

**Institutional Handbook of Operating Procedures**  
**Policy 09.03.34**

Section: Clinical Policies	Responsible Vice President: Senior Vice President, Chief Medical & Clinical Innovation Officer
Subject: Patient Rights	Responsible Entity: Nursing Services

**I. Title**

*Sexual Assault Medical Forensic Examination and Collection of Forensic Evidence for the Adult, Adolescent, or Pediatric Patient*

**II. Policy**

- A. UTMB supports community efforts to address sexual assault crime by establishing a process for accurate examination, documentation, evidence collection, and support for sexual assault survivors.
- B. Sexual Assault Medical Forensic Examination (SAMFE) with Evidence Collection shall be performed by a Sexual Assault Nurse Examiner (SANE), if available. If a SANE nurse is not available, an Emergency Department (ED) nurse that has completed *Basic Evidence Collection* class may perform the exam; however, the speculum exam may only be performed by an ED faculty physician or a nurse practitioner.

The patient should be seen as soon as possible and triaged to examine/treat the patient as a medical emergency for possible life or limb threatening injuries or psychiatric emergencies. This takes precedence over the medical forensic examination and possible evidence collection. The Emergency Department (ED) staff is responsible for the medical and/or surgical care of the patient. ***Stabilizing the patient's medical condition is a priority.***

- C. UTMB respects the diverse cultural needs, preferences, and expectations of the patients and families it serves to the extent reasonably possible while appropriately managing available resources and without compromising the quality of health care delivered.
- D. Forensic photographs will be used for photo documentation, to corroborate the body diagrams, for educational purposes, and peer review. The name of the patient will not be identified when used for educational purposes. Forensic photographs will be stored in the ED SAFE Suite on a designated computer located in the Forensic Nursing Team Program Coordinator office utilizing the Secure Digital Forensic Imaging (SDFI) system.
- E. Minor (Age 0 to 17 years) SAMFE Guidelines
  - 1. Regardless of when the assault occurred a SAMFE should be completed. This will not always include evidence collection.

2. The patient must voluntarily want and assent to have the SAMFE. For a child who is able to comprehend, the inquiry should be made without the parent/guardian present.
3. At age 14 years the patient may sign their own consent for the SAMFE, however it is recommended to have the parent/legal guardian sign as well.
4. Consent and Assent:
  - a. Examination **without consent** concerning the abuse or neglect of child. Per Texas law, “A physician, dentist, or psychologist may examine the child **without the consent** of the **child**, the **child’s parents**, or other person authorized to consent: (b) An examination under this section may include X-rays, blood tests, photographs, and penetration of tissue necessary to accomplish those tests” (Texas Family Code §32.005)
  - b. It is mandatory that a child assents to the exam. Every effort should be made to minimize trauma to the child. If the child resists the examination, the child is not/is no longer assenting to the examination and the examination should cease.
5. Texas law requires anyone who **has reason to believe** or **suspect** a child is being abused, neglected, or exploited to report it to DFPS (Texas Family Code §261.101). This duty **may not be delegated** to someone else.

#### F. Adult (Age 18 and older) SAMFE Guidelines

1. The examination may be requested by the adult patient if the assault occurred **within** 120 hours.
2. The examination may be requested by law enforcement, physician, or nurse of an adult if the assault occurred **greater than** 120 hours. The patient may request to see a SANE for a consult as well as resources.
3. If the patient is 18 years or older and if the assault occurred **within** 120 hours, the patient may request the SAMFE without involving law enforcement; noted as a *Non-Report Sexual Assault examination (NRSA)*. The encounter number (CSN) is used as the case number.

### III. Procedures

- A. For patients arriving to the Emergency Department requesting a Sexual Assault Medical Forensic Examination (SAMFE):
  1. The triage nurse or nurse accepting the patient shall generate an ED record Chief Complaint of **ASSAULT** or **ASSAULT (Other)**. **NEVER USE THE TERMS “RAPE” Or “SEXUAL ASSAULT”**.
  2. The patient should be seen as soon as possible and triaged to assess for life or limb threatening injuries or psychiatric emergencies and assigned a triage level of 2.
  3. The Charge Nurse is notified on the arrival of the patient to the emergency room.
  4. The patient and parent(s)/legal guardian (if applicable) are placed in the exam room. The patient should not undress at this time unless medically necessary for treatment.

