

## The Registered Nurse Who Performs Sexual Assault Examinations (SAE)

The OSBN Decision Making Guideline was used to formulate this Interpretive Statement. Each section of the guideline is defined and the applicability to SAE is explained. The *OSBN Scope of Practice Decision Making Guideline for All Licensed Nurses* will be a helpful tool when using this interpretive statement.

**1. Identify, describe or clarify the role, intervention or activity under consideration.**

The RN who performs sexual assault forensic examinations, referred to as a Sexual Assault Nurse Examiner, (SANE) has a unique practice that extends beyond the traditional practices of the nursing profession, holding responsibility and accountability to the public and to the nursing profession to perform exams that may be used in law enforcement investigations. RNs who do not possess the knowledge, skills, and competency to perform SAE has prevented the successful prosecution of perpetrators.

**2. Is the role, intervention or activity prohibited by the Nurse Practice Act and Rules/Regulations or any other applicable laws, rules/regulations or accreditation standards?**

In accordance with the Oregon Administrative Rule (OAR) Chapter 851, Division 45, 0070 (4, 5): The nurse who assumes duties and responsibilities within the practice of nursing without documented preparation for the duties and responsibilities and when competency has not been established and maintained; and performing new nursing techniques or procedures without documented education specific to the technique or procedure and clinical preceptored experience to establish competency is engaging in conduct derogatory to nursing and can be subject to Board discipline.

The Nurse Practice Act (NPA) does not preclude the performance of a SAE from the scope of practice of the RN. It is the opinion of the Board that a SAE is within the scope of the RN as long as the requirements of the first paragraph in this statement are met. There is also no prohibition from other health care licensing boards for RNs to perform SAE or acting as a SANE.

OAR Chapter 851 Division 45 does not specifically prohibit the LPN from performing a SAE; however, 851-045-0050 describes the ability of an LPN to provide “focused assessments” and not “an initial and ongoing comprehensive assessment” as authorized for the RN in OAR 851-045-0060 (a). Due to the nature of the SAE and the need for an overall comprehensive examination and interpretation of collected data, to perform a prosecutable SAE, the RN scope would meet this requirement.

**3. Is performing the role, intervention or activity consistent with professional nursing standards, evidence-based nursing and health care literature?**

International Association of Forensic Nurses provides educational guidelines for nursing performing SAE. The US Department of Justice has also established National Training Standards for Sexual Assault Medical Forensic Examiners Board Certification exists for both Adult and Pediatric SANE.

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Oregon Revised Statute (ORS) 147.403 (B) requires a SAE to be performed only by those who have completed didactic training sufficient to satisfy the requirements of the Oregon SAE/SANE Certification Commission established by the attorney general.

The Oregon SAE/SANE Certification Commission has established standards for the training and education requirements required all Oregon RNs who wish to perform SAE.

### **4. Are there practice setting policies and procedures in place to support performing the role, intervention or activity?**

Institutional Policies must be formulated to adhere to prevailing rules and regulations of the state in which they are licensed (or Federal regulations for hospitals in the Veteran's Administration System). Therefore given ORS 147.403 and no prohibition by the OSBN, the activity is consistent with state law, national standards, national educational guidelines and certifications.

Organizational policies may not supersede state and federal requirements. Any policy that describes the education, training, and competency validation for a nurse performing SAE contrary to the Oregon SAE/SANE Certification Commission is in violation of the requirements of the State Attorney General.

### **5. Has the nurse completed the necessary education to safely perform the role, intervention or activity?**

Per ORS 147.403, in Oregon, the Oregon SAE/SANE Certification Commission has established standards for the training and education requirements required for Oregon RNs who wish to perform SAE. This Commission would be the determiner if the RN requesting to perform SAE has met the standards. <http://orsane.oregonsatf.org> has information on the standards which includes required didactic content and requirements for preceptorship, as well as other educational opportunities. While the OSBN has no jurisdiction regarding these requirements, an OSBN staff member holds a position on Oregon SAE/SANE Certification Commission and serves as a liaison between the Board and the Commission.

### **6. Is there documented evidence of the nurse's current competence (knowledge, skills, abilities and judgement) to safely perform the role, intervention or activity?**

The Oregon SAE/SANE Certification Commission maintains a list on their website for RNs who are current in the OR-SANE certification. Per statute, the Commission is responsible for the state certification of nurses who perform SAE. While it is not required in Oregon to be a Certified SANE in order to perform a SAE, RNs without certification must provide proof of current SANE competency that is congruent with the Commission's standards.

### **7. Would a reasonable and prudent nurse perform the role, intervention or activity in this setting?**

National and state standards for education and competency verification exist and are required in Oregon. National and State certification programs exist. Therefore, it is an activity that a reasonable and prudent nurse, who has followed statutorily required education and training, would perform.

### **8. Is the nurse prepared to accept accountability for the role, intervention or activity for the related outcome?**

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Education, training, competency validation can give the nurse the knowledge of how to manage consequences. Appropriate, effective, and timely application of consequence management would be a self-regulatory issue. The individual RN would need to accept the assignment of a SAE and in doing so, understand the requirements of the assignment.

**9. Nurse may perform this role, intervention or activity to acceptable and prevailing standards of safe nursing care.**

When the RN verifies that all criteria have been met, the RN may perform SAE to acceptable and prevailing standards of safe nursing care.

For information on the SANE nurse and the Medical Screening Examination (MSE) required under the Emergency Medical Treatment and Active Labor (EMTALA) Act of 1986, please review the EMTALA Interpretive Statement.

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