**Section 300.1040 Care and Treatment of Sexual Assault Survivors**

a) For the purposes of this Section, the following definitions shall apply:

1) Ambulance Provider – an individual or entity that owns and operates a business or service using ambulances or emergency medical services vehicles to transport emergency patients.

2) Sexual Assault – an act of nonconsensual sexual conduct or sexual penetration, as defined in Section 12-12 of the Criminal Code of 1961, including, without limitation, acts prohibited under Sections 12-13 through 12-16 of the Criminal Code of 1961.

b) The facility shall adhere to the following *protocol for the care and treatment of residents who* are suspected of having *been sexually assaulted in a long term care facility or elsewhere* (Section 3-808 of the Act):

1) Notify local law enforcement pursuant to the requirements of Section 300.695;

2) Call an ambulance provider if medical care is needed;

3) Move the survivor, as quickly as reasonably possible, to a closed environment to ensure privacy while waiting for emergency or law enforcement personnel to arrive. The facility shall ensure the welfare and privacy of the survivor, including the use of incident code to avoid embarrassment; and

4) Offer to call a friend or family member and a sexual assault crisis advocate, when available, to accompany the survivor.

c) The facility shall take all reasonable steps to preserve evidence of the alleged sexual assault, and not to launder or dispose of the resident's clothing or bed linens until local law enforcement can determine whether they have evidentiary value, including encouraging the survivor not to change clothes or bathe, if he or she has not done so since the sexual assault.

d) The facility shall notify the Department and draft a descriptive summary of the alleged sexual assault pursuant to the requirements of Section 300.690.

(Source: Old Section repealed at 20 Ill. Reg. 12160, effective September 10, 1996; new Section added at 35 Ill. Reg. 11419, effective June 29, 2011)