

**Regulatory Analysis**  
LSA Document #24-114**I. Description of the Rule****a. History and Background of the Rule**

On July 1, 2021, a new law went into effect under [IC 25-23-1-35](#) regarding requirements to practice as a forensic nurse and continuing education for forensic nurses. This law lays out the requirements an individual must meet to practice as a forensic nurse. The law requires the Indiana State Board of Nursing to determine the criteria and requirements for biennial continuing education for a SANE, which is why the Board needs to promulgate a rule.

**b. Scope of the Rule**

The proposed rule explains that the Professional Licensing Agency prescribes the manner in which forensic nurse continuing education programs need to apply for Board approval. The proposed rule outlines the number of contact hours of continuing education are required to obtain and maintain a forensic nurse license. The proposed rule explains how a continuing education program could meet the standard of being "substantially equivalent" to a continuing education program identified by the state department of health's statewide sexual assault nurse examiners (SANE) coordinator and administered by the Indiana SANE training project.

**c. Statement of Need**

The forensic nurse license is a new license type that was created by statute. The statute, [IC 25-23-1-35](#), outlines the requirements for individuals to practice as a forensic nurse. The statute requires that individuals who wish to practice as a forensic nurse complete a biennial forensic nursing educational program. The statute states that the Indiana State Board of Nursing determines the criteria and requirements for biennial continuing education for a forensic nurse, taking into consideration programs approved by the state department of health's statewide sexual assault nurse coordinator. The statute requires a forensic nurse to meet the continuing education requirements set by the Indiana State Board of Nursing to continue practicing as a forensic nurse.

**d. Statutory Authority for the Proposed Rule**

[IC 25-23-1-35](#)

**e. Fees, Fines, and Civil Penalties**

The rule does not impose any fees, fines, or civil penalties. The Professional Licensing Agency does not charge any fees to nurses applying for forensic nursing licenses. The costs for continuing education are required by [IC 25-23-1-35](#).

The rule does not impose fees upon SANE training programs. The Professional Licensing Agency does not charge fees to SANE training programs for applications or for board appearances.

**II. Fiscal Impact Analysis****a. Anticipated Effective Date of the Rule**

July 31, 2024

**b. Estimated Fiscal Impact on State and Local Government**

The proposed rule does not have a fiscal impact on the State and Local Government.

**c. Sources of Expenditures or Revenues Affected by the Rule**

None.

**III. Impacted Parties**

In Indiana, there are 134,584 Registered Nurses. A publication by the Bowen Center for Health Workforce Research and Policy entitled "The Data Report: 2021 Indiana Nursing Licensure Survey" indicates that 493 nurses reported providing services as a sexual assault nurse examiner (a forensic nurse) during the 2021 nursing license renewal period. The International Association of Forensic Nurses (IAFN), an association that

offers certifications for forensic nurses, reports that there are 43 board certified SANE-A (adult and adolescent sexual assault nurse examiners) and 22 board certified SANE-P (pediatric sexual assault nurse examiners) in Indiana. Board certification by IAFN is not a requirement to become a forensic nurse.

#### IV. Changes in Proposed Rule

The proposed rule does not modify the existing rule. The language of the proposed rule is entirely new to the rule, adding a new section to the rule, [848 IAC 1-2-25](#). The authority for all changes is in [IC 25-23-1-35\(a\)\(2\)\(B\)](#).

- a. The proposed rule defines "substantially equivalent" for the purposes of [IC 25-23-1-35\(a\)\(2\)\(B\)](#). This definition explains what standards forensic nursing continuing education programs must meet to be substantially equivalent to biennial forensic nursing education programs identified by the state department of health's statewide sexual assault nurse examiners (SANE) coordinator and administered by the Indiana SANE training project.
- b. The proposed rule states that biennial forensic nursing continuing education programs that intend to apply for board approval must do so in the manner prescribed by the Indiana Professional Licensing Agency.
- c. The proposed rule establishes how many continuing education contact hours are required for an applicant to obtain a license to practice as a forensic nurse.
  - i. If the applicant has not renewed the underlying registered nurse license since submitting a certificate of completion of a SANE training program, and the applicant less than twelve (12) months before the underlying nursing license expires, no continuing education is required.
  - ii. If the applicant has not renewed the underlying registered nurse license since submitting a certificate of completion of a SANE training program, and the applicant applies at least twelve (12) months before the underlying nursing license expires, the applicant must submit proof of six (6) contact hours of continuing education along with the registered nurse's renewal application.
  - iii. If the applicant's underlying registered nurse license has been renewed at least once since the applicant submitted a certificate of completion of a SANE training program, the applicant must submit proof of completion of twelve (12) contact hours of continuing education along with the registered nurse's renewal application.
- d. The proposed rule states that all contact hours of continuing education must be approved by a nationally approved sponsor of continuing education for nurses and be relevant to the practice of a forensic nurse.