5. *Advise* the patient activities such as eating, smoking, washing, defecating, or urinating prior to the exam may cause loss of evidence and is at the patient's discretion whether they engage the activity(s). *Suggest* to the patient if they use the restroom, not to wipe after use, preserving any evidence that may be present.
6. The priority is medical assessment and treatment. The physician or nurse practitioner completes a medical assessment examination including type of sexual contact and a primary genital visualization /examination to rule out life threatening injuries.
7. Vital signs, past medical history, current medications, and immunization status shall be assessed and recorded on the ED record.
8. Electronic Record EPIC orders prior to SAMFE:
  - a. Complete laboratory tests:
    - i. Females of childbearing age, Pregnancy Test
    - ii. Sexually Transmitted Infection (STI) testing:
      1. Urine: Gonorrhea, Chlamydia
      2. Blood: HIV, Syphilis
    - iii. Toxicology testing: Alcohol level and Drugs
  - b. Prophylaxis for STI and Pregnancy per CDC Guidelines:
    - i. Gonorrhea,
    - ii. Chlamydia,
    - iii. Trichomonas,
    - iv. HIV
    - v. Pregnancy
9. Criteria for SAMFE:
  - a. The patient does not require immediate medical attention;
  - b. The patient is competent and capable of signing *informed consent* for the SAMFE. The patient cannot be under the influence of mind-altering drugs or alcohol. The exam will be delayed until patient sobriety;
  - c. The patient was sexually assaulted as per age guidelines (Sections II, E and F);
  - d. The patient, regardless of age, *voluntarily* wants the SAMFE;
  - e. Minor patient(s), the sexual assault has been reported to law enforcement and DFPS/CPS; and
  - f. Adult patient(s) have been offered to report to law enforcement, and assisted to make the law enforcement report, if desired.

**B. The Sexual Assault occurred within UTMB healthcare facility/hospital**

1. If a crime is suspected or has been committed, contact UTMB campus police immediately. Patient /staff /facility safety is the priority.
2. *Simultaneously* contact:
  - a. the patient's primary physician to assess for medical emergency injuries; and
  - b. the supervisor/manager, clinical operations administrator (COA) of the hospital/facility.
3. The physician determines if the patient require immediate medical attention.

4. The physician determines if the patient is competent and capable of signing informed consent for the SAMFE. Factors to consider are:
  - a. Is the patient alert and oriented;
  - b. Does the patient display altered mental status/delirium;
  - c. Does the patient display signs of dementia.
5. A member of hospital staff must inquire if the patient would like a Medical Forensic Sexual Assault examination. The staff must use the Texas Health and Human Services (HHS) “[\*Information for Survivors of Sexual Assault SAFE-Ready Facility\*](#)” form with the patient/family. The staff must orally communicate and discuss the form with the patient/family.
6. For a SAFE-Ready Facility, follow guidelines listed under Section III.D.
7. For a Non-SAFE-Ready Facility, follow guidelines listed under Section III.E.

### C. The ***oucry*** of Sexual Assault ***while in an Inpatient Unit/Clinic***

1. The physician determines if the patient is competent and capable of signing informed consent for the SAMFE. Factors to consider are:
  - a. Is the patient alert and oriented;
  - b. Does the patient display altered mental status/delirium;
  - c. Does the patient display signs of dementia.
2. A member of hospital staff must inquire as to when and where the sexual assault occurred and type of contact that occurred. It is not required at this point to obtain a detailed history of the assault, but the hospital staff should ascertain the type of contact: genital to genital; digital to genital; oral to genital.
3. **If it is a minor:** hospital staff must notify **CPS/ DFPS** and if the perpetrator continues to have contact with the minor, call the police of jurisdiction. Staff should call campus police for assistance.
4. **If it is an adult,** hospital staff must determine if the patient meets the criteria for a SAMFE and determine if it is the patient’s desire for a SAMFE. Hospital staff must then follow the procedure as documented for SAMFE as listed in this policy.
5. Hospital staff must offer the patient the opportunity to use a crisis advocate. The local resources in this area are Resource & Crisis Center of Galveston County, Bay Area Turning Point in Webster, and Women’s Center of Brazoria County.
6. Hospital staff must refer to and follow reporting guidelines to law enforcement as per sexual assaults that occur on UTMB premises.
  - For a SAFE-Ready Facility follow guidelines listed under Section III.D.
  - For a Non-SAFE-Ready Facility follow guidelines listed under Section III.E.

