



December 18, 2019

## Sexual Assault Survivors Emergency Treatment Updates

### New Fact Sheet Required to be Provided to Sexual Assault Patients

Per the Sexual Assault Survivors Emergency Treatment Act (SASETA), the Illinois Attorney General's office, in consultation with qualified medical providers, has created a fact sheet that all treatment hospitals, treatment hospitals with approved pediatric transfer, and approved pediatric healthcare facilities are required to give patients and non-offending parents or legal guardians, if applicable, regarding the medical forensic exam procedure, laws regarding consenting to medical forensic services, and the benefits and risks of evidence collection, including recommended time frames pursuant to Section 10(c) of SASETA. Facilities providing medical forensic services are required to provide this Medical Forensic Services Fact Sheet to sexual assault and sexual abuse patients by Section 5(a-5)(1.5)(A) of SASETA.

### Sexual Assault Survivors Emergency Treatment Code – Proposed Rule

The Illinois Department of Public Health (IDPH) published proposed amendments to the Sexual Assault Survivors Emergency Treatment Code in the December 2, 2019 *Illinois Register* (see pages 13635-13686). The amendments would implement several laws passed in 2018 and 2019 amending the Sexual Assault Survivors Emergency Treatment Act (SASETA):

- PA 100-775 that created a new category of treatment hospital with pediatric transfer and included significant new requirements for treatment hospitals;
- PA 100-1087 that required the offer of a shower after an exam; and
- PA 101-73 that allowed transfer of an adult survivor to a treatment hospital with pediatric transfer.

IHA's summary of these laws can be found on the Sexual Assault Survivor Treatment page of the IHA website.

IHA will be filing comments on the proposed rule and encourages hospitals to also comment.

Comments on the proposed rule may be submitted by January 16, 2020 to:

Erin Conley

Rules Coordinator, Division of Legal Services

Illinois Department of Public Health, Division of Legal Services

535 W. Jefferson St., 5<sup>th</sup> Floor

Springfield, IL 62761

Or

217-782-2043

Email: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

### New Law Related to Sexual Assault Survivors Protected from Arrest

Public Act 101-0039, effective June 1, 2020, pertains to a sexual assault survivor who is requesting or receiving emergency medical treatment and has an outstanding arrest warrant. If the warrant is not for a forcible felony, a violent crime or an alleged violation of parole or mandatory supervised release, law enforcement shall contact the prosecuting authority to request waiver of the prompt execution of the warrant. Whenever law enforcement has contact with someone because they have reported they were sexually assaulted, law enforcement shall inform the person that if they choose to go to a medical facility to seek services then the prosecuting authority will request waiver of prompt execution of the warrant.

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