

Will Smith, Chair
Senate Judicial Proceedings Committee

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Support for SB 406 –Sexual Assault Evidence Kits-Privacy, Reimbursement, and Notification

Imagine if you will...a stranger has brutally sexually assaulted a victim. She has endured physical injuries, she is in shock, scared, confused, and many other emotions we cannot begin to understand if it has not happened to us. She is alone with exception of first responders who transports her to the emergency room. Now imagine being asked where you are hurting by the physician, all the details of what happened to you and who did this to you by the police for investigative purposes and the forensic nurse asking you what happen for the purpose of treatment and evidence collection. The details of the assault are gut wrenching. She has multiple vaginal and anal lacerations, multiple bruises and abrasions all over her body.

As a nurse, that provides comprehensive care and compassion for victims of sexual abuse and assault, my number priority is to provide the best care I can for that patient. That care not only includes the physical, but also the psychological and emotional care that a patient deserves to help assist them in the healing process. For this reason among others, I strongly support HB 0425, Sexual Assault Evidence Kits-Privacy, Reimbursement, and Notification, which would prohibit certain information (details of a victim's assault) from being included in order to obtain payment for services related to having a sexual assault forensic examination. For many patients of sexual assault and abuse, just getting them to take the step to come to the hospital for the exam is a major milestone in itself. Long after they have had an invasive examination, being assessed for injuries, having swabs taken for possible DNA, photos taken, having to give very personal and intimate details about their lives and to relive the traumatic event that happened to them, we are re-traumatizing and re-victimizing them all over again when we submit for reimbursement.

Complete details of the victim's sexual assault is not necessary for reimbursement of services rendered. A patient has two separate records when they present to the hospital. There is the hospital medical record that is initiated when the patient presents to the emergency department that states their complaint and there is the forensic record the forensic nurse documents on during the sexual assault exam that is separate from the hospital record.

There are sexual assault programs globally that does not have to include the private details of a patient's assault to be reimbursed. One in particular is the program I ran in Texas. The Office of the Attorney General reimbursed for these exams and did not require any of the patient's medical or forensic records.

I urge the committee to pass SB 406. Thank you for the opportunity to present this written testimony.