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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 137
DEPARTMENT OF JUSTICE

FILED: 10/13/2026 4:17 PM
ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Updates to the Sexual Assault Victims' Emergency Medical Response Fund.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/01/2026 5:00 PM
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Valerie Smith
Rules Coordinator

HEARING(S)
Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/01/2026
TIME: 2:00 PM - 3:00 PM
OFFICER: Valerie Smith

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 323-792-6149
CONFERENCE ID: 252967282

NEED FOR THE RULE(S):

SAVE Fund OARs need updates and clarification for sexual assault exams and general language updates throughout. Updates to section 137-084-0500 were made by the Oregon Sexual Assault Task Force.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

House Bill 2456
https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/HB2456/Enrolled

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

All rules with the Crime Victim and Survivor Services Division are created to be racially equitable and accessible to all.

FISCAL AND ECONOMIC IMPACT:

There is no measurable fiscal or economic impact.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1) There will be no impact on any state agencies, units of local government or members of the public.
2) There will be no impact on small businesses.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not involved in the development of these rules as changes do not impact small businesses.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:
137-084-0001, 137-084-0010, 137-084-0020, 137-084-0030, 137-084-0500

AMEND: 137-084-0001

RULE SUMMARY: Updates to the Sexual Assault Victims' Emergency Medical Response Fund.

CHANGES TO RULE:

137-084-0001
Definitions ¶

(1) "Department" means the Oregon Department of Justice.¶
(2) "Fund" means the Sexual Assault Victims' Emergency Medical Response Fund.¶
(3) "Application Form" means the most current version of the Application for Payment Sexual Assault Victims' Emergency Medical Response Fund form issued by the Department of Justice.¶
(4) "Eligible ~~v~~Victim" means a person who has self-identified or been identified by another as a victim of a sexual assault that occurred in Oregon and who receives a medical ~~examination~~assessment by an eligible medical services provider within the time period~~s~~ established in OAR 137-084-0010(4)~~ and (5)~~.¶
(5) "Eligible Medical Services Provider" means a person who has the facilities and supplies necessary to provide ~~the complete~~a sexual assault medical assessment ~~as provided in these rules~~including an Oregon State Police SAFE Kit if requested and who is currently a SANE/SAE who is licensed in one of the following categories: a ~~SANE/SAE, a r~~Registered ~~n~~Nurse (RN) acting under the direct supervision of a Doctor of Medicine or a Doctor of Osteopathy, a ~~n~~Nurse ~~p~~Practitioner (NP), a Physician's Assistant (PA), a Doctor of Medicine~~, or~~ (MD), a Doctor of Osteopathy (DO), or Naturopathic Doctor (ND).¶
(6) "Oregon State Police SAFE Kit" means the sexual assault forensic evidence collection kit, including protocol guidelines, approved by and distributed by the Oregon Department of State Police.¶
(7) "Medical ~~Examination~~Assessment" means a medical examination ~~of a victim of sexual assault conducted within the accep~~and the offering and, if reques~~t~~ed, p~~atient standard of care by an eligible medical services provider.¶~~
~~(8) "Complete Medical Assessment" m~~rovision of emergency contraception, sexually transmitted infection prevention and, for a victim who is 17 yea~~n~~rs ~~use of an Oregon State Police SAFE Kit in conjunction with a medical examination of a victim of sexual assault conducted within the accepted patient standard of care by an eligible medical services provider~~of age or younger, prescriptions for emergency contraception. By statute the medical

