

NOTICES

Establishment of Minimum Standard Requirements for Sexual Assault Evidence Collection

[44 Pa.B. 7250]

[Saturday, November 15, 2014]

On November 29, 2006, Governor Edward G. Rendell signed the Sexual Assault Testing and Evidence Collection Act (act) (35 P. S. §§ 10172.1—10172.4). Section 3 of the act (35 P. S. § 10172.3) establishes a Statewide sexual assault evidence collection program to be administered by the Department of Health (Department). Under this program the Department is to consult with the Pennsylvania Coalition Against Rape (PCAR) and the Pennsylvania State Police (PSP) to develop and review on a scheduled basis the minimum standard requirements for all rape kits used in hospitals and health care facilities in this Commonwealth, to test and approve commercially available rape kits for use in this Commonwealth and establish a program to train appropriate personnel in the correct use and application of rape kits.

Under the act, the Department, in consultation with PCAR and PSP, established a Sexual Assault Evidence Collection Committee (SAEC). The SAEC included representatives of the Department, PCAR, PSP, the Hospital and Healthsystem Association of Pennsylvania, forensic nurse examiners, members of sexual assault response teams and law enforcement.

In accordance with the act, the SAEC formulated minimum standard requirements for sexual assault evidence collection in this Commonwealth. Beginning October 1, 2008, the minimum standards requirements established by the SAEC should be observed by all health care facilities and child advocacy centers in this Commonwealth, and these facilities and centers should meet or exceed those minimum standard requirements.

Under 28 Pa. Code § 117.52(a)(1) (relating to minimum requirements for sexual assault emergency services), all hospitals providing sexual assault emergency services under 28 Pa. Code §§ 117.51—117.58 (relating to sexual assault victim emergency services) "shall utilize a rape kit that complies with the minimum standard requirements developed by the Department or that is otherwise approved by the Department under the [act]." Accordingly, this publication shall serve as notice to those hospitals of the minimum standard requirements developed by the Department under the act.

As of October 1, 2014, the following minimum standard requirements for sexual assault evidence collection are in effect:

Minimum Standard Requirements Sexual Assault Evidence Collection Kit Contents

- Step 1 Consent for Collection and Release of Evidence and Information Form
- Step 2 Foreign Material, Clothing, and Underpants Collection
- Step 3 Oral Assault Collection Samples
- Step 4 Miscellaneous Collection (Debris, Dried Secretions, Tampon/Sanitary Napkin)
- Step 5 Fingernail Clippings/Swabblings
- Step 6 Pubic Hair Combings
- Step 7 External Genitalia Collection Sample
- Step 8 Vaginal Assault Collection Samples
- Step 9 Rectal Assault Collection Samples
- Step 10 Buccal Swab Collection (for DNA Analysis)
- Step 11 Transfer of Evidence Form

Persons who require more information regarding these requirements may contact Beth Zakutney, Sexual Violence Prevention and Education Program Administrator, (717) 547-3234, bzakutney@pa.gov.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Ann Chronister, Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6414 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Secretary

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