#### V. Benefit Analysis

##### a. Estimate of Primary and Direct Benefits of the Rule

The proposed rule provides five direct benefits. First, it defines "substantially equivalent", which clarifies for continuing education programs what is required to qualify as an accepted forensic nursing continuing education program. Second, the rule clarifies for nurses how many forensic nursing continuing education contact hours are required to obtain or maintain a forensic nursing license. Third, the defined number of contact hours in the proposed rule will result in a more uniform, better trained workforce, therefore improving patient care. Fourth, the proposed rule's required number of contact hours for continuing education will improve criminal investigations because forensic nurses will have been trained on the collection of evidence and how to give thorough testimony. Fifth, employers will be able to reasonably rely on the training requirements in the rule to determine whether a licensed forensic nurse has the requisite training to provide forensic nurse services.

First, the proposed rule defines "substantially equivalent", which explains what standards forensic nursing continuing education programs must meet to be substantially equivalent to biennial forensic nursing education programs identified by the state department of health's statewide sexual assault nurse examiners (SANE) coordinator and administered by the Indiana SANE training project.

Second, the rule explains how many contact hours of continuing education to submit to become a licensed forensic nurse. The Professional Licensing Agency can begin issuing forensic nurse licenses and the Indiana State Board of Nursing can begin regulating the licensed forensic nurses under [IC 25-23-1-35\(a\)\(2\)\(B\)](#) using the proposed rule's guidelines.

A third direct benefit of the proposed rule is that registered nurses who perform forensic examinations will be

held to uniform standards laid out in the rule for training requirements, which will lead to a more uniformly trained workforce of forensic nurses. As a result of the defined training requirements in the proposed rule, registered nurses who perform forensic examinations will become more competent. If a patient is treated by a forensic nurse for a forensic exam, the patient can reasonably believe that the forensic nurse is a licensed forensic nurse and is competent to perform the forensic examination. Due to the defined continuing education requirements in the proposed rule, patient care for those needing forensic exams will be more standardized and will improve due to the defined training requirements for nurses to practice as forensic nurses.

Fourth, the proposed rule's defined number of forensic nursing continuing education contact hours will improve criminal investigations because the collection of evidence for criminal cases involving sexual assault, intimate partner violence, and child abuse will likely be more standardized and will improve. Forensic nurses will also become more informed witnesses for criminal cases because SANE training includes training on how to testify in court.

The fifth direct benefit of the proposed rule is that employers seeking to fill forensic nurse positions will be able to determine whether an applicant is qualified to be a forensic nurse when the employer verifies whether the applicant is a licensed forensic nurse. The employer will be able to rely on the proposed rule that determines the number of contact hours a nurse must complete to become licensed.

**b. Estimate of Secondary or Indirect Benefits of the Rule**

The proposed rule sets standards for the training requirements that forensic nurses must meet to be licensed forensic nurses. Ensuring that forensic nurses are adequately trained can help prevent medical mistakes, poor evidence documentation and collection, inadequate investigations, unprepared forensic nurse witnesses, and unsuccessful prosecutions. The criminal justice system relies heavily on forensic nurses to properly collect evidence and testify as expert witnesses in cases involving sexual assault, intimate partner violence and child abuse. Law enforcement will be better able to obtain evidence needed to fully investigate cases involving sexual assault, intimate partner violence, and child abuse. As a result of improved investigations, prosecutors will be better equipped to assess investigations, file the appropriate charges, and successfully prosecute these criminal cases. Holding accountable those who commit violence and obtaining a just result from the prosecution of these cases will benefit victims who seek safety and justice and the offenders who benefit from court ordered rehabilitation.

**c. Estimate of Any Cost Savings to Regulated Industries**

The proposed rule will not meaningfully impact the expenses of the regulated industry.

**VI. Cost Analysis**

**a. Estimate of Compliance Costs for Regulated Entities**

Continuing education contact hours are a consumer driven decision made by the nurses. The course costs and lengths vary widely by the organization offering them, ranging from one to five days, and ranging from no cost to \$500.00. Several organizations, including the Indiana SANE Training Project, offer continuing education contact hours to registered members for free. Other programs, such as the Southwest Indiana Area Health Education Center at the University of Southern Indiana, provide financial assistance opportunities for training, professional development opportunities, certification and recertification fees. It is within reason to assume that the nurses can meet the continuing education requirements in the proposed rule with a low or unsubstantial financial impact.

