Appendix A
Determining Capacity to Consent: Responding to the Forensic Needs of Sexual Assault and Domestic Violence Patients

1. SA/DV Nurse on call is paged

2. Use screening questions in conversation with ED staff regarding suspicion of sexual assault/domestic violence based on criteria or patient disclosure.

3. Sexual assault/domestic violence suspected/known

4. Patient is not referred to the SA/DVTC

5. Consider issue of patient’s decisional capacity.

6. Patient is decisionally capable

7. SA/DV nurse to respond as per SA/DVTC protocol involving decisionally capable victims of sexual/ domestic assault

8. Discuss timeframe of the likelihood of patient regaining

9. Patient expected to regain capacity within 72 hours of assault.

10. Hospital staff to minimize disturbance of evidence

11. SA/DV nurse on call or designate to communicate with patient’s primary nurse each shift to reevaluate patient’s decisional capacity.

12. Patient is decisionally capable.

13. A minimum of sixty four hours have passed since assault

14. Repeat Step 11 at appropriate intervals

15. Proceed to Step 18

16. Hospital staff/Police to discuss with patient - recollection of events

17. Emergency department staff to offer SA/DVTC services if appropriate and patient accepts. Page SA/DV Nurse on Call. SA/DV Nurse to proceed to Step 7.

18. Identify appropriate surrogate (if any.)

19. Appropriate surrogate is available

20. SA/DV nurse consults with SANE/SADVTC coordinator, police, physician, hospital administrator re forensic care recommendations to patient’s physician and RN.

21. SA/DV nurse consults with SANE/SADVTC coordinator, police, physician, hospital administrator and surrogate re forensic care.

22. Optional step: Call SA/DV coordinator to arrange for second SA/DV Nurse or SANE or deferral of care.

23. SA/DV nurse attends case on her own with support from hospital nursing staff and/or SA/DV backup

24. Forensic evidence collected.

25. Evidence released to police or stored at hospital pending patient capacity to consent

26. If patient regains mental capacity, explanation of forensic care provided by SA/DVTC Coordinator/delegate. Follow up care offered. Consent to release kit obtain (if not already done)