



# County of San Diego

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**HEALTH AND HUMAN SERVICES AGENCY**  
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**NICK YPHANTIDES, M.D., M.P.H.**  
CHIEF MEDICAL OFFICER

November 11, 2020

## **UPDATE: REPORTING REQUIREMENTS FOR SEXUAL ASSAULT VICTIMS IN THE EMERGENCY DEPARTMENT**

To all San Diego County Emergency Department Staff:

This memorandum supersedes previous guidance dated June 30, 2017 (attached).

The Violence Against Women Act (VAWA) offers patients who disclose sexual assault victimization two options regarding how their case is handled. It may be classified as an “investigated case” or a “non-participating report (NPR),” previously referred to or known as a non-investigated report (NIR). In 2013, VAWA was amended to specify that, regardless of how the case is managed, nothing in the act waives the requirement to report suspected abuse or neglect, as specifically mandated by the State. California Penal Code section 11160 requires that a mandated report include the name of the victim. As is true with all patients who have suspicious injuries, completion of the California Office of Emergency Services Mandated Suspicious Injury Report ([OES 2-920](#)) is a requirement for all mandated reporters.

**All healthcare providers are mandated reporters for, among other circumstances, suspected sexual assault.** Healthcare providers must inform any patient suspected to have been sexually assaulted of this duty to report, and that law enforcement must be notified of the disclosed sexual assault. **Patients must then be informed that their case may be investigated either in the traditional sense (through law enforcement) or as an NPR.**

**An NPR allows patients to receive a forensic examination by a trained forensic examiner at an approved Sexual Assault Response Team (SART) location, without participating in a law enforcement investigation.**

On January 1, 2020, amendments to California Penal Code section 680 went into effect. This change mandates that all sexual assault kits shall be tested. Furthermore, the law changed the statute of limitations for sexual assault evidentiary kit retention. These legal requirements will be discussed at the time of the patient’s medical evidentiary examination. Of note, this law did not change patients’ access to forensic medical examinations, nor their care. In line with trauma-informed care, the forensic nurse and victim advocate will review all of the rights and options that are available to the patient prior to a sexual assault medical evidentiary examination to assist the patient in making an informed care decision. These changes afford the patient additional protections and more options.

**Instructions for ED staff if the patient opts for an NPR:**

- **Follow the guidance at these links:**

**[Sexual Assault Treatment in the ED - Joint Guidance](#)  
[San Diego County Health - CARES](#)**

- **Report using the California Office of Emergency Services Mandated Suspicious Injury Report Form ([OES 2-920](#)) via FAX to the law enforcement agency in the jurisdiction in which the crime occurred. Include “NPR Report” on the cover sheet. Include all known information, including the patient’s name.**
- **Call the Palomar Health Forensic Health SART RN at 760-739-2150 M-F 0830-1700. After hours, holidays, and weekends call 1-888-211-6347. The SART RN will answer any questions and assist with arranging an examination.**

Please contact County of San Diego Emergency Medical Services SART lead, Adilver Martin, RN, at (619) 455-5631 or [Adilver.Martin@sdcountry.ca.gov](mailto:Adilver.Martin@sdcountry.ca.gov), with any questions or comments.

Thank you for the outstanding care you provide to our patients, day in and day out. We recognize and appreciate your dedication during the special conditions of this pandemic.

Sincerely,



Kristi L. Koenig, MD, FACEP, FIFEM, FAEMS, Medical Director  
Emergency Medical Services  
County of San Diego Health & Human Services Agency

Attachment



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**NICK YPHANTIDES, MD, MPH**  
CHIEF MEDICAL OFFICER

June 30, 2017

## **GUIDELINES UPDATE: SEXUAL ASSAULT VICTIMS IN THE EMERGENCY DEPARTMENT**

To all Emergency Department Staff:

The Federal Violence against Women Act of 2005 offers patients who disclose sexual assault victimization two options regarding how their case is handled. It may be classified as an investigated case or a non-investigated report (NIR) case. With NIR cases, the mandated reporter cannot provide law enforcement identifying information concerning the victim.

All emergency department patients reporting to have been sexually assaulted are to be informed that healthcare providers are mandated reporters and must notify law enforcement of the disclosed sexual assault. They are then to be informed that they may have a traditional law enforcement investigated case or an NIR. An NIR would allow them to receive a forensic exam without law enforcement involvement or investigation. No arrests are made if an NIR is selected and the evidence is not examined by the crime lab. The victim has up to 18 months to decide if he/she wishes to convert the case to an investigated case.

As mandated reporters, it is imperative that emergency department professionals are aware and follow the correct course of action because if an intended NIR case is reported to law enforcement giving identifying information, law enforcement may be obligated to investigate. This would violate the victim's rights.

### **Instructions for ED staff if the patient selects to have a NIR**

- Report using the California Office of Emergency Services Mandated Suspicious Injury Report form (OES 920) via FAX to the law enforcement agency in the jurisdiction in which the crime occurred stating that the patient has selected the NIR option. ED staff may give the general location where crime occurred, date and time of assault, but not victim identifying information.
- **NEW:** Call Palomar Health Forensic Health Services SART RN at 760-739-2150 M-F 0830-1700. Afterhours, holidays, and weekends call 1-888-211-6347. The SART RN will assist with arranging exam and answer questions (Sexual Assault Forensic Exam Activation Sheet attached).

Please contact me or Sue Dickinson, RN at (619) 285-6410 or [Susan.Dickinson@sdcounty.ca.gov](mailto:Susan.Dickinson@sdcounty.ca.gov) with any questions or comments.

Sincerely,

Kristi L. Koenig, MD, FACEP, FIFEM, FAEMS, Medical Director  
County of San Diego, Emergency Medical Services

KK:sd