assessment may also include the Oregon State Police SAFE Kit.¶
(~~9~~8) "~~Partial Medical Assessment~~Medical Examination" means a medical examination of a victim of sexual assault conducted within the accepted patient standard of care by an eligible medical services provider.¶
(~~10~~9) "Sexually Transmitted Disease Prophylaxis" means administering pr~~ophylactic~~eventative drugs to prevent sexually transmitted disease~~,~~ or providing a prescription for such medication to be filled on-site, in conjunction with a ~~complete medical assessment or a partial~~ medical assessment.¶
(1~~1~~0) "Emergency Contraception" means administering prophylactic drugs to prevent pregnancy~~,~~ or providing a prescription for such medication to be filled on-site, in conjunction with a ~~complete medical assessment or a partial~~ medical assessment.¶
(1~~2~~1) "SANE/SAE" (Sexual Assault Nurse Examiner/ Sexual Assault Examiner) means a~~ nurse~~n eligible medical service provider who has received certification ~~as a SANE/SAE from the Internation~~by the Oregon SANE Certification Commission or another recognized certifying entity to perform sexual ~~A~~ass~~ociation of Forensic Nurses or from the Oregon Attorney General's Sexual Assault Task Force~~ault medical forensic examinations as established by the Oregon SANE Certification Commission.¶
[ED. NOTE: Forms referenced are available from the agency.]
Statutory/Other Authority: 2003 OL Ch. 789 (SB 752)
Statutes/Other Implemented: 2003 OL Ch. 789 (SB 752)

AMEND: 137-084-0010

RULE SUMMARY: Updates to the Sexual Assault Victims' Emergency Medical Response Fund.

CHANGES TO RULE:

137-084-0010
Claims Processing ¶

(1) A victim of a sexual assault who wants the Fund to pay for a medical examination, collection of forensic evidence using the Oregon State Police SAFE Kit, or other services provided in conjunction with the ~~sexu~~medical ass~~ault exam, must indicate to the medical service provider that they wish for the provider to~~essment, must complete an application and request that the medical service provider submit ~~a~~the completed Application Form to the Department.¶
(2) To obtain payment from the Fund, an eligible medical services provider must submit the Application Form to the Department within one year of the date the medical services are provided. At the Department's discretion, the Department may choose to pay claims that are received after one year of the date the medical services are provided.¶
(3) All medical services invoices must include an itemized billing statement and must be submitted by the eligible medical services provider with the Application Form.¶
(4) To be paid for by the Fund, a ~~complete~~sexual assault medical assessment ~~using the Oregon State Police SAFE Kit~~ must be ~~complet~~obtained within 16~~84~~ hours (~~three and one-half~~seven days) of the sexual assault. ~~T~~If an Oregon State Police SAFE Kit is used the Kit must have been released to appropriate law enforcement personnel in a timely manner after its use for collection of information.¶
(5)~~ To be paid for by the Fund, a partial medical assessment must be completed within 168 hours (seven days) of the sexual assault of the victim.¶~~
~~(6)~~ Completed Application Forms submitted with medical services invoices will be processed for payment by the Fund within 60 days of ~~submission~~receipt.¶
[ED. NOTE: Forms referenced are available from the agency.]
Statutory/Other Authority: 2003 OL Ch. 789 (SB 752)
Statutes/Other Implemented: 2003 OL Ch. 789 (SB 752)

AMEND: 137-084-0020

RULE SUMMARY: Updates to the Sexual Assault Victims' Emergency Medical Response Fund.

CHANGES TO RULE:

