

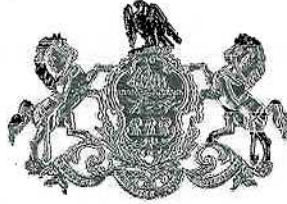
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**STATE SENATOR
JANE CLARE ORIE
40TH SENATORIAL DISTRICT**

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Senate of Pennsylvania

November 17, 2006

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Gerald Radke, Director
Bureau of Facility Licensure and Certification
PA Department of Health
Room 932 - Health and Welfare Building
7th and Forster Streets
Harrisburg, PA 17120

Dear Mr. Radke:

I am sending you a copy of the comments of Dr. L. Kathleen Sekula on your Proposed Rulemaking for Sexual Assault Victim Emergency Services

Because it is so close to the end of the comment period, Dr. Sekula e-mailed her comments so that I could have them hand-delivered directly to you.

Since Dr. Sekula is an educator and the chair of the Sexual Assault Response Team from Allegheny County, I am certain that her comments will be of value to you as you pursue the rule-making process.

Sincerely,

JANE C. ORIE
State Senator
40th Senatorial District

JCO/jmm

Enclosures

cc: Dr. L. Kathleen Sekula

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GRADUATE NURSING PROGRAM
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November 16, 2006

Senator Jane Orie
Senate Box 203040
Harrisburg, Pa. 17120-3040

Dear Senator Orie,

This letter is being written in response to the Proposed Rulemaking: Department of Health [28 PA. CODE CHS. 101 and 117] Sexual Assault Victim Emergency Services [36 Pa.B. 6403] Saturday, October 21, 2006.

The proposed rulemaking relates minimum requirements for hospitals regarding care of sexual assault victims. In my capacity as an educator, Director of the graduate forensic programs at Duquesne University, and Board Chairperson for the Sexual Assault Response Team of Allegheny County (SARTAC) I would like to register my concerns/suggestions:

1. Strongly encourage/recommend that all hospitals utilize certified Sexual Assault Nurse Examiners (SANE's) and or Sexual Assault Response Teams (SARTs) whenever they are available to perform evaluation and evidence collection within the emergency department. I do understand that you are establishing minimum standards, however, when this health care clinician is available s/he should be a part of the minimum standard of care. Each hospital can identify this resource (or lack of) in the policy they establish.
2. Be more explicit about the evidence that should be collected (at minimum). It is a nurse or physician who collects this evidence. Shouldn't there be a minimum standards for training of ER nurses and physicians related to care of the sexual assault victim? Perhaps 8 hours (4 hours) of continuing education provided in the ER?
3. Nowhere in your document do you mention the use of a sexual assault evidence collection kit (sometimes referred to as a rape kit). The use of a kit should be part of the minimum standard in emergency departments.

In 2005, there were 259 reported sexual assaults prosecuted in Allegheny County. The District Attorney's Office was only able to obtain 107 (41%) convictions - largely due to

a lack of physical evidence. The lack of physical evidence does not mean that an assault did not take place, but the evidence may not have been properly collected.

I do believe that the above recommendations should be taken into consideration. Adding the suggested minimum standards can potentially strengthen the ability of the judicial system to successfully prosecute.

From the perspective of educator and Chairperson of the Board for the Sexual Assault Response Team of Allegheny County (SARTAC) I will be happy to speak with a member of the staff related to this important issue. You may contact me at 412-396-4865 or 412-973-6116 if you have any questions.

Thank you in advance for your time and consideration.

Sincerely,

L. Kathleen Sekula

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