

BILL ANALYSIS

C.S.H.B. 677
By: Thompson
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Only a small percentage of sexual assault victims receive any treatment for their injuries. Of those few patients that are receiving care, the care that they are given is substandard and inadequate in many Texas emergency rooms. Sexual assault victims require specific and unique requirements for their treatment. The information victims are given and the treatment they receive varies widely depending on the emergency room. This is because there has been no standard of care specified for the treatment of sexual assault victims. This bill will establish a standard of care for all sexual assault victims in all Texas emergency rooms to preserve the chain of evidence and the dignity of survivors.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

The substitute requires health care facilities to submit a plan to the Department of State Health Services (Department) within 60 days of a request. The department shall adopt procedures for approval or rejection within 120 days. If the plan is not approved, the plan will be returned to the health care facility with clearly identified objections. The health care facility then has 90 days to resubmit the corrected plan.

The substitute establishes standards of care for sexual assault survivors at a health care facility and requires a documented consent before providing forensic medical examination and treatment.

The substitute requires the department to develop a standard information form for sexual assault survivors explaining the forensic medical examination, the treatment of sexually transmitted diseases and whether or not there is an indication in the particular circumstances or contraindications for medication, the necessity for urine testing in drug-facilitated sexual assault, information regarding crime victims compensation, the right for the withdrawal of consent at any time, and the information for the sexual assault crisis centers. The department is also permitted to conduct inspections of the health care facility to ensure compliance.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute redefines "Health care facility" to include a general or special hospital owned by this state or an agency of this state. The substitute adds that a plan be provided at the request of the department, for treatment of sexual assault survivors and whether the facility intends to stabilize and transfer the sexual assault survivors. The substitute adds provides the minimum emergency services that are to be delivered by a healthcare facility to a sexual assault survivor. The substitute removes the words "required by this section" from the "PLAN FOR EMERGENCY SERVICES" The substitute requires that the forensic medical examination be conducted. The health care facility conducting the forensic exam will provide a private area and access to sexual assault program advocate, if available; this was not in the original. The

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substitute removes the phrase "including the collection of biological specimens and photographs of injuries, necessary to ensure the health, safety, and welfare of the sexual assault survivor". The substitute makes conforming changes, technical changes, and renumbers the sections accordingly.