

# New York State Department of Health

## Rape Crisis Program

### Frequently Asked Questions

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#### New York State Department of Health Approved Rape Crisis Programs

1. What is a Rape Crisis Program?
  - In New York State, a Rape Crisis Program is any office, institution or center which has been approved by the New York State Department of Health (NYSDOH) to offer counseling and assistance to clients concerning sexual offenses, pursuant to 10 NYCRR Subpart 69-5.
  - These programs provide care and support to victims and survivors of sexual violence, community prevention and education programs, and community support systems. At minimum, Rape Crisis Programs offer 24-hour crisis intervention services, short-term counseling, medical accompaniment, legal accompaniment, and information and referral services.
2. What are the requirements for a Rape Crisis Program?
  - Rape Crisis Programs are required to serve anyone who may be a victim/survivor of sexual violence seeking services within their approved catchment area. Services are free and confidential to anyone regardless of age, gender, race, ethnicity, sexual or gender orientation, cultural identification, disability status, and language.
  - Rape Crisis Programs are required to provide 24/7/365 hotline and phone counseling services, community prevention education programs, accompaniment to hospitals, advocacy in the criminal justice system, and information and referral services. For more information on the requirements, please review 10 NYCRR Subpart 69-5.
3. What is a catchment area as it relates to Rape Crisis Programs?
  - For approval purposes, all Rape Crisis Programs are required to provide services to anyone seeking services within the county where the program is located. Programs may apply to provide services in multiple counties.
  - Programs may further define their targeted catchment area by hospitals, zip codes, law enforcement agencies, or other sociodemographic and geographic characteristics that define their community. In urban areas, this may include consideration of what public transportation is accessible to receive services from the Rape Crisis Program, such as specific subway stations, commuting patterns, and residential locations or living spaces regarding proximity of the physical location of the program. Additionally, please consider the other local Rape Crisis Programs in the area and how the Rape Crisis Programs are coordinating and ensuring there are no gaps or overlaps in response. Rape Crisis Programs servicing the same county are strongly encouraged to have written agreements in place that define their specific catchment areas.
  - The approved catchment area does not prohibit a program from providing services outside of their county or counties.
4. Can a program operate as a Rape Crisis Program without NYSDOH approval?

- The term Rape Crisis Program is a designation for NYSDOH approved providers. However, there are other programs in New York State providing supportive services to victims/survivors of sexual violence. These programs are referred to as victim assistance programs or organizations.
5. What is a victim assistance program?
- Victim assistance programs provide supportive services to victims/survivors of crime and violence, including sexual violence. These programs are not NYSDOH approved Rape Crisis Programs. Victim assistance programs may not be NYSDOH approved because they have not applied, or because they are not providing all of the required Rape Crisis Program services pursuant to 10 NYCRR Subpart 69-5.
6. How do you apply to become a Rape Crisis Program?
- Programs may apply to become a NYSDOH Rape Crisis Program by completing the '*NYSDOH Application for Approval and Reapproval of Rape Crisis Programs*' and submitting all required documentation, including the training curriculum. Programs may request an application and submit questions by contacting the Sexual Violence Prevention Unit at [rcprpt@health.ny.gov](mailto:rcprpt@health.ny.gov).
7. What organizations qualify to become Rape Crisis Programs?
- Any organization that is able to provide all of the required services and training for rape crisis counselors can apply to become a NYSDOH approved Rape Crisis Program. Culturally specific organizations are encouraged to apply provided that they will not refuse to provide services to any person who seeks assistance from the program who is not a member of the target community or group that the program serves.
  - Rape Crisis Programs are required to provide confidential services, pursuant to Civil Practice Law and Rules (CPLR) § 4510. NYSDOH is aware that District Attorney (DA) Offices have discovery obligations, pursuant to Criminal Procedure Law (CPL) § 245.20, that would conflict with the confidentiality provisions required of Rape Crisis Programs. Therefore, applications from DA's Offices will not be approved.