137-084-0020
Maximum Amounts Paid for Medical Services ¶

(1) ~~For dates of service b~~Beginning J~~ul~~anuary 1, 20~~19~~27, the Fund will pay eligible medical services providers the costs incurred for providing se~~xual assault medical services~~rvices as part of a medical assessment to victims of sexual assault up to the following maximum amounts:¶
(a) $475.00 for a sexual assault medical examination ~~plus collection of forensic evidence using the Oregon State Police SAFE Kit;¶~~
~~(b) $215.00 for a medical examination without collection of forensic evidence using the Oregon State Police SAFE Kit~~;¶
(~~c~~b) $70.00 for emergency contraception (including pregnancy test);¶
(~~d~~c) $125.00 for sexually transmitted disease prophylaxis;¶
(~~e~~d) Up to five (5) days of HIV prophylaxis will be paid at 50% of the amount charged, up to a maximum amount listed in 137-084-0020(~~h~~g);¶
(~~f~~e) $95.00 for services provided by a Doctor of Medicine or a Doctor of Osteopathy;¶
(~~g~~f) Payment for all other services provided in conjunction with the sexual assault ~~exam~~medical assessment will be calculated using the Oregon Workers Compensation Fee Schedule, up to a maximum amount listed in 137-084-0020(~~h~~g); ~~see section 137-084-0030 for examples of non-covered services;~~¶
(~~h~~g) The combined maximum payment amount for services listed in 137-084-0020 (~~e~~d) and (~~g~~f) will not exceed $2,000.00;¶
(~~i~~h) Payment for laboratory and radiology services provided in conjunction with the sexual assault ~~exam~~medical assessment will be calculated using the Oregon Workers Compensation Fee Schedule up to a combined maximum amount of $500.00;¶
(~~j~~i) Any services provided after the date of the sexual assault ~~exam will not be paid by the SAVE Fund with the exception of 137-084-0020(k). Services after this date~~medical assessment will be reviewed for payment on a case-by-case basis with the exception of 137-084-0020(j)-(k). If the Fund is unable to pay or the claim maximum has been reached, services may be covered by the Crime Victims' Compensation Program and those program rules will apply.¶
(~~k~~j) Five (5) counseling sessions; counseling sessions expire 18 months from the date of the sexual assault exam. Hourly rates as of March 1, 2021:¶
(A) $160.00 per hour for a Doctor of Medicine;¶
(B) $130.00 per hour for a PhD, PsyD, or PMHNP;¶
(C) $105.00 per hour for an LCSW, LPC, or LMFT;¶
(D) $75.00 per hour for a QMHP.¶
(~~l~~k) The Department may pay for other counseling services based on the nature of the victimization and the education, training and experience of the provider when sufficient documentation establishing the provider's education, training and experience is provided to the Department. The Department will determine the hourly payment amount based on the supporting documentation.¶
(l) When crime-related counseling expenses are incurred in another state, expenses shall be paid at 75% of the billed amount if the victim doesn't have health insurance.¶
(2) An additional payment of $95.00 will be made to eligible medical services providers who document that the medical examination~~, as part of either a partial or complete medical assessment,~~ was conducted by a certified SANE/SAE as described in section 137-084-0001(11) of these rules.¶
(3) The payment amounts set out in this rule will be reviewed at least every four years by the Attorney General or the Attorney General's designee to determine whether they should be adjusted to meet current circumstances.¶
(4) An eligible medical services provider (including subcontractor or other designee) who submits a bill to the Fund under these rules may not bill the victim or the victim's insurance carrier for a medical examination, collection of forensic evidence using the Oregon State Police SAFE Kit, or other services provided in conjunction with the sexual assault exam, except to the extent the Department is unable to pay the bill due to lack of funds or declines to pay the bill for reasons other than untimely or incomplete submission of the bill to the Fund under OAR 137-084-0030(2)(e)-(f).
Statutory/Other Authority: 2003 OL Ch. 789 (SB 752)
Statutes/Other Implemented: 2003 OL Ch. 789 (SB 752)

AMEND: 137-084-0030

RULE SUMMARY: Updates to the Sexual Assault Victims' Emergency Medical Response Fund.

CHANGES TO RULE:

