



DATE: April 7, 2020

Health Advisory: Treatment of Sexual Assault Patients in a Hospital Emergency Department during the COVID-19 State of Emergency

On March 23, 2020, Governor Cuomo issued [Executive Order 202.10](#), directing the Commissioner of Health to order all health care facilities, including hospitals and diagnostic and treatment centers, to increase the number of beds available to COVID-19 positive patients. The Executive Order also suspended and modified statutes and regulations, as needed, to accomplish this purpose.

The purpose of this guidance document is to clarify that the **treatment of patients for a post-sexual assault medical forensic exam is an essential service in all New York State (NYS) hospital emergency departments**. A sexual assault medical forensic exam may include, upon consent of the victim: gathering information from the victim for the medical forensic history; a medical examination; coordinating treatment of injuries, documentation of biological and physical findings, and collection of evidence from the victim using the New York State sexual offense evidence collection kit; documentation of findings; information, treatment, and referrals for sexually transmitted infections (STIs), pregnancy, suicidal ideation, alcohol and substance abuse, and other nonacute medical concerns; and assessment for additional treatment and services.

NYS hospital emergency departments may consider the following options to increase availability of needed space, and promote social distancing, while ensuring that sexual assault patient treatment is not compromised:

Temporary Relocation

Sexual assault medical forensic exams may be **temporarily provided outside of the emergency department** in an easily accessible nearby location. The temporary location must be an appropriately equipped, private area, with access to a shower that can accommodate patients with disabilities.

Timely Care with a Sexual Assault Forensic Examiner, If Possible

The use of a trained and certified sexual assault forensic examiner is recommended, but a sexual assault medical forensic exam can be performed by any RN, NP, PA, or MD. While it is a regulatory requirement for all SAFE-designated hospital programs to see sexual assault patients within 60 minutes, by a certified sexual assault forensic examiner, that may not be attainable during this state of emergency. If treatment is delayed, the hospital must document when the patient was seen and the cause for delay. All sexual assault patients must be triaged and seen as soon as possible.

Standing Orders

Standing orders (based on current hospital COVID-19 policies) may be implemented for prophylaxis (e.g. sexually transmitted diseases, HIV, hepatitis B, and pregnancy) and labs (e.g. pregnancy tests and STI tests).

When a Patient is COVID-19 Positive:

If a patient positive for COVID-19, or a patient in quarantine, presents to the hospital emergency department for a sexual assault medical forensic exam, consult your hospital's infection control department to determine a course of action, on a case-by-case basis.

Patient-Centered Care:

All patients seeking treatment following a sexual assault must have their healthcare needs met. It is essential that any temporary protocols established due to COVID-19 are in the best interest of patients and medical personnel, and that a victim-centered approach is maintained, to the extent practicable.

Please note that the protocols for hospitals providing treatment to sexual offense victims, as set forth in Public Health Law § 2805-i, have not been waived. However, given the difficulty of maintaining social distancing while providing advocacy services in a medical setting, and the shortage of personal protective equipment (PPE), the Department recommends that advocates from the local rape crisis program provide services remotely when possible, for example, via phone or video call.

For more information on sexual assault and COVID-19, please refer to the following links:

New York State Department of Health Sexual Assault Forensic Examiner (SAFE) Program:

<https://www.health.ny.gov/professionals/safe/>

New York State Coalition Against Sexual Assault:

<http://nyscasa.org/>

New York City Alliance Against Sexual Assault:

<http://www.svfreenyc.org/>

National Sexual Violence Resource Center:

<https://www.nsvrc.org/blogs/resources-for-covid-19-response>

International Association of Forensic Nurses:

<https://www.forensicnurses.org/page/covid>