## **Rape Crisis Counselors and Training Standards**

8. What is a rape crisis counselor?
- A rape crisis counselor is any person certified by a Rape Crisis Program as having satisfied the programs training standards and who is acting under the direction and supervision of an approved Rape Crisis Program. A rape crisis counselor is often referred to as an advocate or a victim advocate.
  - Rape crisis counselors support the 24/7/365 hotline services provided by the Rape Crisis Programs, as well as the other regulatory services for accompaniment.
9. What are the requirements for becoming a rape crisis counselor?
- Rape crisis counselors must complete 40 hours of training. At minimum, 30 hours of training must be provided prior to certification as a rape crisis counselor. If the initial training received is 30 hours, the remaining 10 hours must be completed within one year of their certification. Programs may opt to provide the full 40 hours prior to certification. Programs are encouraged to provide at least 10 hours or more of practical training in addition to the 30 or 40 hours of didactic training.

10. What are the requirements of a certified rape crisis counselor?
  - Rape crisis counselors must complete on an annual basis continuing education and training based on the Rape Crisis Program's policies. Rape crisis counselors must also adhere to agency client confidentiality and non-discrimination policies.
  - The Rape Crisis Program is required to conduct annual performance evaluations for each rape crisis counselor and set policies for ongoing education and training for counselors.
11. What services does a rape crisis counselor provide?
  - Rape crisis counselors provide crisis intervention services on the hotline and in-person. Rape crisis counselors also provide accompaniment to victims/survivors in the emergency department and within law enforcement agencies in the Rape Crisis Program's approved catchment area. Additionally, Rape crisis counselors provide information and referral services regarding medical, legal, and other support that victims/survivors might need.
12. What is confidentiality?
  - Confidentiality is the legal duty of restricting access to information made in confidence between two individuals. Confidentiality requires rape crisis counselors to maintain the privacy of communication between them and victims/survivors unless mandated otherwise in specific circumstances. For example, counselors are required to report child abuse, and a client can give the counselor permission to release information. CPLR § 4510 lists all specific circumstances in which rape crisis counselors are authorized to share confidential information.
13. What is privilege?
  - Privilege is the legal guarantee that prohibits compelled disclosure of certain confidential communications in a court proceeding. Privilege protects most confidential information shared between rape crisis clients and rape crisis counselors from being disclosed in a legal proceeding.
  - All privileged information is confidential, but not all confidential information is privileged. CPLR § 4510 lists all of the specific circumstances in which rape crisis counselors may be mandated to share confidential information. All other communication between rape crisis clients and rape crisis counselors is privileged.
14. Are rape crisis counselors staff or volunteers for the Rape Crisis Program?
  - All volunteers and staff within a Rape Crisis Program that are providing direct services to clients must be certified rape crisis counselors. Rape Crisis Programs may utilize volunteers and/or paid staff to fulfill the roles of rape crisis counselors. The requirements of the 40-hour training and continuing education, as well as the guarantee of confidentiality and privilege, still applies whether the advocate is a volunteer or a paid employee.
15. What are the background check requirements for Rape Crisis Programs?
  - There are no specific background check requirements for Rape Crisis Programs by the NYSDOH. However, depending on the Rape Crisis Program there may be background check requirements from other government agencies or federal funding streams.
16. What are the requirements for the 40-hour rape crisis counselor training program?