137-084-0030
Payment Restrictions and Disqualifications ¶

(1) The Fund will not pay for any service not specifically described in ORS 147.397 or OAR 137-084-0001 through 137-084-0030. ~~Examples of services not covered by the Fund include, but are not limited to: DNA testing; prescriptions filled off-site of the location of a medical examination; follow-up services; anesthesia services; and transportation.~~ Nothing in this rule is intended to preclude an eligible medical services provider from submitting a claim against the victim, the victim's insurance carrier or any other source for payment for services not specifically described in ORS 147.395 through 147.397 or OAR 137-084-0001 through 137-084-0030.¶
(2) The Fund reserves the right not to pay for medical services described in ORS 147.395 through 147.397 or OAR 137-084-0001 through 137-084-0030 for any one of the following reasons:¶
(a) Services were not provided by an eligible medical services provider.¶
(b) Services were provided to someone other than an eligible victim.¶
(c) ~~Services were provided after the date of the sexual assault exam.¶~~
~~(d)~~ Services were not provided in accordance with the requirements in ORS 147.395 through 147.397 or OAR 137-084-0001 through 137-084-0030, including the timeliness requirement~~s~~ for ~~complete medical assessments (within 84 hours (three and one-half days) of the~~ sexual assault~~) and partial~~ medical assessments (within 168 hours ~~(~~or seven days)~~ of the sexual assault).¶~~
~~(e) Services provided were duplicate services for the same incident. Examples of duplicate services not covered by the Fund include, but are not limited to:.¶~~
(d) The victim had multiple sexual assault examinations for the same incident of sexual assault~~; and duplicate charges from a transferring hospital that does not conduct the sexual assault exam~~. Multiple exams will be reviewed on a case-by-case basis and may be paid at the Department's discretion up to the maximum allowed.¶
(~~f~~e) Failure of the eligible medical services provider to submit a completed Application Form, submission of incomplete invoice(s) for medical services or submission of the Application Form or invoice(s) for medical services more than one year after the date services were provided. At the Department's discretion, the Department may choose to pay claims that are received after one year of the date the medical services are provided.¶
(~~g~~f) Insufficient funds in the Fund to cover the services provided.¶
(3) If the Attorney General or the Attorney General's designee determines that the Fund will not pay for one or more of the services described in ORS 147.395 through 147.397 or OAR 137-084-0020(1) and (2) for reasons other than those set out in 137-084-0030(2)(e)-(f) above, the Attorney General or the Attorney General's designee will provide notice to the medical services provider(s) affected. After receiving such notice, a medical services provider may bill the victim, the victim's insurance carrier or any other source for those medical services provided but not paid for by the Fund.¶
[ED. NOTE: Forms referenced are available from the agency.]
Statutory/Other Authority: 2003 OL Ch. 789 (SB 752)
Statutes/Other Implemented: 2003 OL Ch. 789 (SB 752)

AMEND: 137-084-0500

RULE SUMMARY: Updates to the Sexual Assault Victims' Emergency Medical Response Fund.

CHANGES TO RULE:

137-084-0500
Sexual Assault Examiner (SAE) and Nurse Examiner (SANE) Certification Commission ¶

