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RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING
SEXUAL ASSAULT NURSE EXAMINER PROGRAM**

Adopted New Rules: N.J.A.C. 13:37-9

Adopted Amendment: N.J.A.C. 13:37-5.5

Adopted Repeal: N.J.A.C. 13:37-2.4

Proposed: March 3, 2003 at 35 N.J.R. 1195(a).

Adopted: October 21, 2003 by the Board of Nursing, Maris Lown, President, with the approval of Peter Harvey, Attorney General.

Filed: February 19, 2004, as R.2004 d.114, with substantive and technical changes not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:11-24 and P.L. 2001, c.81. Effective Date: March 15, 2004. Operative Date: July 13, 2004. Expiration Date: January 13, 2005.

Summary of Agency-Initiated Change:

In order to provide applicants with the greatest opportunity to complete the clinical education requirements of N.J.A.C. 13:37-9.6, the Board has amended N.J.A.C. 13:37-9.6(b)2 upon adoption to recognize that an applicant can complete the five simulated sexual assault examinations in a clinical examination facility run by the Division of Criminal Justice.

Federal Standards Statement

A Federal standards analysis is not required because there are no Federal standards or requirements applicable to the adopted amendments and new rules. N.J.A.C. 13:37-9.5(c)28 does require that sexual assault nurse examiner programs include instruction on 42 CFR § 489.24, which sets standards for medical evaluation. However, the new rules do not impose requirements for medical evaluation as the Federal regulation does. The adopted new rules simply require that education programs for sexual assault nurse examiner programs include a review of this Federal regulation.

Full text of the adoption follows :

<< **NJ ADC 13:37-2.4** >

13:37-2.4 (Reserved)

<< **NJ ADC 13:37-5.5** >

13:37-5.5 Fee schedule

(a)-(c) (No change.)

(d) The following fees shall be charged by the Board in connection with certification of sexual assault nurse examiners:

1. Application fee \$100.00
2. Initial certification fee
 - i. If paid during the first year of a biennial renewal period 100.00
 - ii. If paid during the second year of a biennial renewal period 50.00
3. Renewal of certification (biennial) 100.00
4. Application for certification by endorsement plus the applicable initial certification fee set forth in (d)2 above 100.00

SUBCHAPTER 9. SEXUAL ASSAULT NURSE EXAMINER PROGRAM

<< NJ ADC 13:37-9.1 >

13:37-9.1 Purpose and scope

(a) The purpose of this subchapter is to implement the provisions of P.L. 2001, c.81, which establishes a Statewide Sexual Assault Nurse Examiner Program and authorized the certification of sexual assault nurse examiners by the Board and the Attorney General.

(b) This subchapter sets forth standards for the education and certification of sexual assault nurse examiners.

<< NJ ADC 13:37-9.2 >

13:37-9.2 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Adult" means a <<-male-> <<+person+> who is at least 13 years old <<-or a female who has begun menses->.

"Board" means the State Board of Nursing.

"Certification" means the formal process by which education is received and the clinical competency of the SANE is demonstrated.

"Child" means a <<-male-> <<+person+> who is under 13 years <<-old or a female who has not begun menses->.

"Full-time" means that a person has worked at least 800 hours in one year.

"Medical screening examination" means an examination and evaluation within the capability of a hospital's emergency department, including ancillary services routinely available to the emergency department, performed by qualified personnel pursuant to requirements in N.J.A.C. 8:43G-12, which are necessary to determine whether or not an emergency medical condition exists.

"Sexual assault forensic examination" means an assessment conducted by a physician or a registered professional nurse, consisting of a history and physical examination, medical or nursing diagnosis and intervention, including the collection of evidence.

"Sexual assault nurse examiner (SANE)" means a registered professional nurse licensed in New Jersey, and specially trained to provide comprehensive care to sexual assault victims, who demonstrates competency in conducting a forensic examination and who has successfully completed a course of education as set forth in this subchapter.