#### D. SAFE-Ready Facility (UTMB Galveston Campus)

1. A member of hospital staff must inquire if the patient would like a Medical Forensic Sexual Assault examination. The staff must use the Texas Health and Human Services (HHS) "[Information for Survivors of Sexual Assault SAFE-Ready Facility](#)" form with the patient/family. The staff must orally communicate and discuss the form with the patient/family.
2. Hospital staff must offer the patient/family an advocate certified by the Office of the Attorney General for sexual assault to accompany the patient through the SAMFE from the Resource and Crisis Center of Galveston County (RCC) and sign authorization for disclosure of protected health information form indicating their decision.
3. Hospital staff must complete triage packet and checklist.
4. When checklist complete, hospital staff must call ED dispatch and page **checklist complete** with the *age, gender, room number* and *MRN number* of the patient.
5. If the patient is **declining** the SAMFE, a medical examination, medical treatment, and medical examination recommendations shall be provided upon patient request. Additionally, written resources shall be provided to the patient by hospital staff.

**Note:** If a SANE is consulted to complete a sexual assault exam on an "Inpatient," the SANE shall evaluate whether the patient meets the criteria listed in III.A.9. If the patient meets the necessary criteria, the examination shall be completed in the SAFE Suite, unless the patient is critically ill, in which case the examination shall be completed in the critical care room.

#### E. Non-SAFE-Ready Facility (UTMB Regional Campuses)

1. Hospital staff must contact the Patient Placement Center (PPC) for Forensic Nursing Team Transfer packet. Hospital Staff must provide an email address for use by the PPC to send transfer packet information to enable the transfer of the patient.
2. A member of hospital staff must inquire if the patient would like a Medical Forensic Sexual Assault examination. The staff must use the Texas Health and Human Services (HHS) "[Information for Survivors of Sexual Assault SAFE-Ready Facility](#)" form with the patient/family. The staff must orally communicate and discuss the form with the patient/family.
3. Once the packet sent by the PPC is received, the hospital staff must:
  - a. Offer to complete the SAMFE at current facility by the *ED nurse trained in basic forensic evidence collection training* **OR**
  - b. Offer to transfer to a SAFE-Ready facility to have the SAMFE completed by a *specially trained nurse, sexual assault nurse examiner (SANE)*.

4. If the Non-SAFE-Ready Facility (UTMB Regional Campuses) is **completing the SAMFE**, the facility must:
  - a. Follow the instructions inside the TX100B Sexual Assault Evidence Collection Kit or the [Texas Evidence Collection Protocol](#).
  - b. Offer the patient the opportunity to use a crisis advocate. The local resources in this area are Resource & Crisis Center of Galveston County, Bay Area Turning Point in Webster, and Women's Center of Brazoria County.
  
5. **To Transfer** to a SAFE-Ready Facility, the facility must:
  - a. If transferring to Galveston Campus, complete **exclusionary list** which was sent by the PPC, and include the list in the email to PPC for transfer request.
  - b. Ensure that the patient and parent/guardian signed a consent to be transferred and the patient was deemed medically cleared.
    - i. Patient is able to be discharged home from SAFE-Ready facility after SAMFE has been completed.
    - ii. If the patient **requires a higher level of care** for a medical/surgical condition, transfer to the appropriate service and have the accepting service made aware of a request for SAMFE.
  - c. Provide the patient with 2 or more options for nearby SAFE-Ready facilities. The list for [SAFE-Ready facilities](#) is located at [Texas Health and Human Services Commission's Information for Survivors of Sexual Assault webpage](#).
  - d. Contact Placement Patient Center (PPC) to request the transfer.
  - e. PPC will follow transfer process and ensure the facility has a SANE is on duty/on-call to complete the SAMFE.
  
6. If the patient is **declining** the SAMFE, a medical examination, medical treatment, and medical examination recommendations shall be provided upon patient request. Additionally, written resources shall be provided to the patient by hospital staff.

