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COMMITTEES:
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AND PENSIONS
VETERANS' AFFAIRS

July 1, 2015

Julie Petersen, Chair
Gregg Davidson, Chair-elect
Washington State Hospital Association
300 Elliott Avenue West
Suite 300
Seattle, WA 98119

Dear Ms. Petersen and Mr. Davidson,

As work continues to combat the widespread threat of sexual assault, it is critical that when survivors seek medical care, they are offered the best information, services, and support available. Unfortunately, I write with deep concern that hospitals across Washington state may be failing to provide survivors with services that are critical to their recovery and to ensuring that perpetrators are held accountable.

I am aware of at least one instance in which a constituent was denied a medical forensic examination (MFEs, often referred to as "rape kits") at a hospital in King County, Washington. My constituent was informed that she would have to go to another hospital for an MFE, and was not informed that those transportation expenses would be covered. Discouraged and tired, she understandably went home rather than getting the medical attention she needed. A review by my staff suggests that some hospitals in King County do not provide access to MFEs or have trained Sexual Assault Nurse Examiners (SANE) on staff, and that it is normal practice for many hospitals across the state to send survivors to other facilities.

As my staff has consulted with a number of hospitals, advocacy organizations, and the state Victim's Compensation Fund, I have become increasingly concerned about the situation survivors face. Unfortunately, it is difficult to understand the scope of this problem because there is no comprehensive data at the state level on which hospitals have SANEs and MFEs available and what information is typically provided to survivors. In addition, there is currently no standard information that survivors are given with respect to information, rights and services in the state of Washington.

I find this extremely troubling. The National Crime Victimization Survey estimates that approximately 270,000 sexual assaults occur each year and more than 90 percent are committed against women. This translates to 1 in 5 women being sexually assaulted at some point in their lifetime. The aftermath of a violent or sexual crime can be psychologically, physically, and financially devastating for a survivor. Research shows that programs with trained examiners, such as SANEs, not only improve survivors' experience in a very traumatic time, but significantly increase evidence collection and investigation in sexual assault cases. Similarly, providing survivors with access to MFEs can help identify DNA and other forensic evidence left by a perpetrator. When tested by crime labs, MFEs have proven successful in advancing investigations and prosecutions of sexual assault crimes, and in helping hold perpetrators accountable.

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MFEs are a critical gateway to services for survivors. The Violence Against Women Act (VAWA) requires that an MFE include: (1) examining physical trauma; (2) determining penetration or force; (3) interviewing the patient; and (4) collecting and evaluating evidence. In addition, in 2013, the Department of Justice issued guidance, *A National Protocol for Sexual Assault Medical Forensics Examinations*,¹ which included best practices to ensure high-quality survivor-centered care. This guidance focused on addressing the patients' health care needs, identifying key responders and roles, and developing quality assurance measures to ensure effective response during the exam process. During such a deeply difficult time for a survivor, it is critical that a hospital, its providers, and its staff are properly equipped and trained to provide the highest quality of care. While it may not be possible for every hospital in our state to have fully trained SANEs on staff, more clearly needs to be done to ensure that survivors who take the difficult step of seeking care are not essentially turned away at the door.

We are fortunate to have medical centers in Washington state that can help provide best practices and guidance to improve services for survivors of sexual assault. The Harborview Center for Sexual Assault and Traumatic Stress conducts training statewide for SANEs and has been a national leader in this area. I urge the Washington State Hospital Association (WSHA) to work with Harborview, as well as advocacy organizations like the Washington Coalition of Sexual Assault Programs and the Washington State Coalition of Sexual Assault Advocates to ensure that all WSHA hospitals improve their operations and services for survivors of sexual assault.

I would like to work with you to first understand how many hospitals in our state currently provide access to MFEs and SANE-trained staff. I would also like to work together to ensure that Washington state hospitals immediately seek to increase training and expand access to SANE-trained staff. I believe that every facility must be prepared to proactively support survivors, even if in some more remote areas that includes a covered trip to another facility. In response to this letter, I request that you describe how your members are currently supporting sexual assault survivors, and what your members' plans are to better serve survivors of sexual assault. Your response should address the following topics in particular:

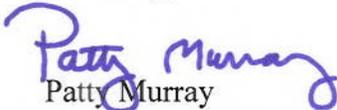
- **Access to MFEs:** An action plan to ensure that hospitals have MFEs on site;
- **Training of SANEs:** Address how hospitals can increase training for hospital providers, including identifying the number of SANEs on site, and in the event a hospital has no SANE on site, what the hospital's plan of action is to ensure that survivors have access to services upon presenting;
- **Support for Victims:** Identify a plan of action to ensure that hospitals have a process in place to help survivors of sexual assault. This plan should address a hospital's ability to provide better resources and information for survivors, including information about the Washington State Crime Victims Compensation fund, access to advocates, and information about a survivor's rights under federal law with respect to costs. Identify best practices for all hospital staff to ensure that each survivor is treated with dignity and respect at all entry points.

I believe strongly that our state can and must do more to support survivors of sexual assault. It is critical that the Washington State Hospital Association work with its members to improve services and benefits for those who have suffered the deep trauma of sexual violence. I urge you to take steps to ensure that if a

¹ <https://www.ncjrs.gov/pdffiles1/ovw/241903.pdf>

survivor of sexual assault presents in any hospital in our state, they receive the highest quality of care. I look forward to working together to ensure Washington state hospitals take immediate steps to improve the care survivors currently receive.

Sincerely,


Patty Murray
United States Senator