<< NJ ADC 13:37-9.3 >

13:37-9.3 Application for certification

(a) To be eligible for certification as a SANE, an applicant must:

1. Hold a current license as a registered professional nurse from the Board;
2. Have worked full-time for at least two years as a registered professional nurse;
3. Have successfully completed a SANE education course approved by the Board and the Director of the Division of Criminal Justice, pursuant to N.J.A.C. 13:37-9.5; and
4. Have successfully completed the SANE clinical requirement pursuant to N.J.A.C. 13:37-9.6 and passed a clinical examination given by an approved clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

<<+(b) An applicant who attended a SANE education course prior to July 13, 2004 that has not been approved by the Board and the Director of the Division of Criminal Justice shall be eligible for certification if he or she has met the requirements of (a)1, 2 and 4 above and can show that the SANE education course he or she completed would have met the requirements of N.J.A.C. 13:37-9.5.+>

<<-(b)-><<+(c)+> An applicant for certification as a SANE shall submit, or arrange to have submitted, to the Board:

1. A completed application form which shall include the name, address and telephone number of the applicant;
2. Proof that the applicant has successfully completed a SANE education program, as outlined in N.J.A.C. 13:37-9.5, and the clinical requirements of N.J.A.C. 13:37-9.6 and 9.7(d); and
3. The application fee pursuant to N.J.A.C. 13:37-5.5(d)1.

<<-(c)-><<+(d)+> The Board shall review the application and forward it to the Director of the Division of Criminal Justice, or his or her designee. If both the Board and the Director, or his or her designee, agree that the applicant meets the requirements for certification contained in this subchapter, the Board shall certify the applicant.

<< NJ ADC 13:37-9.4 >

13:37-9.4 Pediatric sexual assault forensic examinations

<<-(a)-> No SANE shall perform a sexual assault forensic examination on a child <<-unless he or she has completed a clinical preceptorship supervised by a regional diagnostic center physician as defined by N.J.S.A. 9:6-8.99 et seq., or by a supervisor in an institution which substantially meets the requirements of N.J.S.A. 9:6-8.99, and which has covered the information set forth by the American Academy of Pediatrics in "Child Abuse and Forensic Pediatric Medicine Fellowship Curriculum Statement," (2000), available from the American Academy of Pediatrics, 141 Northwest Point Boulevard, Elk Grove Village, IL 60007-1098, which is incorporated herein by reference, as amended and supplemented->.

<< NJ ADC 13:37-9.5 >

13:37-9.5 SANE education programs

(a) An individual, agency or institution seeking approval for a course in clinical forensics for the purpose of providing education for sexual assault nurse examiners shall submit to the Board an application which shall include:

1. The name and address of the individual, agency or institution seeking approval;

2. Proof that the program has been accredited by the American Nurses Credentialing Center's Commission on Accreditation;

3. An outline of the course curriculum specifying the hours allotted to each topic;

4. An affidavit which indicates that the curriculum is included in the SANE education course;

5. An affidavit that program instructors meet the requirements of (d) below;

6. The names and credentials of all instructors for the program; and

7. The name and credentials of the program administrator.

(b) Upon receipt of an application for course approval, the Board shall forward the application to the Director of the Division of Criminal Justice for review. The Board and the Director of the Division of Criminal Justice shall review the application for compliance with (c) below. If the Director of the Division of Criminal Justice and the Board approve the program, a letter of approval shall be provided to the individual, agency or institution which conducts the course. A copy of the letter of approval shall be included with course materials provided to the students.

(c) A course in SANE education shall be completed within a six-month period. A course shall contain a minimum of 40 hours of didactic instruction in the following:

1. Historical perspectives of sexual assault and sexual assault nurse examiners, for a minimum of one-half hour;

2. Definitions and facts of sexual assault, for a minimum of one hour;

3. Role and responsibility of the sexual assault nurse examiner, for a minimum of one and one-half hours;

4. Orientation to the biopsychosocial aspects of sexual assault issues <<+ and cultural needs of the sexual assault victim+>, for a minimum of one hour;

5. Symptomology of survivors and crisis intervention skills, for a minimum of one hour;

6. Rape trauma syndrome and post-traumatic stress disorder, for a minimum of one hour;

7. Needs of special populations, <<+such as persons with physical or mental disabilities or older adults,+> for a minimum of one and one-half hours;

8. Vicarious victimization, for a minimum of one-half hour;

9. Identification of the practice skills necessary to complete the sexual assault forensic examination, for a minimum of one hour;