- 30 hours of the training program must be completed prior to rape crisis counselor certification and the remaining 10 hours must be completed within one year of the certification date.
  - The 40-hour training program must at minimum provide information on:
    - the dynamics of sexual offenses, sexual abuse, and incest
    - crisis intervention techniques
    - client-counselor confidentiality requirements
    - communication skills and intervention techniques
    - overview of the state criminal justice system
    - updates and reviews of state laws on sexual offenses, sexual abuse, and incest
    - availability of state and community resources for clients
    - working with diverse populations
    - overview of child abuse and maltreatment identification and reporting requirements
    - availability of medical and legal assistance for rape crisis clients
  - Programs are encouraged to provide training on other topics, such as:
    - Providing culturally responsive, trauma-informed, and survivor-centered services
    - Human trafficking
    - Child sex trafficking
    - Elder abuse
    - Serving victims/survivors that work in the sex trades
    - Serving victims/survivors in the transgender community
    - Sexual and Gender Minority Male Survivors of Sexual Violence
    - Serving victims/survivors of indigenous populations
  - Programs are encouraged to provide training based on concepts from adult learning theory, such as:
    - Engagement of participants
    - Multi-modal training including readings, videos, discussions, and practice
    - Demonstrated application of concepts
    - Demonstrated development and application of skills
  - Programs are encouraged to provide training that is community specific and includes members from the community with expertise in both required and supplemental training topics.
17. Are Rape Crisis Programs required to offer the 40-hour training?
- Rape Crisis Programs must develop and offer the 40-hour training program for the purpose of rape crisis counselor certification as needed to ensure that all staff and volunteers are certified rape crisis counselors and that your community's needs are being served to the best of your ability. Rape Crisis Programs may communicate with other Rape Crisis Programs for assistance in developing training programs. Rape Crisis Programs may also utilize NYSDOH approved resources when developing training programs.
18. How many hours of the 40-hour training can be online?
- The entirety of the 40-hour training may be completed in a format or combination of formats (online, in-person, or hybrid) that best suits the needs of the Rape Crisis Program and the individuals being trained.

19. Are Rape Crisis Programs able to send their volunteers or staff to another Rape Crisis Program to complete the 40-hour training?
  - Rape Crisis Programs may utilize another NYSDOH approved Rape Crisis Program's 40-hour training program to fulfill rape crisis counselor training requirements following an agreement between the involved Rape Crisis Programs and prior approval from the NYSDOH.
20. Can some or all of the 40-hour training be offered through a state or national resource?
  - Rape Crisis Programs may utilize state or national resources in the 40-hour training programs. These training curricula will be reviewed by the NYSDOH on an individual basis and approved when in the best interest of the community(ies) being served. All Rape Crisis Programs will need to demonstrate content that is community and program specific in addition to any state or national resources utilized.
21. Can prospective rape crisis counselors respond to the hotline before completing the 40-hour training?
  - Rape crisis counselors are required to complete the first 30 hours of training before they can be certified by the Rape Crisis Program. The remaining ten hours may be completed within one year of certification. Rape Crisis Programs should consider a new rape crisis counselor's readiness and training when assessing the ability to begin crisis intervention services.
22. At which point should a rape crisis counselor be required to recertify if a significant period of time has passed since the rape crisis counselor was certified in the 40-hour training program, and/or they have changed Rape Crisis Programs, or there has been a gap in providing crisis intervention services?
  - Recertification timelines and requirements are at the discretion of the Rape Crisis Program. The NYSDOH recommendation is that instances such as these are evaluated on a case-by-case basis. For example, if a rape crisis counselor completed the 40-hour training 18 months ago and has not completed a program's continuing education and training requirement since their anniversary date, rather than require the rape crisis counselor to complete the 40-hour training again, perhaps the program could grant them a "grace period" of one month during which time they should complete their continuing education and training requirement. If the continuing education and training requirement is not met within that grace period, then the program should take steps to discontinue the rape crisis counselor's ability to volunteer on the hotline, in the emergency department, etc. and address the necessity of requiring the rape crisis counselor to complete the 40-hour training prior to resuming crisis intervention duties. The Rape Crisis Program should offer to provide the 40-hour training program to any staff or volunteers who are interested in retaking the training.
  - Important items to consider include but are not limited to: the length of time that has passed since the rape crisis counselor was originally certified with the 40-hour training program, the amount of time that has passed since the rape crisis counselor has been active on the hotline and in other crisis intervention duties, and the different trainings offered at the new Rape Crisis Program (i.e. trainings specific to their communities).

