

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SCS/Senate Bill No. 256, Page 1, Section Title, Line 3,

2 by striking the following: "the safe place for newborns act" and
 3 inserting in lieu thereof the following: "child abuse and
 4 neglect"; and

5 Further amend said bill, page 9, section 211.447, line 176,
 6 by inserting after all of said line the following:

7 "595.220. 1. The department of public safety shall make
 8 payments to appropriate medical providers, out of appropriations
 9 made for that purpose, to cover the reasonable charges of the
 10 forensic examination of persons who may be a victim of a sexual
 11 offense if:

12 (1) The victim or the victim's guardian consents in writing
 13 to the examination; and

14 (2) The report of the examination is made on a form
 15 approved by the attorney general with the advice of the
 16 department of public safety. The department shall establish
 17 maximum reimbursement rates for charges submitted under this
 18 section, which shall reflect the reasonable cost of providing the
 19 forensic exam.

20 2. A minor may consent to examination under this section.
 21 Such consent is not subject to disaffirmance because of minority,

1 and consent of parent or guardian of the minor is not required
2 for such examination. The appropriate medical provider making
3 the examination shall give written notice to the parent or
4 guardian of a minor that such an examination has taken place.

5 3. The attorney general, with the advice of the department
6 of public safety, shall develop the forms and procedures for
7 gathering evidence during the forensic examination under the
8 provisions of this section. The department of health and senior
9 services shall develop a checklist, protocols, and procedures for
10 appropriate medical providers to refer to while providing medical
11 treatment to victims of a sexual offense, including those
12 specific to victims who are minors.

13 4. Evidentiary collection kits shall be developed and made
14 available, subject to appropriation, to appropriate medical
15 providers by the highway patrol or its designees and eligible
16 crime laboratories. Such kits shall be distributed with the
17 forms and procedures for gathering evidence during forensic
18 examinations of victims of a sexual offense to appropriate
19 medical providers upon request of the provider, in the amount
20 requested, and at no charge to the medical provider. All
21 appropriate medical providers shall, with the written consent of
22 the victim, perform a forensic examination using the evidentiary
23 collection kit, or other collection procedures developed for
24 victims who are minors, and forms and procedures for gathering
25 evidence following the checklist for any person presenting as a
26 victim of a sexual offense.

27 5. In reviewing claims submitted under this section, the
28 department shall first determine if the claim was submitted
29 within ninety days of the examination. If the claim is submitted

1 within ninety days, the department shall, at a minimum, use the
2 following criteria in reviewing the claim: examination charges
3 submitted shall be itemized and fall within the definition of
4 forensic examination as defined in subdivision (3) of subsection
5 ~~[7]~~ 8 of this section.

6 6. All appropriate medical provider charges for eligible
7 forensic examinations shall be billed to and paid by the
8 department of public safety. No appropriate medical provider
9 conducting forensic examinations and providing medical treatment
10 to victims of sexual offenses shall charge the victim for the
11 forensic examination. For appropriate medical provider charges
12 related to the medical treatment of victims of sexual offenses,
13 if the victim is an eligible claimant under the crime victims'
14 compensation fund, the victim shall seek compensation under
15 sections 595.010 to 595.075.

16 7. The department of public safety shall establish rules
17 regarding the reimbursement of the costs of forensic examinations
18 for children under fourteen years of age, including establishing
19 conditions and definitions for emergency and non-emergency
20 forensic examinations and may by rule establish additional
21 qualifications for appropriate medical providers performing non-
22 emergency forensic examinations for children under fourteen years
23 of age.

24 8. For purposes of this section, the following terms mean:

25 (1) "Appropriate medical provider",

26 (a) Any licensed nurse, physician, or physician assistant,
27 and any institution employing licensed nurses, physicians, or
28 physician assistants, provided that such licensed professionals
29 are the only persons at such institution to perform tasks under

1 the provisions of this section; or

2 (b) For the purposes of any non-emergency forensic
3 examination of a child under fourteen years of age, the
4 department of public safety may establish additional
5 qualifications for any provider listed in paragraph (a) of this
6 subdivision by the rules authorized under subsection 7 of this
7 section;

8 (2) "Evidentiary collection kit", a kit used during a
9 forensic examination that includes materials necessary for
10 appropriate medical providers to gather evidence in accordance
11 with the forms and procedures developed by the attorney general
12 for forensic examinations;

13 (3) "Forensic examination", an examination performed by an
14 appropriate medical provider on a victim of an alleged sexual
15 offense to gather evidence for the evidentiary collection kit or
16 using other collection procedures developed for victims who are
17 minors;

18 (4) "Medical treatment", the treatment of all injuries and
19 health concerns resulting directly from a patient's sexual
20 assault or victimization;

21 (5) "Emergency forensic examination", an examination of a
22 person under fourteen years of age that occurs within five days
23 of the alleged sexual offense. The department of public safety
24 may further define the term "emergency forensic examination" by
25 rule;

26 (6) "Non-emergency forensic examination", an examination of
27 a person under fourteen years of age that occurs more than five
28 days after the alleged sexual offense. The department of public
29 safety may further define the term "non-emergency forensic

1 examination" by rule.

2 [8.] 9. The department shall have authority to promulgate
3 rules and regulations necessary to implement the provisions of
4 this section. Any rule or portion of a rule, as that term is
5 defined in section 536.010, that is created under the authority
6 delegated in this section shall become effective only if it
7 complies with and is subject to all of the provisions of chapter
8 536 and, if applicable, section 536.028. This section and
9 chapter 536 are nonseverable and if any of the powers vested with
10 the general assembly pursuant to chapter 536 to review, to delay
11 the effective date, or to disapprove and annul a rule are
12 subsequently held unconstitutional, then the grant of rulemaking
13 authority and any rule proposed or adopted after August 28, 2009,
14 shall be invalid and void."; and

15 Further amend the title and enacting clause accordingly.