



**Maryland Sexual Assault Evidence Kit
Policy and Funding Committee
Meeting
Tuesday, October 17, 2017
10:00 am
Office of the Attorney General
200 St. Paul Place
22nd Floor, Kornblatt Conference Room
Baltimore, Maryland 21202**

MEETING SUMMARY

In attendance: Del. Karen Lewis Young, Lashonde Beasley, Daniel Katz, Del. Susan McComas, Russell Neverdon, Linda Forsythe, Sen. Delores Kelley, Steven O'Dell, Keva Jackson McCoy, Teresa Long, Del. Shelly Hettleman, Del. Aruna Miller, Lisae Jordan, Tianna Mays, Beth Wynkoop, Pamela Holtzinger, Ron Levitan, Donna "Melynda" Clarke, Justice Schisler, Jane Krienke, Nora Hoban, Jennifer Witten, Merced Torres, Briane Browne, MD, Russ Trow, Carrie Williams, Rob Taylor, Elizabeth Embry, Zenita Wickham Hurley

Committee Meeting

Welcome & Opening Comments by Elizabeth Embry, Chair

The Chair welcomed everyone and asked that all attendees introduce themselves.

State Funding of Sexual Assault Evidence Kits

Lashonde Beasley, Program Manager, Governor's Office of Crime Control (GOCCP) and Prevention gave a PowerPoint presentation on the funding sources for sexual assault exams and rape kits. The presentation can be found [here](#). GOCCP was asked to provide the Committee with a breakdown of grant funds used in prior years to fund sexual assault kit-related activities.

Joyce Dantzler, Chief of the Center for Injury and Sexual Assault Prevention at the MD Department of Health (MDH) gave a PowerPoint presentation on state reimbursement of medical forensic exams for sexual assaults. The presentation can be found [here](#). The Committee discussed whether MDH should reimburse hospitals/victims for a full HIV prophylactic prescription. MDH was asked to provide the Committee with responses to the following questions:

- How many victims have been referred to anonymous HIV follow-up under COMAR 10.12.02?
- What is the cost to MDH to reimburse for HIV prophylactic treatment?
- Can MDH analyze the reimbursement claims that it has processed in prior

years to determine the number of sexual assault victims and the location of their assault in the state?

- How much does MDH spend year-to-year on the reimbursement of physician/hospital costs related to sexual assault exams?
- Is MDH reimbursing hospitals for testing for date rape drugs?

Committee members also discussed whether the length of time post assault that MDH will reimburse for exams and crime labs will test should be standardized and the current protocol to test Jane Doe kits anonymously to identify serial rapists, with consent of Jane Does.

One Committee member asked for data on the monies currently spent by the State and localities on sexual assault investigations.

The Chair committed to adding each of these topics to the agendas of appropriate subcommittees for further analysis.

The Chair also confirmed that the Office of the Attorney General (OAG) would research and report back to the Committee on whether Jane Doe kits can be tested anonymously without the knowledge/consent of the victim under the Violence Against Women Act (VAWA).

Review of Subcommittee Assignments

The Chair confirmed the three subcommittees that Committee staff designated: (1) Testing, Retention, Tracking and Victim Notification (Elizabeth Embry, OAG – Chair); (2) Availability of Exams and Shortage of Forensic Nurse Examiners (Elizabeth Wynkoop, Maryland Coalition Against Sexual Assault (MCASA) – Chair); and (3) Funding (Delegate Aruna Miller – Chair). The Chair encouraged subcommittee chairs to schedule meetings within the next few weeks to determine whether there existed a clear consensus around any subjects and whether any proposed policy would require legislative action and to be prepared to report back on these discussion at the Committee's next meeting. There was consensus that the Committee's next meeting would likely be held during January in Annapolis due to the start of the legislative session.

Other Business

The Committee discussed House Bill 255: Criminal Procedure – Sexual Assault Victims' Rights – Disposal of Rape Kit Evidence and Notification (2017), which went into effect on October 1, 2017.

Specifically, the Committee discussed how to assess whether law enforcement agencies complying with the new retention and victim notification requirements in HB255. The Chair discussed reaching out to law enforcement via the Maryland Police Training and Standards Commission and reporting back to the Committee. Law enforcement representatives present at the Committee meeting voiced no issues at implementing the new law.

The Committee also discussed the best way to notify victims previously told about shorter retention periods about the new 20-year kit retention requirements. MCASA agreed to work with the forensic nurse examiners to develop a form/guidance document for this purpose and then to report back to the Committee.

Finally, the Chair stated that OAG would share its draft regulations under HB255 with the Committee before finalizing. After calling for further business and hearing none, the meeting was adjourned at approximately 12:30pm.