10. History-taking skills, for a minimum of two hours;

11. Components of a thorough forensic physical assessment, for a minimum of two hours;

12. Orientation to the female and male genital anatomy and development stages, for a minimum of one and one-half hours;

13. Detailed genital examination for injury identification, for a minimum of three hours;

14. Familiarization with fact based documentation, for a minimum of one and one-half hours;

15. Laws specific to sexual assault, for a minimum of one hour;

16. Laws and procedures for evidence collection, for a minimum of two hours;
17. Medical and nursing treatment for the adult sexual assault survivor, for a minimum of one hour;
18. Review of the Nurse Practice Act, N.J.S.A. 45:11-24 et seq., and its application to SANE practice, for a minimum of one-half hour;
19. Various stages of genital healing, for a minimum of one hour;
20. Medical treatment/forensic implications of sexually transmitted diseases <<-in children->, for a minimum of one hour;
21. County multi-disciplinary team system approach, <<+review of Sexual Assault Response Team policies and procedures+> for a minimum of <<-one- half hour-> <<+two hours+>;
22. Examinations of sexual assault victims, utilizing specialized adjunct equipment including a colposcope, for a minimum of two hours;
23. Laws specific to the reporting of sexual abuse of special populations, for a minimum of one hour;
24. Fact and expert witness testimony, for a minimum of two hours;
25. Criminal trial procedure, for a minimum of one hour;
26. Testimony techniques, for a minimum of one hour;
- <<-27. Review of Sexual Assault Response Team policies and procedures, for a minimum of one-half hour;->
- <<-28.-><<+27.+> Medical screening examinations, as required by 42 CFR § 489.24 and N.J.A.C. 8:43G, for a minimum of one-half hour;
- <<-29.-><<+28.+> Ethics of nursing and ethical considerations pertaining to evidence collection <<-and witness interviews->, for a minimum of one hour;
- <<-30.-><<+29.+> Issues relating to drug facilitated sexual assault, for a minimum of one hour; <<+and+>
- <<-31.-><<+30.+> Discharge planning for the sexual assault victim, for a minimum of one hour<<-; and-><<+.>
- <<-32. Overview of the sexual assault response team, for a minimum of one hour.->

(d) The didactic instruction required in (c) above shall be taught by an instructor who either has a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education, or who is a SANE. Didactic instruction in topics required by (c)15, 23, 24, 25 and 26 above may be taught by an attorney. Didactic instruction in topics required by (c)16 above may be taught by an attorney or by an investigator or detective who is part of a New Jersey law enforcement agency. <<+Didactic instruction in topics required by (c)1, 5, 6, 7 and 21 above may be taught by an individual who is recognized as a rape care advocate pursuant to N.J.S.A. 52:4B-52.+>

(e) Each clinical forensics course shall include <<-an-> <<+a written+> examination. Upon completion of the clinical forensics course, each student shall successfully pass the examination.

(f) Every program shall have an administrator who has direct authority for the fiscal and academic administration of the program. The administrator shall have a masters degree in nursing from a school accredited by the New Jersey Department of Education, or another state's department of education.

(g) The clinical forensics course shall meet the requirements of Educational Design I or Educational Design II

programs as set forth by the American Nurses Credentialing Center's Commission on Accreditation in the "Manual for Accreditation as an Approver of Continuing Education in Nursing" (1996), available from the American Nurses Credentialing Center, 600 Maryland Ave., SW, Suite 100 West, Washington, DC 20024-2571, which is incorporated herein by reference, as amended and supplemented.

<< NJ ADC 13:37-9.6 >

13:37-9.6 Clinical education

(a) Applicants for certification as a SANE shall complete classroom education, pursuant to N.J.A.C. 13:37-9.5, before beginning their clinical education.

(b) An applicant shall complete a clinical program consisting of:

1. A minimum of 10 routine gynecological genital inspections, which include speculum examinations, in a clinic or in clinical settings supervised by an advanced practice nurse or physician; and
2. A minimum of five simulated sexual assault examinations using a <<- collection kit-> <<+State of New Jersey Sexual Assault Evidence Collection Kit+>, in a clinical examination facility approved by the Board and the Director of the Division of Criminal Justice pursuant to N.J.A.C. 13:37-9.7 <<+or run by the Division of Criminal Justice+>.

(c) Documentation of the completed clinical education shall be dated and signed by the supervising advanced practice nurse or physician.

