

# STATE OF NEW YORK

3060

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

Introduced by M. of A. GUNTHER, GALEF -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to establishing the sexual assault forensic examination telemedicine pilot program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 2805-ii to read as follows:

3 § 2805-ii. Sexual assault forensic examination telemedicine pilot  
4 program. 1. SAFE pilot establishment. The commissioner shall establish a  
5 sexual assault forensic examination (SAFE) telemedicine pilot program to  
6 assist in providing expert, comprehensive, compassionate care to adult  
7 and adolescent patients and training to support providers in health care  
8 facilities that do not have a designated sexual assault forensic exam-  
9 ination program. The commissioner shall consult with the division of  
10 criminal justice services, where appropriate, in the establishment of  
11 such pilot program. Such SAFE telemedicine pilot shall:

12 (a) support patient care and provide health care provider instruction  
13 and support in a timely manner on a twenty-four hours a day, seven days  
14 a week basis to any victim of sexual assault or abuse who presents at a  
15 facility participating in such pilot for services associated with sexual  
16 assault or abuse, and consents to such services;

17 (b) have professionals specially trained, experienced and certified as  
18 sexual assault forensic examiners to support emergency room staff in  
19 caring for victims of sexual assault or abuse and appropriately securing  
20 forensic evidence through live audio video technology;

21 (c) offer to provide support through telemedicine to no less than  
22 forty-six hospitals upon the effective date of this section, including  
23 all critical access hospitals and many hospitals in rural and/or under-  
24 served areas of the state;

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 (d) ensure the medical records of both providers, where applicable  
2 comply with all applicable laws and regulation relating to evidence  
3 preservation; and

4 (e) meet any other requirements identified by the commissioner.

5 2. SAFE pilot evaluation. The commissioner shall evaluate, or contract  
6 with an entity to evaluate, the effectiveness of such SAFE pilot program  
7 and prepare a report on the process of care, the outcomes delivered and  
8 the outcomes received. Such report shall also evaluate how such pilot  
9 can successfully transition to a self-sustaining program where non-SAFE  
10 hospitals could subscribe to a SAFE telemedicine program. Such report  
11 shall be delivered to the governor, the temporary president of the  
12 senate and the speaker of the assembly by December first, two thousand  
13 twenty-one.

14 § 2. This act shall take effect immediately; provided that such sexual  
15 assault forensic examination telemedicine pilot program, as added by  
16 section one of this act, shall be established by the commissioner of  
17 health no later than the one hundred twentieth day after it shall have  
18 become a law.