(1) The Attorney General establishes a Sexual Assault Examiner (SAE) and Nurse Examiner (SANE) Certification Commission ("Commission"). The Commission is established to help ensure that ~~registered nurses, physicians and physician assistants who~~any qualified licensed clinician whose scope of practice includes provid~~e~~ing sexual assault medical-~~-~~forensic examinations in Oregon and who receives compensation through the Sexual Assault Victims' Emergency Medical Response Fund established by Oregon Laws 2003, c~~. 789 have the necessary tr~~hapter 789, possesses and main~~ing and~~tains the qualifications necessary to do so in accordance with the best practices and standards of care~~, after~~. The Commission shall carry out this purpose in consultation with the Attorney General's Sexual Assault Task Force, which serves as the coordinating body for the Commission.¶
(2) Commission members shall be appointed by the Attorney General and shall serve a period of two years from time of appointment. ~~Terms may be renewed upon approval by the Attorney General~~Appointments are administratively facilitated by the Attorney General's Sexual Assault Task Force. Members may be reappointed for consecutive or non-consecutive terms at the discretion of the Attorney General. To promote continuity, members may continue to serve after the expiration of their term until a successor is appointed.¶
(3) The Commission shall consist of ~~nine (9) members, one each from the following group~~eleven (11) members appointed by the Attorney General, as follows:¶
(a) One (1) ~~Oregon C~~currently certified Oregon Sexual Assault Examiner or ~~Nurse Examiner;~~Sexual Assault Nurse Examiner with experience providing medical-forensic care in Oregon.¶
(b) One (1) ~~Oregon~~ Certified Sexual Assault Nurse Examiner representing the Oregon Nurses Association ~~(ONA);~~to represent the professional nursing workforce.¶
(c) One (1) ~~R~~representative from the Oregon State Board of Nursing ~~(OSBN);~~ who shall provide expertise related to nursing licensure, regulation, and scope of practice.¶
(d) One (1) ~~E~~emergency ~~Room P~~medicine physician representing the Oregon Chapter of Emergency Physicians (OCEP)~~;~~.¶
(e) One (1) Licensed Independent Practitioner (LIP) ~~(at large);¶~~
~~(f) One (1) Advocate;~~who holds an active Oregon license.¶
(f) One (1) community-based sexual assault advocate affiliated with a qualified nonprofit victim services provider, with experience supporting survivors during medical-forensic examinations.¶
(g) One (1) ~~At-large posit~~member at-large, appointed to bring additional perspective to the Commissi~~on;~~on.¶
(h) One (1) ~~Member of Law Enforcement or Prosecution; and~~law enforcement professional with demonstrated experience in investigating sexual assault cases and working within a multidisciplinary response team.¶
(i) One (1) prosecuting attorney with experience handling sexual assault or interpersonal violence cases.¶
(~~i~~j) One (1) ~~R~~representative f~~rom~~ormally designated by the Forensic Services Division.~~¶~~
~~(4) A majority of a quorum of the Commission~~ of the Oregon State Police.¶
(k) One (1) public health, rural health, Tribal health, or health equity representative with knowledge of service delivery and access challenges in underserved Oregon communities.¶
(4) For Commission seats designated for appointment by a specific external organization or agency, the Attorney General's Office shall issue a formal request for nomination when a vacancy occurs.¶
(5) A majority of Commission members present at a meeting at which a quorum has been established may take action and make recommendations to the Attorney General and the Oregon Department of Justice. A quorum shall be established by a simple majority of seated Commission members. "Seated" refers to members who are appointed and not currently recused.¶
(~~5~~6) The Attorney General delegates to the Commission, staffed and coordinated by the Attorney General's Sexual Assault Task Force, the following powers and duties:¶
(a) Make recommendations to the Attorney General for rules deemed necessary to implement the Sexual Assault Nurse Examiners Program, including standards for certification ~~and~~, renewal ~~of certification by the Commission;~~, and ongoing competency.¶
(b) Evaluate and act upon applications for certification~~;~~.~~¶~~
~~(c) Identify, update, and publicize best practices related to s~~ and re-certification.¶
(c) Establish, maintain, and publicize best practices and standards for initial and ongoing competency in the provision of sexual assault forensic medical care, in consultation with the Attorney General's Sexual ~~a~~Assault

~~examinations;~~Task Force, the Oregon Medical Forensic Committee, and applicable national standards.¶
(d) Perform random SANE/SAE chart reviews of certified SANE/SAEs in Oregon to assure standards of practice as defined by the Oregon Sexual Assault Task Force are being upheld and set forth recommendations to SANEs who demonstrate substandard practices~~;~~.¶
(e) In ~~accordance to nursing practice in Oregon if th~~cases where a certified provider~~e~~ is found to ~~be any attempt to~~have falsif~~y~~ied documentation ~~or,~~ demonstrat~~ion of~~ed practic~~inge~~ outside ~~of the scope of~~their professional licensure scope as defined in that licensee's governing practice~~,~~ a ~~majority quorum of~~ct, or otherwise failed to meet established standards of practice, the Commission may take ~~action to~~disciplinary action, including suspen~~d~~sion or re~~move SANE~~vocation of certification~~; and~~¶
~~(f) If a SANE/SAE has a~~. Any such action must be approved by a majority of Commission members present at a meeting at which a quorum has been established.¶
(f) The Commission shall suspend~~ed~~ or revoke~~d state RN, NP, or PA license to practice, the Commission has the ability to~~ certification of any individual whose license to practice as a qualified licensed clinician has been suspended or revoked by the ~~SANE/SAE certificat~~relevant Oregon licensing board, unless and until the underlying license is reinstated, in which case certification may be reconsidered at the discretion of the Commission.
Statutory/Other Authority: 2003 OL Ch. 789 (SB 752)
Statutes/Other Implemented: 2003 OL Ch. 789 (SB 752)