#### **F. Texas Department of Correction (TDC) and County Jail Inmates**

1. Texas Department of Criminal Justice (TDCJ) rules and regulations shall apply for patients who are inmates of TDCJ. County/City inmates are able to consent for themselves.
2. When an inmate states she/he has been sexually assaulted and the assault occurred *within the past 120 hours*, follow the policy and procedure above with the following considerations:

- a. TDC Inmates: The Office of Inspector General (OIG) must be contacted at 281 – 853 – 5947 to obtain authorization to complete a SAMFE on a TDCJ inmate. An Emergency Action Center (EAC) number **or** a case number will be provided if the SAMFE is authorized.
- b. County Inmates: Law Enforcement will provide sexual assault case number.
- c. A member of hospital staff must inquire if the patient would like a Medical Forensic Sexual Assault examination. The staff must use the Texas Health and Human Services (HHS) [\*“Information for Survivors of Sexual Assault SAFE-Ready Facility”\*](#) form with the patient/family. The staff must orally communicate and discuss the form with the patient/family.
- d. A member of hospital staff must offer the patient the opportunity to use a crisis advocate. The local resources in this area are Resource & Crisis Center of Galveston County, Bay Area Turning Point in Webster, and Women’s Center of Brazoria County.
- e. During the SAMFE:
  - i. The SAMFE is completed in a patient room in the main emergency department for safety.
  - ii. At least **2 TDC officers must be present** for TDC Inmates at all times and more officers may be requested as needed or as per required due to inmate status within TDC/Federal Prison. Hospital staff must ensure the officers are aware what is said by the inmate and done during the exam is legally confidential and must not to be repeated. The officers’ full names and credentials must be documented in the EPIC chart by hospital staff.
  - iii. At least **1 Law Enforcement officer must be present** for County Inmates at all times and more officers may be requested as needed or as per required due to inmate status in county jail. Hospital staff must ensure the officers are aware what is said by the inmate and done during the exam is legally confidential and must not to be repeated. The officers’ full names and credentials must be documented in the EPIC chart by hospital staff.
  - iv. The inmate’s cuffs will not be removed during the examination unless specifically indicated by the SANE to complete the SAMFE.
- f. Upon completion of SAMFE;
  - i. The examiner reviews findings noted during the examination with and provides recommendations to the consulting physician.
  - ii. The examiner provides the TDC and Law Enforcement Officers with the ED discharge instructions and *Sexual Assault Exam Discharge Recommendations* or *Forensic Nursing Team discharge instructions* to give to the medical personnel where the inmate will be located.
  - iii. The inmate is escorted to designated area by the TDC or Law Enforcement officers.

**G. Responsibilities of the Forensic Nursing Team/ED RN**

1. A member of the team must review the sexual assault *checklist* with primary nurse (Galveston campus)/Review *exclusionary* list prior to approval of transfer.
2. A member of the team must provide the patient/parent(s)/guardian with the “*Information for Survivors of Sexual Assault*” form and ensure understanding.
3. Informed Consents are *required*:
  - a. *Sexual Assault Medical Forensic Examination*: (with or without) evidence collection, treatment, and release of medical records information to the law enforcement agency with jurisdiction. A member of the team must explain the examination is voluntary examination; and the patient may decline any or all aspects of the examination, included detailed history, head-to-toe examination, anogenital examination, digital images and secure storage, resources, and safe discharge discussion.
  - b. *Resource & Crisis Center of Galveston County* (Bay Area Turning Point in Webster / Women’s Center of Brazoria County) A member of the team must explain the following choices to the patient and appropriately document the choice of the patient:
    - a. consent for advocate to be present during the examination;
    - b. or called after the examination; or
    - c. ensure or no contact with advocate. If this last option is selected, the team member must explain resources available to the patient in place of the advocate.
  - c. *Emergency Medical Care Compensation*. A member of the team must explain to the patient the available coverage of cost of emergency room visit and that the forensic examination cost is the responsibility of the office of the attorney general.
  - d. If applicable (UTMB Galveston campus ONLY), a member of the team must explain the *Post-Exposure Prophylaxis for HIV* including side effects, and offer the *Gilead Advancing Access Patient Enrollment Form* for Genvoya to provide the HIV prophylaxis for the patient. This does not apply to TDC or county inmates.
4. A member of the team must escort patient to SAFE Suite (unless contraindicated for safety or critical medical condition)/*ED Nurse places patient in private ED examination room*.
5. Once the forensic exam begins, the SANE or ED nurse performing the exam will not leave the room unless a medical emergency arises and faculty is involved (in this case, evidence collection is deferred until the medical emergency is resolved).
6. The SANE or ED nurse performing the exam must obtain a history from the patient and document it, using the patient’s own words. They should *not assume* the information but clarify to assure understanding of *the patient’s words*.
7. The SANE or ED nurse performing the exam must conduct a head-to-toe exam, and document the size, shape, color, and location of any injuries on body diagrams.



