

**MEMORANDUM OF UNDERSTANDING
BETWEEN
BASSETT ARMY COMMUNITY HOSPITAL
AND
FAIRBANKS MEMORIAL HOSPITAL**

SUBJECT: Memorandum of Understanding (MOU) between Bassett Army Community Hospital (BACH) and Fairbanks Memorial Hospital (FMH) for the Management of Reported Alleged Sexual Assault Cases

1. References.

- a. Army Regulation (AR) 40-3, Medical, Dental, and Veterinary Care, 12 Nov 02.
- b. Army Regulation (AR) 40-400, Patient Administration, 12 Mar 01.
- c. Army Regulation (AR) 600-20, Army Command Policy, September 2005.
- d. Army Regulation (AR) 608-18, The Army Family Advocacy Program, 20 Oct 03.
- e. DoD DTM JTF-SAPR-009, Confidentiality Policy for Victims of Sexual Assault, 16 March 2005.
- f. DoD DTM JTF-SAPR-010, Collaboration with Civilian Authorities for Victims of Sexual Assault, 17 Dec 2004.
- g. DoD DTM JTF-SAPR-014, Sexual Assault Evidence Collection and Preservation Under Restricted Reporting, 30 June 2005.
- h. MEDCOM Policy Memo 05-010, Military Treatment Facility (MTF) Management of Reported Alleged Sexual Assault Cases – Payment for Exams and Kits, 13 June 2005.
- i. MEDCOM Regulation 40-36, Medical Facility Management of Sexual Assault, 23 Dec 2004.

2. Purpose. The purpose of this MOU is to establish an agreement that all patients 18 or older reporting alleged sexual assault within 72 hours of incident and requiring forensic examinations will be transported to FMH where specialized training and equipment exists for conducting forensic examinations related to sexual assaults.

3. Problem. Fort Wainwright has a small number of sexual assault cases every year. Due to this small number, BACH cannot maintain a Sexual Assault Response Team/Sexual Assault Nurse Examiner program (SART/SANE). BACH does not have the specialized equipment to collect forensic evidence on victims of alleged sexual assaults. FMH has a SART/SANE program and the required equipment to accomplish a complete forensic examination.

3. Scope. BACH providers will initiate the transfer of victims of alleged sexual assault to FMH and contact the Sexual Assault Nurse Examiner (SANE) or Emergency Department (ED) physician on duty at Fairbanks Memorial Hospital prior to transport. The patient will be transported via ambulance or privately owned vehicle as determined by a Sexual Assault Clinical Provider (SARP).

4. Understandings and Responsibilities.

a. Bassett Army Community Hospital Responsibilities.

(1) BACH will evaluate all victims of alleged sexual assaults for any medical conditions requiring immediate medical attention prior to transport to FMH.

(2) BACH will contact the FMH ER at 458-5555 to activate the SANE on call. BACH will transport the victim to FMH. All suspects will have their forensic examination and evidence collection completed at BACH. If a suspect requires digital forensic photography, the exam will be conducted by the FMH SANE.

(3) BACH will supply FMH with any medical records generated prior to transfer to FMH.

(4) BACH will notify the Fort Wainwright Sexual Assault Response Coordinator (SARC) at 353-SARC for active duty only, if he/she has not been notified prior to the victim's presentation to the BACH ER. This notification will take place prior to any transport of the victim to FMH.

(5) Any dependent or civilian assaulted on Fort Wainwright will be transported to FMH. BACH's Social Work Services will be notified of any nonactive duty assault victim entitled to care in the military system.

(6) BACH will provide follow-up care for all victims eligible for care in the military healthcare system.

(7) BACH will pay for all forensic exams performed by FMH. This includes the Air Force from Eielson AFB and any civilian assaulted on Fort Wainwright that is not otherwise entitled to care in the military healthcare system.

b. Fairbanks Memorial Hospital Responsibilities

(1) FMH will perform all forensic exams referred from BACH or Eielson AFB. See section c for restricted reporting procedures.

(2) FMH will attempt to get each victim to sign a release of medical information to allow BACH access to the documentation collected.

(3) FMH will bill BACH for the forensic examinations performed. If the AK State Troopers or the Fairbanks Police Department maintain jurisdiction of the case, those agencies will be responsible for payment for the forensic examination.

(4) When CID or OSI have jurisdiction of the case, the FMH SANE will turn all forensic evidence over to these agencies for processing of the evidence.

(5) The FMH SANE will appear in court if required.

c. Restricted Reporting

(1) The Department of Defense allows Active Duty Service Members to elect for restricted reporting. This allows the victim to have forensic evidence collected but not report the assault to military law enforcement. The evidence is assigned a case number and stored for a year by military law enforcement.

(2) Restricted reporting applies only to Active Duty Service Members only. Any other person entitled to care in the military health care system is not eligible for restricted reporting.

(3) An Active Duty Service Member is only eligible for restricted reporting when military law enforcement, CID or OSI, maintains jurisdiction of the case. An Active Duty Service Member may not elect restricted reporting if jurisdiction is maintained by the Alaska State Troopers, Fairbanks Police Department, or other nonmilitary law enforcement agency.

(4) When an Active Duty Service Member elects restricted reporting, the Fort Wainwright SARC will assign a case number. The Eielson SARC will assign the case number for all Air Force restricted cases. The SARC will give the FMH SANE the case number.

(5) The FMH SANE will do a complete forensic exam. Each piece of evidence collected will be labeled with only the case number provided by the SARC. No names or other forms of identification will be used on the evidence.

(6) After the evidence is collected, it will be processed and stored by military law enforcement. Proper chain of custody will be maintained, and the appropriate forms will be completed before the evidence is released to military law enforcement. The military law enforcement taking custody of the evidence will provide the required chain of custody forms and any other forms that may be required.

d. Release of Documentation

(1) FMH will ask each victim to sign a release of medical information so BACH can access all of the documentation completed during the forensic examination.

(2) If the victim signs the release, the information will be forwarded to BACH's Patient Administration Division. The information will be marked sensitive and filed in a separate medical record.

(3) Release of any information from FMH will be in accordance with HIPAA and Alaska Statute.

6. Effective Date. This agreement shall be effective upon the date signed by both parties and remain so indefinitely. It may be reviewed by either or both parties at any time and may be amended or revised at any time in writing by mutual consent of both parties. Either party may terminate this agreement by giving 60 days advance written notice of the effect date of termination.