The Registered Nurse Who Performs Sexual Assault Examinations (SAE)

**Purpose:** Utilizing the Oregon State Board of Nursing (Board) *Scope of Practice Decision Making Guideline for All Licensed Nurses* (OSBN, 2016) Interpretive Statement to determine whether a registered nurse (RN) may perform a sexual assault examination.

**Scope of Practice Decision Model:** This model has been adopted by the Board to determine if a licensee of the Board is practicing within their scope of practice. The model and instructions for using the model are found on the OSBN Policies & Interpretive Statements webpage at www.oregon.gov/OSBN/pages/position_papers.aspx

Application of the Scope of Practice Decision Making model cues a licensee to clarify or describe the specific role, intervention or activity in question. Then, the model presents a series of specific and sequential questions to which the licensee must respond. Depending on a licensee’s response to the first question, one of two things will happen:

1. Progression through the model will be stopped as it will have been determined that the role/intervention/activity is not within the scope of the Oregon licensee, or
2. The licensee will be allowed to continue to the next question.

It is only when a licensee’s response to each question allows progression through all questions, and the licensee has an affirmative response to the final question, that the licensee may engage in the role, intervention, or activity to acceptable and prevailing standards of safe nursing care. This document is designed to be used in conjunction with the OSBN *Scope of Practice Decision Making Guideline for All Licensed Nurses*.

**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.

1. **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 (2, 3): 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 interventions or procedures without documented education specific to the intervention 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-level licensure 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 (3)(a) describes the ability of an LPN to conduct “focused assessments” and not “comprehensive assessments” as authorized for the RN in OAR 851-045-0060 (3)(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.

2. **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.

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 of all Oregon RNs who wish to perform SAE.

3. **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 Veterans 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.

4. **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://oregonsatf.org/programs/sane-program/about-scc/](http://oregonsatf.org/programs/sane-program/about-scc/) has information on the standards that 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.

5. **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.
6. 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 RN, who has followed statutorily required education and training, would perform.

7. Is the nurse prepared to accept accountability for the role, intervention or activity for the related outcome?
   Education, training, competency validation can give the RN 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.

When the RN verifies that all criteria have been met, and the RN is prepared to accept accountability for the role and related outcome, the RN may perform SAE to acceptable and prevailing standards of safe nursing care.

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

References:
Oregon’s Nurse Practice Act
Oregon Revised Statute 147.403

Authority of Approval: Oregon’s Nurse Practice Act

History of Document:
Adopted: 04/2003
Revised: 11/2013
Formatted: 05/2015
Formatted: 03/2016
Formatted/approved: 02/15/2018