The proposed rule requires biennial forensic nursing educational programs, which have not been identified by the state department of health's statewide SANE coordinator and administered by the Indiana SANE training project, to appear before the Board to present evidence that the candidate program has the resources necessary to start a program and that the program is substantially equivalent to a program administered by the Indiana SANE training project. Costs incurred by such programs for the requirement of appearing before the Board may include travel expenses, lodging, and wages for staff time to prepare and present the presentation to the Board; these sum of these expenses is estimated to be between \$100 and \$500. It is unknown how many SANE programs will appear before the board to prove they have the resources to start a program and demonstrate how the program is substantially equivalent to a program administered by the Indiana SANE training project. Any travel expenses incurred could be mitigated by the Board allowing the candidate program to appear virtually, thereby reducing the candidate program's expenses to wages for staff time preparing and presenting the presentation.

Candidate programs may experience opportunity costs associated with the requirement for candidate

programs to appear before the Board. The governing statute under [IC 25-23-1-35\(a\)\(1\)\(A\)](#) offers the next best option for a candidate program to become an approved biennial forensic nursing educational program; the candidate program could seek to be identified by the state department of health's SANE coordinator and become a program administered by the Indiana SANE training project. The costs associated with the process for becoming a program recognized and administered by the Indiana SANE training project are unknown.

**b. Estimate of Administrative Expenses Imposed by the Rules**

The Professional Licensing Agency will experience negligible costs to review the continuing education submissions, process the applications, and issue licenses for forensic nurses and will be able to do so with existing staff. PLA may require additional work to approve continuing education providers, but will experience less work processing continuing education violations, likely balancing the workload.

**c. The fees, fines, and civil penalties analysis required by [IC 4-22-2-19.6](#)**

The proposed rule does not impose any fees, fines, or civil penalties.

## VII. Sources of Information

**a. Independent Verifications or Studies**

Data Report: Indiana Registered Nurse Workforce. (2022). Bowen Center for Health Workforce Research and Policy. Indiana University School of Medicine.

International Association of Forensic Nurses – SANE-A database, <https://www.forensicnurses.org/page/SANE-A/> (Last visited September 15, 2023).

International Association of Forensic Nurses – SANE-P database, <https://www.forensicnurses.org/page/SANE-P/> (Last visited September 15, 2023).

**b. Sources Relied Upon in Determining and Calculating Costs and Benefits**

The following information was relied upon in determining the benefits and policy rationale of the proposed rule.

In addition to the sources listed under "Independent Verifications or Studies," Ashli Smiley, BSN, RN, SANE-A, SANE-P, the Statewide SANE Coordinator of the Maternal and Child Health division of the Indiana Department of Health provided information about continuing education resources and costs. The Indiana State Board of Nursing Board Director, Nicholas Hart, provided information regarding impacted parties. The following additional sources were consulted to determine costs for forensic nursing courses:

University of Southern Indiana, Indiana SANE Training Project, <https://www.usi.edu/southwest-indiana-area-health-education-center/indiana-sane-training-project> (Last visited 9/15/2023).

Franciscan Health, Sexual Assault Nurse Examiner (SANE) Training, <https://www.franciscanhealth.org/healthcare-professionals/education/sane-training-crown-point> (Last visited 9/15/2023).

International Association of Forensic Nurses, Indiana Clinical Skills Training, <https://www.forensicnurses.org/page/INClinSkills/> (Last visited 9/15/2023).

Academy of Forensic Nursing, AFN Indy Regional Conference 2023, Beyond the Bedside: Increasing the Footprint of Forensic Nursing, July 20-21, 2023, <https://www.goafn.org/afn-indy-2023> (Last visited 9/15/2023).

## VIII. Regulatory Analysis

The proposed rule does not impose any fees, fines, or civil penalties. The proposed rule does not impose any fees, fines or civil penalties to nurses applying to become licensed forensic nurses or entities providing continuing education for forensic nurses. The continuing education contact hours are required by statute; the rule is being proposed to further explain the number of continuing education hours required to obtain or maintain a forensic nurse license. Statute allows "substantially equivalent" continuing education programs; the proposed rule defines which programs qualify as "substantially equivalent." The proposed rule will allow the Indiana Board of Nursing to begin licensing forensic nurses, which will lead to better, more standardized

training, patient care, evidence collection, investigations, prosecutions, and a better chance at obtaining justice for victims of abuse by holding violent offenders accountable.

*Notice of First Public Comment Period with Proposed Rule:* [20240403-IR-848240114FNA](#)

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