

1 AN ACT

2 relating to emergency services for sexual assault survivors.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subtitle G, Title 4, Health and Safety Code, is
5 amended by adding Chapter 322 to read as follows:

6 CHAPTER 322. EMERGENCY SERVICES FOR SURVIVORS
7 OF SEXUAL ASSAULT

8 Sec. 322.001. DEFINITIONS. In this chapter:

9 (1) "Community-wide plan" means an agreement entered
10 into between one or more health care facilities, entities
11 administering a sexual assault program, district attorney's
12 offices, or law enforcement agencies that designates one or more
13 health care facilities in the community as a primary health care
14 facility to furnish emergency medical services and evidence
15 collection to sexual assault survivors on a community or area-wide
16 basis.

17 (2) "Department" means the Department of State Health
18 Services.

19 (3) "Health care facility" means a general or special
20 hospital licensed under Chapter 241 or a general or special
21 hospital owned by this state.

22 (4) "Sexual assault" means any act as described by
23 Section 22.011 or 22.021, Penal Code.

24 (5) "Sexual assault survivor" means an individual who

1 is a victim of a sexual assault, regardless of whether a report is
2 made or a conviction is obtained in the incident.

3 Sec. 322.002. PLAN FOR EMERGENCY SERVICES. (a) At the
4 request of the department, a health care facility shall submit to
5 the department for approval a plan for providing the services
6 required by Section 322.004 to sexual assault survivors who arrive
7 for treatment at the emergency department of the health care
8 facility.

9 (b) The department shall adopt procedures for submission,
10 approval, and modification of a plan required under this section.

11 (c) A health care facility shall submit the plan required by
12 this section not later than the 60th day after the date the
13 department requests the plan.

14 (d) The department shall approve or reject the plan not
15 later than the 120th day after the date the plan is submitted.

16 Sec. 322.003. REJECTION OF PLAN. (a) If a plan required
17 under Section 322.002 is not approved, the department shall:

- 18 (1) return the plan to the health care facility; and
19 (2) identify the specific provisions under Section
20 322.004 with which the plan conflicts or does not comply.

21 (b) Not later than the 90th day after the date the
22 department returns a plan to a health care facility under
23 Subsection (a), the facility shall correct and resubmit the plan to
24 the department for approval.

25 Sec. 322.004. MINIMUM STANDARDS FOR EMERGENCY SERVICES.

26 (a) After a sexual assault survivor arrives at a health care
27 facility following an alleged sexual assault, the facility shall:

1 (1) provide care to the survivor in accordance with
2 Subsection (b); or

3 (2) stabilize and transfer the survivor to a health
4 care facility designated in a community-wide plan as the primary
5 health care facility in the community for treating sexual assault
6 survivors, which shall provide care to the survivor in accordance
7 with Subsection (b).

8 (b) A health care facility providing care to a sexual
9 assault survivor shall provide the survivor with:

10 (1) a forensic medical examination in accordance with
11 Subchapter B, Chapter 420, Government Code, if the examination has
12 been approved by a law enforcement agency;

13 (2) a private area, if available, to wait or speak with
14 the appropriate medical, legal, or sexual assault crisis center
15 staff or volunteer until a physician, nurse, or physician assistant
16 is able to treat the survivor;

17 (3) access to a sexual assault program advocate, if
18 available, as provided by Article 56.045, Code of Criminal
19 Procedure;

20 (4) the information form required by Section 322.005;

21 (5) a private treatment room, if available;

22 (6) if indicated by the history of contact, access to
23 appropriate prophylaxis for exposure to sexually transmitted
24 infections; and

25 (7) the name and telephone number of the nearest
26 sexual assault crisis center.

27 (c) A health care facility must obtain documented consent

1 before providing the forensic medical examination and treatment.

2 Sec. 322.005. INFORMATION FORM. (a) The department shall
3 develop a standard information form for sexual assault survivors
4 that must include:

5 (1) a detailed explanation of the forensic medical
6 examination required to be provided by law, including a statement
7 that photographs may be taken of the genitalia;

8 (2) information regarding treatment of sexually
9 transmitted infections and pregnancy, including:

10 (A) generally accepted medical procedures;

11 (B) appropriate medications; and

12 (C) any contraindications of the medications
13 prescribed for treating sexually transmitted infections and
14 preventing pregnancy;

15 (3) information regarding drug-facilitated sexual
16 assault, including the necessity for an immediate urine test for
17 sexual assault survivors who may have been involuntarily drugged;

18 (4) information regarding crime victims compensation,
19 including:

20 (A) a statement that a law enforcement agency
21 will pay for the forensic portion of the examination; and

22 (B) reimbursement information for the medical
23 portion of the examination;

24 (5) an explanation that consent for the forensic
25 medical examination may be withdrawn at any time during the
26 examination;

27 (6) the name and telephone number of sexual assault

1 crisis centers statewide; and

2 (7) information regarding postexposure prophylaxis
3 for HIV infection.

4 (b) A health care facility shall use the standard form
5 developed under this section.

6 (c) An individual employed by or under contract with a
7 health care facility may refuse to provide the information form
8 required by this section for ethical or religious reasons. If an
9 individual employed by or under contract with a health care
10 facility refuses to provide the survivor with the information form,
11 the health care facility must ensure that the information form is
12 provided without delay to the survivor by another individual
13 employed by or under contract with the facility.

14 Sec. 322.006. INSPECTION. The department may conduct an
15 inspection of a health care facility to ensure compliance with this
16 chapter.

17 SECTION 2. This Act takes effect September 1, 2005.

President of the Senate

Speaker of the House

I certify that H.B. No. 677 was passed by the House on May 13, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 677 on May 27, 2005, by a non-record vote.

Chief Clerk of the House

I certify that H.B. No. 677 was passed by the Senate, with amendments, on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor