN SPECIFICALLY TRAINED TO PROVIDE COMPREHENSIVE SEXUAL  
26 ASSAULT CARE, INCLUDING EVIDENCE COLLECTION AND TESTIMONY,  
27 PURSUANT TO THE INTERNATIONAL ASSOCIATION OF FORENSIC NURSES'  
28 FORENSIC NURSING EDUCATION GUIDELINES.

29 (3) WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE  
30 DATE OF THIS SECTION, EACH INSTITUTION OF HIGHER EDUCATION SHALL  
31 ENTER INTO AND HAVE IN EFFECT A MEMORANDUM OF UNDERSTANDING OR  
32 OTHER FORMALIZED ARRANGEMENT WITH AT LEAST ONE NEARBY MEDICAL  
33 FACILITY OR OTHER FACILITY THAT HAS SEXUAL ASSAULT NURSE  
34 EXAMINERS, SEXUAL ASSAULT FORENSIC EXAMINERS, OR A MEDICAL  
35 FORENSIC EXAM PROGRAM. EACH STATE-FUNDED INSTITUTION OF HIGHER  
36 EDUCATION SHALL RENEW OR OBTAIN A NEW MEMORANDUM OF  
37 UNDERSTANDING WITHIN THREE YEARS AFTER THE DATE OF EACH SUCH  
38 MEMORANDUM. EACH MEMORANDUM OF UNDERSTANDING OR OTHER  
39 FORMALIZED ARRANGEMENT MUST INCLUDE PROVISIONS THAT THE  
40 INSTITUTION OF HIGHER EDUCATION SHALL REFER APPROPRIATE PATIENTS  
41 TO THE MEDICAL FACILITY OR OTHER FACILITY FOR THE PURPOSES OF

1 PROVIDING CAMPUS SEXUAL ASSAULT VICTIMS MEDICAL CARE AND  
2 EVIDENCE COLLECTION, IF THE VICTIM CHOOSES, AND ASSIST WITH OR  
3 PROVIDE TRANSPORTATION TO THE FACILITY.

4 (4) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

5 (a) PROVIDE EASILY AVAILABLE INFORMATION ON THE WEB SITE OF  
6 THE INSTITUTION OF HIGHER EDUCATION ON HOW TO ACCESS A MEDICAL  
7 FORENSIC EXAMINATION FOLLOWING A SEXUAL ASSAULT. THE  
8 INFORMATION MUST, AT A MINIMUM, INFORM VICTIMS OF THE MEDICAL  
9 FACILITY WITH WHICH THE INSTITUTION HAS A MEMORANDUM OF  
10 UNDERSTANDING OR FORMALIZED ARRANGEMENT; THE METHODS OF  
11 TRANSPORTATION AVAILABLE TO GET TO THE FACILITY, INCLUDING PUBLIC  
12 TRANSPORTATION OPTIONS; AND INFORM VICTIMS THAT HAVING A  
13 MEDICAL FORENSIC EXAMINATION DOES NOT REQUIRE THEM, AT ANY TIME,  
14 TO PARTICIPATE WITH A LAW ENFORCEMENT INVESTIGATION OR ANY  
15 CRIMINAL JUSTICE RESPONSE.

16 (b) HAVE A SEXUAL ASSAULT TRAINING AND RESPONSE POLICY  
17 THAT INCLUDES:

18 (I) A PLAN TO ENSURE THAT CAMPUS HEALTH CENTER STAFF IS  
19 ABLE TO PROVIDE APPROPRIATE RESOURCES AND REFERRALS TO STUDENTS  
20 REGARDING MEDICAL FORENSIC EXAMS AND SEXUAL ASSAULT CARE.  
21 WITHIN ONE YEAR AFTER THE ENACTMENT OF THIS SECTION AND AT LEAST  
22 EVERY TWO YEARS THEREAFTER, EACH INSTITUTION OF HIGHER  
23 EDUCATION SHALL CONTRACT OR OTHERWISE ARRANGE WITH A SEXUAL  
24 ASSAULT NURSE EXAMINER AND A TRAINED SEXUAL ASSAULT ADVOCATE  
25 TO PROVIDE RELEVANT CAMPUS HEALTH CENTER STAFF WITH SEXUAL  
26 ASSAULT RESPONSE TRAINING. SUCH TRAINING MUST INCLUDE CAMPUS,  
27 COMMUNITY, OR LAW ENFORCEMENT ADVOCATES AS TRAINERS. AT A  
28 MINIMUM, TRAINING SHOULD INCLUDE CONTENT IN THE FOLLOWING  
29 AREAS:

30 (A) AN OVERVIEW OF MEDICAL FORENSIC EXAMS FOR THE PURPOSE  
31 OF ENABLING CAMPUS HEALTH STAFF TO ANSWER A VICTIM'S QUESTIONS  
32 ABOUT MEDICAL FORENSIC EXAMS;

33 (B) TRAUMA RESPONSE;

34 (C) VICTIM DYNAMICS;

35 (D) SHORT-TERM AND LONG-TERM HEALTH IMPACT OF SEXUAL  
36 ASSAULT;

37 (E) VICTIM COMPENSATION ELIGIBILITY AS DESCRIBED IN ARTICLE  
38 4.1 OF TITLE 24, C.R.S.; AND

39 (F) SEXUAL ASSAULT VICTIM EMERGENCY PAYMENT PROGRAM  
40 ELIGIBILITY AS DESCRIBED IN SECTION 18-3-407.7, C.R.S.

41 (II) A REFERRAL PLAN TO CONNECT A STUDENT WHO IS A VICTIM

1 TO THE APPROPRIATE VICTIM ADVOCATES. CONFIDENTIAL VICTIM  
2 ADVOCATES MAY BE CAMPUS ADVOCATES OR COMMUNITY-BASED  
3 ADVOCATES. VICTIMS MAY ALSO BE REFERRED TO VICTIM ADVOCATES  
4 EMPLOYED BY A LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER  
5 THE CRIME, IF APPROPRIATE.

6 (III) TRANSPORTATION INSTRUCTIONS TO INFORM ABOUT, ASSIST  
7 WITH, OR PROVIDE TRANSPORT TO THE HOSPITAL, CLINIC, OR OTHER  
8 FACILITY PERFORMING THE MEDICAL FORENSIC EXAMINATION OR SEXUAL  
9 ASSAULT-RELATED MEDICAL CARE.

10 (5) THE GENERAL ASSEMBLY ENCOURAGES ALL OTHER  
11 INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE TO ENTER INTO A  
12 SIMILAR MEMORANDUM OF UNDERSTANDING OR FORMALIZED  
13 ARRANGEMENT AS DESCRIBED IN THIS SECTION, TO POST INFORMATION ON  
14 THE INSTITUTION'S WEB SITE, AND TO HAVE SEXUAL ASSAULT TRAINING  
15 AND RESPONSE POLICIES.

16 **SECTION 2. Safety clause.** The general assembly hereby finds,  
17 determines, and declares that this act is necessary for the immediate  
18 preservation of the public peace, health, and safety."

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