

CHAPTER 156

EDUCATION - POSTSECONDARY

HOUSE BILL 15-1220

BY REPRESENTATIVE(S) Danielson and Ryden, Landgraf, Arndt, Becker K., Brown, Buckner, Duran, Esgar, Fields, Garnett, Ginal, Hamner, Kagan, Lee, Lontine, McCann, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Primavera, Rosenthal, Salazar, Singer, Williams, Winter, Young, Hullinghorst;
also SENATOR(S) Cooke and Martinez Humenik, Aguilar, Carroll, Heath, Johnston, Jones, Kefalas, Kerr, Merrifield, Newell, Roberts, Steadman, Todd.

AN ACT**CONCERNING RESPONSE TO SEXUAL ASSAULT ON CAMPUSES OF COLORADO'S INSTITUTIONS OF HIGHER EDUCATION.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add 23-5-143** as follows:

23-5-143. Sexual assault victim care - memorandum of understanding - training - definitions. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES:

(a) COLLEGE-AGED STUDENTS ARE AT A HIGH RISK OF BEING VICTIMS OF SEXUAL ASSAULT;

(b) IT IS IMPORTANT FOR A VICTIM OF A SEXUAL ASSAULT TO RECEIVE TIME-SENSITIVE MEDICAL CARE FOLLOWING THE ASSAULT WHETHER OR NOT MEDICAL FORENSIC EVIDENCE IS COLLECTED;

(c) THE MEDICAL PROFESSIONALS BEST EQUIPPED TO PROVIDE THIS CARE HAVE SPECIALIZED SEXUAL ASSAULT TRAINING, INCLUDING SEXUAL ASSAULT NURSE EXAMINER TRAINING, SEXUAL ASSAULT FORENSIC EXAMINER TRAINING, OR MEDICAL FORENSIC EXAM TRAINING;

(d) FEW, IF ANY, INSTITUTIONS OF HIGHER EDUCATION HAVE MEDICAL PROFESSIONALS ON SITE WITH THE NECESSARY SPECIALIZED TRAINING TO CARE FOR SEXUAL ASSAULT VICTIMS; AND

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(e) INSTITUTIONS OF HIGHER EDUCATION SHOULD HAVE PROCEDURES IN PLACE TO REFER AND TRANSPORT SEXUAL ASSAULT VICTIMS TO NEARBY HOSPITALS OR CLINICS THAT HAVE MEDICAL PROFESSIONALS SPECIFICALLY TRAINED TO CARE FOR THOSE VICTIMS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

(3) WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, EACH INSTITUTION OF HIGHER EDUCATION SHALL ENTER INTO AND HAVE IN EFFECT A MEMORANDUM OF UNDERSTANDING OR OTHER FORMALIZED ARRANGEMENT WITH AT LEAST ONE NEARBY MEDICAL FACILITY OR OTHER FACILITY THAT HAS SEXUAL ASSAULT NURSE EXAMINERS, SEXUAL ASSAULT FORENSIC EXAMINERS, OR A MEDICAL FORENSIC EXAM PROGRAM. EACH STATE-FUNDED INSTITUTION OF HIGHER EDUCATION SHALL RENEW OR OBTAIN A NEW MEMORANDUM OF UNDERSTANDING WITHIN THREE YEARS AFTER THE DATE OF EACH SUCH MEMORANDUM. EACH MEMORANDUM OF UNDERSTANDING OR OTHER FORMALIZED ARRANGEMENT MUST INCLUDE PROVISIONS THAT THE INSTITUTION OF HIGHER EDUCATION SHALL REFER APPROPRIATE PATIENTS TO THE MEDICAL FACILITY OR OTHER FACILITY FOR THE PURPOSES OF PROVIDING CAMPUS SEXUAL ASSAULT VICTIMS MEDICAL CARE AND EVIDENCE COLLECTION, IF THE VICTIM CHOOSES, AND ASSIST WITH OR PROVIDE TRANSPORTATION TO THE FACILITY.

(4) EACH INSTITUTION OF HIGHER EDUCATION SHALL:

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

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

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

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

(B) TRAUMA RESPONSE;

(C) VICTIM DYNAMICS;

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

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

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

(II) A REFERRAL PLAN TO CONNECT A STUDENT WHO IS A VICTIM TO THE APPROPRIATE VICTIM ADVOCATES. CONFIDENTIAL VICTIM ADVOCATES MAY BE CAMPUS ADVOCATES OR COMMUNITY-BASED ADVOCATES. VICTIMS MAY ALSO BE REFERRED TO VICTIM ADVOCATES EMPLOYED BY A LAW ENFORCEMENT AGENCY WITH JURISDICTION OVER THE CRIME, IF APPROPRIATE.

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

(5) THE GENERAL ASSEMBLY ENCOURAGES ALL OTHER INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE TO ENTER INTO A SIMILAR MEMORANDUM OF

UNDERSTANDING OR FORMALIZED ARRANGEMENT AS DESCRIBED IN THIS SECTION, TO POST INFORMATION ON THE INSTITUTION'S WEB SITE, AND TO HAVE SEXUAL ASSAULT TRAINING AND RESPONSE POLICIES.

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

Approved: May 4, 2015