## **Hospital/Medical Accompaniment Services**



23. Are rape crisis counselors required to provide medical accompaniment in the emergency department for sexual assault patients in-person?
- Yes, rape crisis counselors must present at hospitals within their approved catchment area when a sexual assault victim/survivor requests their services.
24. Are Rape Crisis Programs required to serve every hospital in their approved catchment area?
- Rape crisis counselors are required to accompany victims/survivors in the emergency department when a rape crisis counselor is requested when it is within their approved catchment area. However, Rape Crisis Programs should consider the area they are located, the population needs and density regarding hospital services, and other Rape Crisis Programs that may be nearby and the hospitals and communities the other programs may be serving. Rape Crisis Programs should consider entering into agreements with hospitals to clarify what hospitals are being served by each program in their catchment area.
  - Regions such as NYC have significant population density in comparison to available sexual assault victim/survivor services and Rape Crisis Programs. In areas such as this, it is especially important to consider the other Rape Crisis Programs that exist and a coordinated response to best serve the area, such as those involved in sexual assault response teams. A sexual assault response team is a coordinated group of individuals from varying professions (medical, legal, law enforcement, etc.) that work toward and promote community-wide approaches to sexual violence prevention and response to sexual violence. SARTs should be collaborating with the local Sexual Assault Forensic Examiner (SAFE) Program as well.

### Hotline and Other Services

25. Are Rape Crisis Programs required to host their own hotline?
- Rape Crisis Programs must be able to provide 24/7/365 telephone hotline services. The hotline may be hosted through the Rape Crisis Program or provided by another Rape Crisis Program, following an agreement between the involved Rape Crisis Programs and prior approval by the NYSDOH. These agreements will be reviewed on an individual basis and approved when in the best interest of the community(ies) being served.
26. What services are required to be provided 24/7?
- Crisis intervention services including phone hotline and counseling must be provided 24/7/365.
27. Are Rape Crisis Programs required to serve anyone? What about programs that are in a hospital or an organization that serves a unique population?
- Rape Crisis Programs must serve anyone who seeks their services, regardless of age, gender, race, ethnicity, sexual or gender orientation, cultural identification, disability status, and language. Rape Crisis Programs may seek to meet the needs of specific populations and communities but must also ensure that individuals not from those specific communities are able to seek and receive services regardless of need or community identity.
28. What funding sources are Rape Crisis Programs eligible for?
- The NYSDOH does not currently provide funding for Rape Crisis Program services. Rape Crisis Programs may be eligible for funding provided by New York State agencies: Office for the Prevention of Domestic Violence, Division of

Criminal Justice Services, Office of Victim Services, and Coalition Against Sexual Assault. Temporary COVID-19 emergency funding is currently available through Office of Children and Family Services.

29. What are the NYSDOH reporting requirements for Rape Crisis Programs?
- Rape Crisis Programs must submit the 'Confidentiality Report' to the NYSDOH biannually, on February 15<sup>th</sup> (for the July 1<sup>st</sup> - December 31<sup>st</sup> period) and on August 15<sup>th</sup> (for the January 1<sup>st</sup> -June 30<sup>th</sup> period). Rape crisis counselors who are active, those who became active, and those who became inactive, should be included in this report. At least one month prior to the due date, Rape Crisis Programs will receive a report template and reminder by email.
  - Confidentiality Reports must be submitted to the NYSDOH via email at [rcprpt@health.ny.gov](mailto:rcprpt@health.ny.gov).
30. In what modality(ies) should Rape Crisis Programs be providing counseling?
- Rape Crisis Programs must provide 24-hour access to crisis intervention services including telephone hotline and phone counseling capabilities. Virtual counseling may be an option, but except in cases of emergency, Rape Crisis Programs must also offer to provide an in-person option to rape crisis clients.