

1-1 By: Thompson of Harris, et al. H.B. No. 3152  
 1-2 (Senate Sponsor - Huffman)  
 1-3 (In the Senate - Received from the House May 15, 2017;  
 1-4 May 15, 2017, read first time and referred to Committee on State  
 1-5 Affairs; May 18, 2017, reported favorably by the following vote:  
 1-6 Yeas 9, Nays 0; May 18, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the care and transportation provided to a sexual  
 1-21 assault survivor by a health care facility.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 323.001, Health and Safety Code, is  
 1-24 amended by amending Subdivision (3) and adding Subdivisions (3-a)  
 1-25 and (4-a) to read as follows:

1-26 (3) "Health care facility" means a general or special  
 1-27 hospital licensed under Chapter 241, ~~or~~ a general or special  
 1-28 hospital owned by this state, or a freestanding emergency medical  
 1-29 care facility licensed under Chapter 254.

1-30 (3-a) "SAFE-ready facility" means a health care  
 1-31 facility designated as a sexual assault forensic exam-ready  
 1-32 facility under Section 323.0015.

1-33 (4-a) "Sexual assault forensic examiner" means a  
 1-34 certified sexual assault nurse examiner or a physician with  
 1-35 specialized training on conducting a forensic medical examination.

1-36 SECTION 2. Chapter 323, Health and Safety Code, is amended  
 1-37 by adding Section 323.0015 to read as follows:

1-38 Sec. 323.0015. SAFE-READY FACILITIES. The department shall  
 1-39 designate a health care facility as a sexual assault forensic  
 1-40 exam-ready facility, or SAFE-ready facility, if the facility  
 1-41 notifies the department that the facility employs or contracts with  
 1-42 a sexual assault forensic examiner or uses a telemedicine system of  
 1-43 sexual assault forensic examiners to provide consultation to a  
 1-44 licensed nurse or physician when conducting a sexual assault  
 1-45 forensic medical examination.

1-46 SECTION 3. Section 323.004, Health and Safety Code, is  
 1-47 amended by amending Subsections (a-1) and (a-2) and adding  
 1-48 Subsection (a-3) to read as follows:

1-49 (a-1) A facility that is not a SAFE-ready ~~health care~~  
 1-50 ~~facility [designated in a community-wide plan as the primary health~~  
 1-51 ~~care facility in the community for treating sexual assault~~  
 1-52 ~~survivors]~~ shall inform the sexual assault survivor that:

1-53 (1) the facility is not a SAFE-ready ~~[the designated]~~  
 1-54 facility and provide to the survivor the name and location of the  
 1-55 closest SAFE-ready ~~[designated]~~ facility and the information form  
 1-56 required by Section 323.0051; and

1-57 (2) the survivor is entitled, at the survivor's  
 1-58 option:

1-59 (A) to receive the care described by Subsection  
 1-60 (b) at that facility, subject to Subsection (b-1); or

1-61 (B) to be stabilized and to be transferred to and

2-1 receive the care described by Subsection (b) at a SAFE-ready  
 2-2 ~~[health care] facility [designated in a community-wide plan as the~~  
 2-3 ~~primary health care facility in the community for treating sexual~~  
 2-4 ~~assault survivors]~~.

2-5 (a-2) If a sexual assault survivor chooses to be transferred  
 2-6 under Subsection (a-1)(2)(B), after obtaining the survivor's  
 2-7 written, signed consent to the transfer, the facility shall  
 2-8 stabilize and transfer the survivor to a SAFE-ready [health care]  
 2-9 ~~facility [in the community designated in a community-wide plan as~~  
 2-10 ~~the primary health care facility in the community for treating~~  
 2-11 ~~sexual assault survivors]~~, which shall provide care to the survivor  
 2-12 in accordance with Subsection (b).

2-13 (a-3) Before transferring a sexual assault survivor, a  
 2-14 health care facility that is not a SAFE-ready facility shall  
 2-15 contact the SAFE-ready facility to which the survivor will be  
 2-16 transferred to confirm a sexual assault forensic examiner is  
 2-17 available at that facility.

2-18 SECTION 4. Section 323.0045(c), Health and Safety Code, is  
 2-19 amended to read as follows:

2-20 (c) Each health care facility that has an emergency  
 2-21 department and that is not a SAFE-ready [health care] facility  
 2-22 ~~[designated in a community-wide plan as the primary health care~~  
 2-23 ~~facility in the community for treating sexual assault survivors]~~  
 2-24 shall develop a plan to train personnel on sexual assault forensic  
 2-25 evidence collection.

2-26 SECTION 5. Chapter 323, Health and Safety Code, is amended  
 2-27 by adding Section 323.0051 to read as follows:

2-28 Sec. 323.0051. INFORMATION FORM FOR SEXUAL ASSAULT  
 2-29 SURVIVORS AT CERTAIN FACILITIES. (a) The department shall develop  
 2-30 a standard information form for sexual assault survivors who arrive  
 2-31 at a health care facility that is not a SAFE-ready facility. The  
 2-32 information form must include:

2-33 (1) information regarding the benefits of a forensic  
 2-34 medical examination conducted by a sexual assault forensic  
 2-35 examiner;

2-36 (2) the Internet website address to the department's  
 2-37 list of SAFE-ready facilities that includes the facilities'  
 2-38 physical addresses as required by Section 323.008;

2-39 (3) the following statements:

2-40 (A) "As a survivor of sexual assault, you have  
 2-41 the right to receive a forensic medical examination at this  
 2-42 hospital emergency room if you are requesting the examination not  
 2-43 later than 96 hours after the assault.";

2-44 (B) "A report to law enforcement is not required,  
 2-45 but if you make a report, law enforcement must first authorize the  
 2-46 examination."; and

2-47 (C) "Call 1-800-656-HOPE to be connected to a  
 2-48 rape crisis center for free and confidential assistance."; and

2-49 (4) information on the procedure for submitting a  
 2-50 complaint against the health care facility.

2-51 (b) A health care facility that is not a SAFE-ready facility  
 2-52 shall provide the standard information form developed under this  
 2-53 section to each sexual assault survivor who arrives at the  
 2-54 facility.

2-55 SECTION 6. Section 323.008, Health and Safety Code, is  
 2-56 amended to read as follows:

2-57 Sec. 323.008. DATA PUBLICATION. The department shall post  
 2-58 on the department's Internet website a list of all hospitals that  
 2-59 are designated as SAFE-ready facilities and the facilities'  
 2-60 physical addresses [in a community-wide plan as the primary health  
 2-61 care facility in the community for treating sexual assault  
 2-62 survivors]. The department shall update the list annually. To the  
 2-63 extent possible, the department shall collect the data required by  
 2-64 this section as part of a survey required by the department under  
 2-65 other law.

2-66 SECTION 7. Section 323.001(1), Health and Safety Code, is  
 2-67 repealed.

2-68 SECTION 8. (a) Not later than January 1, 2018, the  
 2-69 Department of State Health Services shall develop the information

3-1 form required by Section 323.0051, Health and Safety Code, as added  
3-2 by this Act.

3-3 (b) Notwithstanding Section 323.0051, Health and Safety  
3-4 Code, as added by this Act, a health care facility is not required  
3-5 to comply with that section until January 1, 2018.

3-6 SECTION 9. This Act takes effect September 1, 2017.

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