<<+(d) An individual who attended to five victims of sexual assault as part of a county SANE program prior to July 13, 2004 shall be deemed to have met the requirements of (b)2 above and need not complete the five simulated sexual assault examinations required by (b)2 above in order to obtain certification.+>

<< NJ ADC 13:37-9.7 >

13:37-9.7 Clinical education facilities

(a) A Board accredited school of nursing may apply to the Board for approval as a clinical education facility. An applicant for approval shall submit to the Board:

1. Documents which show that the clinical education facility is equipped with a colposcope and all other equipment needed for a comprehensive sexual assault forensic examination;

2. Evidence that the clinical education facility has a person who will act as a surrogate sexual assault victim;

3. An outline of what the person(s) acting as a surrogate sexual assault victim will say during a sexual assault examination;

4. Evidence that the clinical education facility can provide the opportunity for individuals to complete the five sexual assault examinations required by N.J.A.C. 13:37-9.6(b); and

5. After <<-(one year from the effective date of this section)-> <<+ July 13, 2005+>, evidence that the training facility has an instructor who is a SANE.

(b) The Board shall review the application to ensure that the clinical education facility meets the requirements of (a) above and shall forward the application to the Director of the Division of Criminal Justice for approval. Once the Board and the Director have approved the clinical education facility the Board shall send a letter to the clinical education facility indicating that it has been approved.

(c) An approved clinical education facility shall provide an opportunity for individuals to complete the five sexual assault forensic examinations required by N.J.A.C. 13:37-9.6(b)2.

(d) An approved clinical education facility shall, upon completion of the clinical education required by N.J.A.C. 13:37-9.6(b)2, provide an examination which tests the ability of a sexual assault nurse examiner applicant to perform sexual assault forensic examinations. The facility shall forward the results of this examination to the Board.

<< NJ ADC 13:37-9.8 >

13:37-9.8 Renewal of certification

(a) Certification as a SANE shall be valid for two years.

(b) Certified SANEs shall renew certification biennially by submitting to the Board:

1. A completed application for renewal; and
2. The biennial renewal fee, pursuant to N.J.A.C. 13:37-5.5(d)3.

<< NJ ADC 13:37-9.9 >

13:37-9.9 Revocation or suspension of certification

(a) The Board and the Director of the Division of Criminal Justice may revoke or suspend a certification, after affording an opportunity to be heard, if they find that a SANE has:

1. Falsified documentation;
2. Violated patient confidentiality;
3. Been convicted of a crime;
4. Been convicted of an offense involving perjury, dishonesty, fraud or misrepresentation, or sex offense; or
5. Violated the provisions of N.J.S.A. 45:1-21.

<< NJ ADC 13:37-9.10 >

13:37-9.10 Endorsement

(a) A registered professional nurse, licensed in New Jersey, who is working as a SANE in another state may apply for certification as a SANE in New Jersey if the applicant is certified by another state as a SANE and the applicant:

1. Has completed a course and clinical education substantially similar to the requirements of N.J.A.C. 13:37-9.5 and 9.6;
2. Takes a one-day course which covers the information required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and
3. Passes a clinical competency examination given by a clinical examination facility pursuant to N.J.A.C. 13:37-9.7(d).

(b) An applicant for certification by endorsement shall submit to the Board:

1. A completed application for certification by endorsement form which shall include the name, address and telephone number of the applicant;
2. Evidence that the applicant is licensed as a registered professional nurse in New Jersey;

3. Evidence that the applicant is certified in another state and has worked in the past year as a SANE;
4. Evidence that the applicant has successfully completed a course with a curriculum substantially similar to that required by N.J.A.C. 13:37-9.5;
5. Evidence that the applicant has successfully completed clinical education which is substantially similar to that required by N.J.A.C. 13:37-9.6;
6. Evidence that the applicant has passed a clinical competency examination given by an approved clinical examination facility;
7. Evidence that the applicant has taken a one day course which reviews those topics required by N.J.A.C. 13:37-9.5(c)15, 16, 27 and 28; and
8. The application fee pursuant to N.J.A.C. 13:37-5.5(d)4.

(c) The Board shall review the endorsement application and forward it to the Director of Criminal Justice for review and approval. Once both the Board and the Director have approved the applicant, the Board shall issue the applicant a certification as a SANE in New Jersey.

36 N.J.R. 1407(a)

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