

Patient Options Information

Nursing Information

Adult Patient Options for Sexual Assault Treatment and Evidence Collection

If law enforcement has not been involved before an adult sexual assault survivor reports to a medical facility, medical staff should **NOT** call or involve law enforcement without the patient's consent. Medical providers of adult sexual assault patients (age 18 years and older) should discuss with the adult patient the following options, and pros and cons of each, before contacting law enforcement:

- **Option 1** - Medical treatment and evidence collection with law enforcement notification.

a) The adult patient chooses to report the sexual assault to law enforcement. Law enforcement takes a statement of the assault from the patient. The patient receives medical treatment, and completes a forensic medical exam with evidence collection. Once the sexual assault evidence kit is collected, it is turned over to law enforcement. Law enforcement will then forward the SAECK to the state crime lab for biological testing (some exceptions apply). The kit collection and medical treatment associated with sexual assault is covered by Crime Victims Compensation fund (some exceptions apply).

- **Option 2** - Medical treatment, anonymous evidence collection, and no law enforcement notification.

a) The patient chooses not to report the sexual assault to law enforcement. (Patient must be 18 years or older. Patients younger than 18 years are a mandatory report to law enforcement). The patient receives medical treatment and completes a forensic medical exam with evidence collection. The sexual assault evidence kit is labeled as Jane/John Doe and no patient information is given to law enforcement when the kit is handed off. The Jane/John Doe kit stays in the custody of the law enforcement agency for 55 years and is not sent to the state crime lab for testing unless the patient decides to report the sexual assault to law enforcement at a future date. At no time does the patient have to report the assault to law enforcement in order to receive medical treatment, a medical forensic exam, or have an evidence kit collected anonymously. The patient may choose to report the assault at a future date and have the sexual assault kit submitted for testing. **The collection facility must note the kit tracking number in the HIPAA protected medical patient file for potential future use.**

- **Option 3** - Medical treatment only. No law enforcement notification and no evidence collection.

a) The patient may receive medical treatment and a medical exam without having a sexual assault evidence kit collected. Treatment can include, but is not limited to; a physical exam, documentation of assault and any injuries sustained from the assault, prophylactic medication for sexually transmitted infections, and emergency contraception. At no time does the patient have to report the assault to law enforcement to receive medical treatment or to have a medical forensic exam without evidence collection.

- **Option 4** - Patient chooses to do nothing and chooses to go home.

This information should be provided without judgment and in a language the patient understands. The patient has the right to choose any of these options, unless they are younger than 18 years of age or if other mandatory reporting requirements apply.

If law enforcement has not been involved before an adult sexual assault survivor reports to a medical facility, law enforcement should only be contacted with the patients' permission after they have been fully informed of all treatment, evidence collection, and law enforcement notification options.

For those sexual assault patients younger than 18 years of age, you must report to law enforcement. Minors cannot have a sexual assault kit collected anonymously.

Patient Quick Reference Card for Sexual Assault Care:

You are experiencing a traumatic event and we value your right to choose how to proceed. We value your privacy, and no one outside the hospital will be notified unless you expressly give us consent to notify an outside agency regarding the sexual assault.

Your options for treatment are listed below. Read thru the options, ask questions, and together with your nurse, you can make an informed decision on how to proceed.

- **Report to law enforcement/sexual assault evidence collection kit (SAECK) is collected:**
 - 1) You choose to report to law enforcement. You provide a statement to LE.
 - 2) You are provided a medical forensic exam *with* evidence collection.
 - 3) Law enforcement takes custody of SAECK.
 - 4) SAECK goes to the state crime lab for biological testing (some exceptions apply).

- **No report to law enforcement/sexual assault evidence collection kit (SAECK) is collected as a Jane/John Doe (anonymous) kit:**
 - 1) You choose not to report to law enforcement. LE is *not* contacted.
 - 2) You are provided a medical forensic exam *with* evidence collection.
 - 3) SAECK has **NO** patient information on or in the kit. Kit is labeled as Jane/John Doe (your information will NOT be given to law enforcement without your consent).
 - 4) Appropriate law enforcement agency is contacted to take kit into evidence.
 - 5) SAECK is held by law enforcement for 55 years and will not be sent to the state crime lab for biological testing.
 - 6) If or when you choose to report the assault to law enforcement, the kit will be labeled with your information and sent to the state crime lab for biological testing (some exceptions apply).

- **No report to law enforcement/no sexual assault evidence collection kit (SAECK) collected:**
 - 1) You choose not to report the sexual assault to law enforcement (your information will NOT be given to law enforcement without your consent).
 - 2) You are provided a medical exam *without* evidence collection.
 - 3) You may choose at a future date to report the sexual assault to law enforcement.

- **You choose none of these options:**
 - 1) You may also choose to go home and not proceed with any of the options.

Regardless of the option you choose, we will honor your choices and provide care in a trauma-informed, patient centered environment.