STATE OF NEW YORK

4276

2023-2024 Regular Sessions

IN ASSEMBLY

February 14, 2023

Introduced by M. of A. GUNTHER, REYES -- 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:

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

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

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

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

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

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

LBD09062-01-3

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

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

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

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