



Working to end sexual violence in Maryland

P.O. Box 8782
Silver Spring, MD 20907
Phone: 301-565-2277
Fax: 301-565-3619

For more information contact:
Lisae C. Jordan, Esquire
443-995-5544
mcasa.org

Testimony Supporting House Bill 611 **Lisae C. Jordan, Executive Director & Counsel** February 9, 2023

The Maryland Coalition Against Sexual Assault (MCASA) is a non-profit membership organization that includes the State's seventeen rape crisis centers, law enforcement, mental health and health care providers, attorneys, educators, survivors of sexual violence and other concerned individuals. MCASA includes the Sexual Assault Legal Institute (SALI), a statewide legal services provider for survivors of sexual assault. MCASA represents the unified voice and combined energy of all of its members working to eliminate sexual violence in the State of Maryland. We urge the Health and Government Operations Committee to report favorably on House Bill 611.

HB611 – State Board of Nursing

Crucial Reforms Needed to Support Sexual Assault Survivors

This bill provides for needed reform, oversight, and infrastructure development for the State Board of Nursing. While the bill affects a much larger population, it is crucial to provide a functioning and supportive response to sexual assault survivors.

Forensic Nurse Examiners (FNEs) provide exams to survivors of sexual assault. Often called SAFEs (Sexual Assault Forensic Examinations) or "rape kits", these exams collect evidence relevant to prosecution of rape and provide needed care and information for survivors. SAFEs can only be performed by doctors or by nurses with specialized training and the State Board of Nursing is charged with certifying nurses who have the needed expertise.

The system of providing SAFEs in Maryland is badly broken. By design, there is a fundamental flaw that requires rape survivors go to the "right" hospital and SAFEs are not available at all emergency rooms. However, even this limited system is in disrepair. MCASA has received reports that survivors are having to report to multiple hospitals before they are able to get an exam, with one report of a rape survivor going to four hospitals. Forensic nurses have stated they had 4-6 patients waiting for exams at one time at a hospital. This is placing significant burden on survivors. There are also strong SAFE programs in some jurisdictions which were functioning well, but are now struggling to meet demand as more and more patients are sent there way by other hospitals.

Delays in Certification

One of the fundamental causes of this disrepair is lack of nurses and the failure of the Board of Nursing (BON) to efficiently process applications for forensic examiner certification. State-level advocates, including at MCASA, have intervened on numerous instances to try to obtain action on pending applications that become stuck in bureaucratic mire. Several situations involved FNEs who were unable to take vacation or other needed time off because the nurse they arranged to cover did not receive certification in time.

Some of the individual examples of delayed processing times collected at a recent meeting of forensic nurses include:

- For the only FNE-P (pediatric) in a rural county in Southern Maryland, it took 3 months to have her FNE-P certification approved. While waiting for this approval, no children could be seen for acute exams at MedStar St. Mary's.
- For a Charles County nurse - sent FNE-A application November 9th, no progress was made, BON said they had not received it. In late November the nurse sent an application again by certified mail. In mid-December BOTH checks were cashed (the one they said they never received and the new one). Certification was not approved until January.
- For another Charles County nurse, an application was sent mid-November, check cashed mid-December, and the application was still pending as of February 2nd.
- An FNE sent an application in last February and wasn't certified until end of April/beginning of May.

Nursing Shortage

The statewide nursing shortage is also affecting SAFE programs. Surrounding states, including the District of Columbia, have programs that offer forensic nurse examiners competitive salaries or competitive on-call pay while some Maryland nurses get paid as little as \$8 an hour for on-call time. The provisions of HB611 to address the nursing shortage are needed to help change this.

Lack of Infrastructure

Lack of infrastructure and staff at the Board of Nursing contributes to these issues. MCASA has long worked in partnership with colleagues there and the office conditions are shocking. Not only has the office experienced the workforce challenges we see throughout the state, but basic technology is lacking. Nurses applying for FNE certification have to submit more than one piece of documentation for their applications, but the BON system only allows for one document to be attached. Therefore, nurses must mail their applications and checks, and due to issues with processing they have to send this via certified mail, yet they still have problems getting applications approved.

There are numerous challenges facing the State Board of Nursing. MCASA appreciates the Committee's willingness to include the needs of sexual assault survivors in the process of reform.

In conclusion, we provide words from a survivor:

As a teenager I was turned away from a hospital when seeking an exam and the domino effect that had on me, my case, and my family is devastating to look back on.

Please help ensure that no survivor is turned away when they seek a SAFE. Please reform the Board of Nursing. House Bill 611 is an important step in this effort.

**The Maryland Coalition Against Sexual Assault urges
the Health and Government Operations Committee to
report favorably on House Bill 611**