8. The SANE or ED physician performing the exam must conduct a detailed ano-genital exam as indicated by the history of the patient, looking for signs of trauma and/or foreign material, and document any signs of trauma or foreign material, using an alternate light source for a visual examination of semen on body surfaces when appropriate/available.
9. The SANE or ED nurse performing the exam must collect specimens following the [Texas Evidence Collection Protocol](#), as outlined in the Sexual Assault Evidence Collection Kit instruction or the online, and as indicated by the history given by the patient.
10. A digital camera (*if available*) may be used with written consent to photograph from the patient, parent or legal guardian (Under Texas Family Code -Section 32.005 Examination without Consent of Abuse or Neglect of Child).
11. The SANE or ED nurse performing the exam must provide the patient/ parent/guardian with discharge instructions, resources for financial and counseling aide, assure safe discharge home or to a safe place (example shelter placement) once discharged from the ED. They must provide justice advocacy contact information.
12. The SANE or ED nurse performing the exam must review findings noted during the examination and provide recommendations with the consulting physician.
13. The SANE or ED nurse performing the exam must initiate all referrals to regulatory services, mental health services, or any other services deemed necessary or required by law.
14. The SANE or ED nurse performing the exam must document on the Forensic Report Form and complete the ED EPIC record.
15. The SANE or ED nurse performing the exam must ensure that all the evidence remains in their presence until placed into secure area using the chain of evidence form. Evidence should never be left unattended/unsealed and must remain with the staff conducting the evidence collection until it is sealed and secured.
16. The SANE or ED nurse performing the exam must seal evidence and chain of custody as per the Texas Evidence Collection Protocol.
17. After sealing the SAEK, the SANE or ED nurse performing the exam must:
  - a. Scan the TXS bar code on the SAEK into Track-Kit. For UTMB Regional Campuses contact the UTMB Galveston campus, the forensic nursing team program coordinator to enter TXS bar. ***(This must be completed in 2 business days from the time of completing the SAMFE)***
  - b. Call the Law Enforcement Agency of jurisdiction to collect the SAEK;
  - c. If Law Enforcement is unavailable to collect the kit in a timely manner, lock the SAEK in the SAFE Suite evidence room locked cabinet or locked refrigerator as appropriate; and sign storage evidence log(s). *UTMB Regional Campuses must secure in designated locked site.*

## H. Release of Forensic Records and Forensic Photographs

### 1. District Attorney Office

- a. This office may request disclosure of protected health information (PHI) including, but not limited to, the Forensic Record and/or the Forensic Images by:
  - i. a valid subpoena and/or by court order, and/or
  - ii. an “Authorization for the Release of Protected Health Information (PHI) By UTMB” (UTMB form # 7032) signed by the patient/parent /legal guardian age 18 years or older. This form is generally signed at the time of consenting for the SAMFE.
- b. The forensic records and the forensic photographs, along with the affidavits, will be released encrypted via the SDFI portal system.

### 2. Department of Family Protective Service (CPS/DFPS)

- a. This office may request records by:
  - i. Written request for Release of Information (ROI) with their letterhead indication release of Forensic Record;
  - ii. Submitting the Texas Department of Family Protective Service “Authorization to Disclose Protected Health Information” form; or
  - iii. Submitting the “Authorization for the Release of Protected Health Information (PHI) By UTMB” (UTMB form # 7032) indicating they are conducting an investigation.
- b. The request must include a copy of their employee badge.
- c. The Forensic Record and /or Forensic Physical Assault (Body Surface ONLY) Photographs are then released to DFPS encrypted via SDFI portal system
- d. No genital photographs will be released to DFPS. If a specific request is made for genital photographs, UTMB Legal Affairs will be consulted.

