

BILL ANALYSIS

Senate Research Center

S.B. 39
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Education
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Many times, the genetic evidence collected for sexual assault cases is discovered during a medical forensic examination of the victim. These examinations are as complex and expensive as they are necessary. However, the medical professionals who are required to perform these examinations receive no training through their nursing or medical schools on how to properly collect, package, and store this extremely important evidence.

While forensic medical examination services in some metropolitan areas are excellent, access to trained medical professionals is restricted and unevenly distributed throughout the state. Many rural areas, mid-sized counties, and geographically large urban areas lack health professionals who are properly trained in providing evidentiary examinations, collecting, preserving and documenting evidence, and interpreting findings.

The result is victims who are improperly examined and prosecutors who lack critical evidence. The need for competent healthcare workers for basic medical forensic examinations is critical.

S.B. 39 requires certain physicians and nurses to complete continuing education in forensic evidence collection for renewal of their respective licenses. While the requirements in this bill would not replace the need for sexual assault nurse examiners (who receive over 40 hours of training), this bill would ensure that every sexual assault survivor has evidence collected by a medical professional who has some basic training.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the State Board of Medical Examiners in SECTION 1 (Section 156.057, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Board of Nurse Examiners in SECTION 2 (Section 301.306, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 156, Occupations Code, by adding Section 156.057, as follows:

Sec. 156.057. CONTINUING EDUCATION IN FORENSIC EVIDENCE COLLECTION. (a) Authorizes certain physicians to complete at least two hours of continuing medical education relating to forensic evidence.

(b) Requires the Texas State Board of Medical Examiners (medical board) to adopt rules to establish the content of that continuing medical education relating to forensic evidence collection. Authorizes the medical board to adopt other rules to implement this section.

SECTION 2. Amends Subchapter G, Chapter 301, Occupations Code, by adding Section 301.306, as follows:

Sec. 301.306. FORENSIC EVIDENCE COLLECTION COMPONENT IN CONTINUING EDUCATION. (a) Requires certain nursing license holders to complete

at least two hours of continuing education relating to forensic evidence collection by a certain date.

(b) Requires the continuing education required under Subsection (a) to be part of a program approved under Section 301.303(c).

(b) Requires the Board of Nurse Examiners (nursing board) to adopt rules to identify those nursing license holders required to complete continuing education under Subsection (a) and to establish the content of that continuing education. Authorizes the nursing board to adopt other rules to implement this section.

SECTION 3. Requires the medical board to adopt the rules required by Section 156.057, Occupations Code, as added by this Act, by June 1, 2006.

SECTION 4. Requires the nursing board to adopt the rules required by Section 301.306, Occupations Code, as added by this Act, by June 1, 2006.

SECTION 5. Effective date: September 1, 2005.