The Commonwealth of Massachusetts

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**Memorandum**

**TO:** Licensed Hospitals with an Emergency Department or Satellite Emergency Facility

**FROM:** Elizabeth D. Kelley, MPH, MBA, Director, Bureau of Health Care Safety and Quality

 Ruth Blodgett, Director, Bureau of Community Health and Prevention

**SUBJECT:** Sexual assault evidence collection kit tracking system (TRACK-KIT®)

**DATE:** September 20, 2023

The Department of Public Health (“Department”) and the Executive Office of Public Safety and Security (”EOPSS”) have worked closely with hospitals since the implementation of TRACK-KIT® in late 2019 to ensure optimal functioning. However, there continue to be on-going issues at some hospitals, most notably regarding the management of Kit inventory. The purpose of this memorandum is (1) to provide all hospitals that have an emergency department or satellite emergency facility (“Hospitals”), licensed by the Department with information on the sexual assault evidence collection kit tracking system (TRACK-KIT®), (2) to remind hospitals that they are required by statute to participate in TRACK-KIT®, and (3) to share a best practice document to help hospitals maintain compliance with the statutory requirement to participate in the TRACK-KIT® System.

Background:

TRACK-KIT® is a comprehensive, statewide, web-based sexual assault evidence collection kit tracking system managed by the Executive Office of Public Safety and Security (EOPSS). It provides survivors of sexual assault with the ability to track the location and status of their MA Sexual Assault Evidence Collection Kit (MSAECK), for patients 12 years and older; Pediatric Sexual Assault Evidence Collection Kit (MA PEDI Kit), for patients 11 years and younger; and any accompanying MA Comprehensive Toxicology Tests (Tox Kits) from the point of collection to its final storage location.

The TRACK-KIT® System helps ensure that a patient’s physical evidence, obtained during a time-intensive medical-forensic exam completed by a hospital clinician or MA Sexual Assault Nurse Examiner (SANE), is secured and transported in a timely manner to (1) a designated crime lab for analysis for patients 15 years and younger or patients 16 years and older who choose to report their assault to the police, or (2) a designated police department or long term storage facility, for storage of at least 15 years, for patients 16 years and older who choose not to report to law enforcement at the time of the hospital visit.

Upon discharge, your patients are provided information allowing them to log into a secure Survivor Portal to access the location of their kit(s). (see [Sign In-Track-Kit](https://ma.track-kit.us/))

Sexual assault kits are provided by EOPSS to all hospitals at no cost. The kits are used for patients who have been sexually assaulted and request a medical-forensic exam/evidence collection as part of their care. TRACK-KIT® is directly linked to the kits your hospital receives from EOPSS. The system is designed for auto-ordering when your hospital’s inventory threshold of kits reaches a certain level. Hospitals are responsible for ensuring that kit inventory is managed appropriately so that TRACK-KIT® reflects accurate information, and hospitals have kits available when needed.

Obligations of Hospitals:

 To comply with regulatory and statutory requirements and support a patient following a sexual assault: a hospital or medical facility licensed by the Department is required by statute to participate in TRACK-KIT® for the purpose of tracking the status of all kits collected by or in the custody of hospitals and other entities contracting with hospitals. (see [M.G.L. chapter 6A, section 18X](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6A/Section18X)). The hospital licensure regulations require licensed hospitals to comply with all applicable state and federal statutes (see 105 CMR 130).

The DPH SANE Program and EOPSS are also available for consultation as you work to implement these practices, or for any related questions. Please contact each at:

**DPH SANE program contact email**: MASANE@MassMail.State.MA.US

**EOPSS contact email**: EOPSSKitTracking@mass.gov

**Additional Information:**

Sexual Assault Evidence Collection Kit Tracking System Webpage: <https://www.mass.gov/sexual-assault-evidence-collection-kit-saeck-tracking-system>

FAQs about TRACK-KIT®: <https://www.mass.gov/info-details/frequently-asked-questions-about-track-kit>

**Best Practice Guidelines to Ensure Hospital Compliance with TRACK-Kit Legislation**

(see [M.G.L. chapter 6A, section 18X](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6A/Section18X))

The Department recommends and encourages hospitals to identify appropriate hospital staff to fulfill the specific roles outlined below to perform these TRACK-Kit related responsibilities.

* 1. **Operations Manager** - Identify an Operations Manager for the Emergency Department who is accountable for the TRACK-Kit system as part of their role responsibilities. Responsibilities or delegated responsibilities would include:
		+ - 1. Ensuring receipt of physical inventory
				2. Identifying or confirming a storage location for kit inventory and staff awareness of such location
				3. Entering “Receiving” physical inventory into the Track-Kit system to ensure accurate tracking and inventory control
				4. Educating staff that although MA sexual assault kits have an expiration date, they do not “expire” and should NOT be discarded. As noted on the kits’ covers, expiration dates refer to select kit contents, such as cotton swabs, blood tubes, etc. and such items can be replaced with hospital stock ***at the time of kit use***. The attached letter from Joint Commission outlines that MA sexual assault kits are waived from their review during sites visits.
				5. Post the attached Joint Commission letter in the area where kits are stored, so they are not inadvertently discarded in preparation for a Joint Commission visit.
				6. Update the contact information for the two TRACK-Kit Administrators with EOPSS (as below). ***Contact information for the two TRACK-Kit Administrators should be shared by contacting:*** EOPSSKitTracking@mass.gov
	2. **TRACK-Kit Administrators** - Identify two TRACK-Kit Administrators to assist with hospital-level troubleshooting. Administrators should ensure knowledge of the TRACK-Kit system by reviewing training materials located on the [TRACK-KIT Portal](https://ma.track-kit.us/). Administrators should also be responsible for ensuring an appropriate number of Emergency Department TRACK-Kit users, and adding and removing Users from the TRACK-Kit system as needed.
	3. **TRACK-Kit Users** – Administrators should identify a minimum of 10-20 TRACK-Kit users, that work across day, evening and overnight shifts, who can enter information about completed kits and accompanying Toxicology kits into the TRACK-Kit system. Note that in MDPH-designated SANE sites, MA SANEs are identified as “Collectors” in the system, but do not have access to the TRACK-Kit systems at the multiple hospitals they provide services. MA SANEs will ask an identified hospital User to enter information into the Track-Kit system prior to placing the kit in a secure location (preferably a locked refrigerator).