



DEPARTMENT OF JUSTICE  
CRIME VICTIMS' SERVICES DIVISION

MEMORANDUM

DATE: February 12, 2014

TO: Legislators

FROM: Rebecca Shaw  
Crime Victims' Services Division

SUBJECT: Proposed Oregon Administrative Rule Change to 137-084-0500  
Sexual Assault Examiner and Nurse Examiner Certification Commission

Summary of Proposed Rule Change:

Current OAR gives the Commission the ability to review and set standards for persons to achieve initial SANE certification. It does not give the Commission the ability to continue to review established SANE charts for continued compliance. The Commission is requesting a change to the existing OAR to include a process of chart review of certified SANEs, and to provide feedback and recommendations based on that review. The Commission is also requesting an additional appointed member and modification of another established member.

Enclosed is a copy of the proposed amendments to the Oregon Administrative Rules. The proposed rules may also be accessed in the following ways:

1. DOJ Crime Victims' Services Division website:  
<http://www.doj.state.or.us/victims/pages/index.aspx>
2. E-mail: send an e-mail requesting the proposed OAR changes to  
[valerie.smith@state.or.us](mailto:valerie.smith@state.or.us)
3. Paper copy: Call Valerie Smith at (503) 378-5348

Before the rules can become effective, a specific time must be set aside for public comment on the proposed rules. The closing date for comments on the above rule change is 5:00 p.m., Monday, March 24, 2014. All comments must be received by the Department of Justice by that date.

Comments for the proposed amended rules can be made in writing at any time up to the closing date or verbally at the public hearing that will take place in Salem. All comments will receive the same consideration, whether written or verbal.

Proposed OAR Changes  
February 12, 2014

Please send written comments to:

Oregon Department of Justice  
Crime Victims' Services Division  
Attention: Valerie Smith  
1162 Court Street NE  
Salem, OR 97301

Written comments must be received by the end of the business day, Monday, March 24, 2014.

Public hearing time and location:

March 24, 2014  
2:00 – 3:00 p.m.  
Crime Victims' Services Division Conference Room  
Promontory Plaza  
4035 12<sup>th</sup> Street Cutoff SE  
Salem, OR 97302

Public hearing information:

Those wishing to make oral comments at the public hearing must arrive no later than 2:30 p.m. The hearing will close at 2:30 p.m. if no one is in attendance. All oral comments made during the public hearing will be recorded. Comments will be limited to 10 minutes per speaker. If your comments will be longer than 10 minutes, please consider submitting them in writing.

If you are planning to attend the public hearing and require any special accommodation, please contact Valerie Smith at [valerie.smith@state.or.us](mailto:valerie.smith@state.or.us). You may also call Valerie at (503) 378-5348. Following March 24, 2014, the Attorney General or her designee will make a final review taking into account all written and verbal comments. After this review the rules will be filed with the Oregon Secretary of State's Office and will become effective.

If you have any questions regarding the proposed rule amendment or the process, please e-mail Valerie Smith at [valerie.smith@state.or.us](mailto:valerie.smith@state.or.us), or call Valerie at (503) 378-5348.

DM# 4965644

137-084-0500

**Sexual Assault Examiner (SAE) and Nurse Examiner (SANE) Certification Commission**

(1) The Attorney General establishes a Sexual Assault Examiner and Nurse Examiner (SANE) Certification Commission. The Commission is established to help ensure that registered nurses, physicians and physician assistants who provide sexual assault medical forensic examinations in Oregon and receive compensation through the Sexual Assault Victims' Emergency Medical Response Fund established by Oregon Laws 2003 c. 789 have the necessary training and qualifications to do so in accordance with the best standards of care, after consultation with the Attorney General's Sexual Assault Task Force.

(2) Commission members shall be appointed by the Attorney General and shall serve a period of two years from time of appointment. Terms may be renewed upon approval by the Attorney General.

(3) The Commission shall consist of seven (7) members, one each from the following groups:

- (a) One (1) Oregon Certified Sexual Assault Examiner or Nurse Examiner;
- (b) One (1) Oregon Certified Sexual Assault Nurse Examiner representing the Oregon Nurses Association (ONA);
- (c) One (1) Representative from the Oregon State Board of Nursing (OSBN);
- (d) One (1) Emergency Room Physician representing the Oregon Chapter of Emergency Physicians (OCEP);
- (e) One (1) Emergency Room Physician (at large);
- (f) One (1) Advocate; and
- (g) One (1) At-large position; and
- (h) One (1) Member of Law Enforcement or Prosecution.

(4) A majority of a quorum of the Commission may take action and make recommendations to the Attorney General. A quorum shall be established by a simple majority of Commission members.

(5) The Attorney General delegates to the Commission the following powers and duties

(a) Make recommendations to the Attorney General for rules deemed necessary to implement the Sexual Assault Nurse Examiners Program, including standards for certification and renewal of certification by the Commission;

(b) Evaluate and act upon applications for certification; and

(c) Identify, update, and publicize best practices related to sexual assault examinations.

(d) Perform random SAFE/SANE chart reviews of certified SANEs in Oregon to assure standards of practice as defined by the Oregon Sexual Assault Task Force, are being upheld and set forth recommendations to SANEs who demonstrate substandard practices.

(e) In accordance to nursing practice in Oregon if there is found to be any attempt to falsify documentation or demonstration of practicing outside of the scope of practice, a majority quorum of the Commission may take action to suspend or remove SANE certification.

(f) If a SANE/SAE has a suspended or revoked state RN, NP, or PA license to practice, the Commission has the ability to suspend or revoke the SANE/SAE certification.

Stat. Auth.: 2003 OL Ch. 789 (SB 752)

Stats. Implemented: 2003 OL Ch. 789 (SB 752)

Hist.: DOJ 3-2007, f & cert. ef. 3-16-07; DOJ 13-2007, f. & cert. ef. 12-11-07

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