### 3. Law Enforcement Agency

- a. This group may obtain records by:
  - i. Submitting the patient’s authorization utilizing UTMB Form # 7032; or
  - ii. Completing the “Law Enforcement Request For Records” form indicating the information will be kept confidential and will be used only by the law enforcement agency for this investigation or in a judicial or administrative proceeding.
- b. The Forensic Record and/or Forensic Physical Assault (Body Surface ONLY) Photographs are then released to Law Enforcement encrypted via SDFI portal system.
- c. No genital photographs will be released to Law Enforcement. If a specific request is made for genital photographs a subpoena is required or UTMB Legal Affairs will be consulted.

4. Forensic Records are stored in compliance with the UTMB Records Retention Schedule. Forensic Records and Forensic Images are stored in compliance of the Health and Safety Code Sec.241.1031, meaning that these records must be maintained until the **20th anniversary** of the date the record was created.

#### IV. Definitions

**Adult:** an adult person who is not a child; who is 18 years or older.

**Forensic Nursing Team:** The UTMB response team to sexual assault, human trafficking, strangulation, child abuse, domestic violence, elder abuse. The team includes sexual assault nurse examiners (SANE) certified by the Texas Office of the Attorney General (OAG) and/or the International Association of Forensic Nurses (IAFN) with completion of an overview of Texas Law regarding SANE.

**Forensic Photographs:** Photographs that are taken during a sexual assault/abuse forensic/medical exam and/or forensic evidence collection process.

**Minor:** a person under 18 years of age.

**SAFE Suite:** the designated area with special equipment and supplies to conduct SAMFE.

**Sexual Assault Medical Forensic Examination (SAMFE):** An examination performed by medical personnel for documenting the history of an assault; assessing and documenting findings of trauma and injuries during a head-to-toe examination; assessing and documenting ano-genital injuries; and providing treatment. The examination may include possible collection of evidentiary specimens.

**Sexual assault:** Any unwanted, non-consensual, sexual contact against any individual by another. This includes acts involving manipulation, physical force, or coercion. Sexual assault is never the patient's fault, and the patient did not do anything wrong.

**Sexual Assault Evidence Collection Kit (SAEK):** A pre-packaged kit that contains materials, supplies and records used to collect and document forensic evidence post sexual assault.

**Sexual assault nurse examiner (SANE):** A specially trained Registered Nurse who has received classroom and clinical training to perform sexual assault examinations and forensic evidence collection.

**Subpoena:** A written legal writ requiring an appearance in court to give testimony or to supply documents pertaining to a specific legal investigation.

#### V. Relevant Federal and State Statutes

[Code of Criminal Procedure Article 56A](#)

[Government Code, Sec. 420.034 \(Statewide Electronic Tracking System\)](#)

[Government Code: Sec. 420.035 \(Evidence Release\)](#)

[Health and Safety Code Sec. 241.1031 \(Preservation of Record from Forensic Medical Examination\)](#)

[Texas Penal Code § 22.011 \(Sexual Assault\)](#)

[Texas Human Resources Code Chapter 48 \(Investigations and Protective Services for Elderly and Disabled Persons\)](#)

[Texas Family Code Chapter 32 \(Consent to Treatment of Child by Non-Parent or Child\)](#)

[Texas Family Code Chapter 261 \(Investigation of Report of Child Abuse or Neglect\)](#)

**VI. Related UTMB Policies and Procedures**

[IHOP - 06.02.26 - Patient Rights Related to Protected Health Information \(PHI\)](#)

[IHOP - 09.03.09 - Reporting Suspected Abuse, Neglect and Exploitation of Children, the Elderly and/or Disabled Persons.](#)

**VII. Additional References**

Emergency Severity Index (ESI) Triage Level 2 (U.S. Department of Health and Human Services, 2012)

Texas Evidence Collection Protocol 2022: [Available at Texas A&M Center of Excellence in Forensic Nursing](#) OR [Texas Attorney General’s Office Texas Evidence Collection Protocol](#)

**VIII. Dates Approved or Amended**

<i>Originated: 04/11/2005</i>	
<i>Reviewed with Changes</i>	<i>Reviewed without Changes</i>
06/03/2011	10/06/2016
09/02/2022	
9/30/2024	

**IX. Contact Information**

Forensic Nursing Team Coordinator  
(409) 772-7115