

112TH CONGRESS  
1ST SESSION

# S. 1689

To amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 12, 2011

Mr. TOOMEY introduced the following bill; which was read twice and referred to the Committee on Veterans' Affairs

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## A BILL

To amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Veterans Sexual As-  
5 sault Prevention Act of 2011”.

1 **SEC. 2. COMPREHENSIVE POLICY ON REPORTING AND**  
 2 **TRACKING SEXUAL ASSAULT INCIDENTS AND**  
 3 **OTHER SAFETY INCIDENTS.**

4 (a) POLICY.—Subchapter I of chapter 17 of title 38,  
 5 United States Code, is amended by adding at the end the  
 6 following:

7 **“§ 1709. Comprehensive policy on reporting and**  
 8 **tracking sexual assault incidents and**  
 9 **other safety incidents**

10 “(a) POLICY REQUIRED.—Not later than February  
 11 1, 2012, the Secretary shall develop and implement a cen-  
 12 tralized and comprehensive policy on the reporting and  
 13 tracking of sexual assault incidents and other safety inci-  
 14 dents that occur at each medical facility of the Depart-  
 15 ment, including—

16 “(1) suspected, alleged, attempted, or confirmed  
 17 cases of sexual assault, regardless of whether such  
 18 assaults lead to prosecution or conviction;

19 “(2) criminal and purposefully unsafe acts;

20 “(3) alcohol or substance abuse related acts (in-  
 21 cluding by employees of the Department); and

22 “(4) any kind of event involving alleged or sus-  
 23 pected abuse of a patient.

24 “(b) SCOPE.—The policy required by subsection (a)  
 25 shall cover each of the following:

1           “(1) For purposes of reporting and tracking  
2 sexual assault incidents and other safety incidents,  
3 definitions of the terms—

4                   “(A) ‘safety incident’;

5                   “(B) ‘sexual assault’; and

6                   “(C) ‘sexual assault incident’.

7           “(2) The development and use of specific risk-  
8 assessment tools to examine any risks related to sex-  
9 ual assault that a veteran may pose while being  
10 treated at a medical facility of the Department, in-  
11 cluding clear and consistent guidance on the collec-  
12 tion of information related to—

13                   “(A) the legal history of the veteran; and

14                   “(B) the medical record of the veteran.

15           “(3) The mandatory training of employees of  
16 the Department on security issues, including aware-  
17 ness, preparedness, precautions, and police assist-  
18 ance.

19           “(4) The mandatory implementation, use, and  
20 regular testing of appropriate physical security pre-  
21 cautions and equipment, including surveillance cam-  
22 era systems, computer-based panic alarm systems,  
23 stationary panic alarms, and electronic portable per-  
24 sonal panic alarms.

1           “(5) Clear, consistent, and comprehensive cri-  
2           teria and guidance with respect to an employee of  
3           the Department communicating and reporting sexual  
4           assault incidents and other safety incidents to—

5                   “(A) supervisory personnel of the employee  
6           at—

7                           “(i) a medical facility of the Depart-  
8                           ment;

9                           “(ii) an office of a Veterans Inte-  
10                          grated Service Network; and

11                          “(iii) the central office of the Veterans  
12                          Health Administration; and

13                   “(B) a law enforcement official of the De-  
14           partment.

15           “(6) Clear and consistent criteria and guide-  
16           lines with respect to an employee of the Department  
17           referring and reporting to the Office of Inspector  
18           General of the Department sexual assault incidents  
19           and other safety incidents that meet the regulatory  
20           criminal threshold in accordance with sections 1.201  
21           and 1.204 of title 38, Code of Federal Regulations.

22           “(7) An accountable oversight system within  
23           the Veterans Health Administration that includes—

24                   “(A) systematic information sharing of re-  
25           ported sexual assault incidents and other safety

1 incidents among officials of the Administration  
2 who have programmatic responsibility; and

3 “(B) a centralized reporting, tracking, and  
4 monitoring system for such incidents.

5 “(8) Consistent procedures and systems for law  
6 enforcement officials of the Department with respect  
7 to investigating, tracking, and closing reported sexual  
8 assault incidents and other safety incidents.

9 “(9) Clear and consistent guidance for the clinical  
10 management of the treatment of sexual assaults  
11 that are reported more than 72 hours after the assault.  
12

13 “(c) UPDATES TO POLICY.—The Secretary shall review  
14 and revise the policy required by subsection (a) on  
15 a periodic basis as the Secretary considers appropriate and  
16 in accordance with best practices.

17 “(d) ANNUAL REPORT.—(1) Not later than 60 days  
18 after the date on which the Secretary develops the policy  
19 required by subsection (a), and by not later than January  
20 1 of each year thereafter, the Secretary shall submit to  
21 the Committee on Veterans’ Affairs of the Senate and the  
22 Committee on Veterans’ Affairs of the House of Representatives  
23 a report on the implementation of the policy  
24 during the preceding fiscal year.

1       “(2) Each report required by paragraph (1) shall in-  
2 clude, for the fiscal year covered by such report, the fol-  
3 lowing:

4               “(A) The number and type of sexual assault in-  
5 cidents and other safety incidents reported by each  
6 medical facility of the Department.

7               “(B) A detailed description of the implementa-  
8 tion of the policy required by subsection (a), includ-  
9 ing any revisions made to such policy from the pre-  
10 vious year.

11               “(C) The effectiveness of such policy on improv-  
12 ing the safety and security of the medical facilities  
13 of the Department, including the performance meas-  
14 ures used to evaluate such effectiveness.

15       “(e) REGULATIONS.—The Secretary shall prescribe  
16 regulations to carry out this section.”.

17       (b) CLERICAL AMENDMENT.—The table of sections  
18 at the beginning of such chapter is amended by adding  
19 after the item relating to section 1708 the following:

“1709. Comprehensive policy on reporting and tracking of sexual assault inci-  
dents and other safety incidents.”.

20       (c) INTERIM REPORT.—Not later than 30 days after  
21 the date of the enactment of this Act, the Secretary of  
22 Veterans Affairs shall submit to the Committee on Vet-  
23 erans’ Affairs of the Senate and the Committee on Vet-  
24 erans’ Affairs of the House of Representatives a report

1 on the development of the performance measures de-  
2 scribed in section 1709(d)(2)(C) of title 38, United States  
3 Code, as added by subsection (a).

4 **SEC. 3. REPEAL OF REQUIREMENT FOR ANNUAL REPORTS**  
5 **ON STAFFING FOR NURSES AT DEPARTMENT**  
6 **OF VETERANS AFFAIRS HEALTH-CARE FA-**  
7 **CILITIES.**

8 Section 7451(e) of title 38, United States Code, is  
9 amended by striking paragraphs (4), (5), and (6).

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