

902 KAR 20:012. Hospital examination services.

RELATES TO: KRS 216B.010-216B.130, 216B.400, 216B.990(1), (2), 510.010-510.140

STATUTORY AUTHORITY: KRS 216B.042, 216B.105

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042 and 216B.105 mandate that the Kentucky Cabinet for Human Resources regulate health facilities and health services. This administrative regulation provides for a licensure requirement for the services to be provided by hospitals.

Section 1. Definition - Hospitals, General. Establishments with organized medical staffs with permanent facilities that include inpatient beds and medical services, including physician services and continuous nursing services, to provide diagnosis and treatment for patients who have a variety of medical conditions, both surgical and nonsurgical.

Section 2. Examination Services for Victims of Sexual Offenses. (1) Hospitals offering emergency services shall provide for the examination of reported victims of sexual offenses as defined by KRS 510.010 to 510.140.

(2) The hospital shall develop procedures to be followed in the examination of reported victims of sexual offenses. The procedures shall include but need not be limited to the following:

- (a) Twenty-four (24) hour on-call responsibility of the medical staff of physicians;
- (b) The gathering and handling of physical evidence in accordance with the procedures of the Kentucky State Police Central Crime Laboratory;
- (c) Obtaining appropriate patient consent for examination (a minor may consent to examination);
- (d) Informing the victim of available services for treatment of venereal disease, pregnancy, and other medical and psychiatric problems.

(3) The hospital shall, upon the examination of a reported victim and the consent of the reported victim, submit to the Office of the Attorney General a completed examination verification form supplied by the Office of the Attorney General which includes the following:

- (a) Physician signature attesting to the performance of the examination and collection of evidence;
- (b) Hospital verification that appropriate law enforcement agencies have been notified of the reported sexual offense; and
- (c) Hospital verification that proper confidentiality releases have been obtained. (8 Ky.R. 36; 150; eff. 8-5-1981; 16 Ky.R. 957; eff. 1-12-1990; Crt eff. 1-11-2019.)