

1-1 By: Thompson, Anchia, et al. H.B. No. 677
1-2 (Senate Sponsor - Wentworth)
1-3 (In the Senate - Received from the House May 16, 2005;
1-4 May 17, 2005, read first time and referred to Committee on Health
1-5 and Human Services; May 20, 2005, reported adversely, with
1-6 favorable Committee Substitute by the following vote: Yeas 7,
1-7 Nays 0; May 20, 2005, sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR H.B. No. 677 By: Deuell

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to emergency services for sexual assault survivors.
1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13 SECTION 1. Subtitle G, Title 4, Health and Safety Code, is
1-14 amended by adding Chapter 322 to read as follows:

1-15 CHAPTER 322. EMERGENCY SERVICES FOR SURVIVORS
1-16 OF SEXUAL ASSAULT

1-17 Sec. 322.001. DEFINITIONS. In this chapter:

1-18 (1) "Community-wide plan" means an agreement entered
1-19 into between one or more health care facilities, entities
1-20 administering a sexual assault program, district attorney's
1-21 offices, or law enforcement agencies that designates one or more
1-22 health care facilities in the community as a primary health care
1-23 facility to furnish emergency medical services and evidence
1-24 collection to sexual assault survivors on a community or area-wide
1-25 basis.

1-26 (2) "Department" means the Department of State Health
1-27 Services.

1-28 (3) "Health care facility" means a general or special
1-29 hospital licensed under Chapter 241 or a general or special
1-30 hospital owned by this state.

1-31 (4) "Sexual assault" means any act as described by
1-32 Section 22.011 or 22.021, Penal Code.

1-33 (5) "Sexual assault survivor" means an individual who
1-34 is a victim of a sexual assault, regardless of whether a report is
1-35 made or a conviction is obtained in the incident.

1-36 Sec. 322.002. PLAN FOR EMERGENCY SERVICES. (a) At the
1-37 request of the department, a health care facility shall submit to
1-38 the department for approval a plan for providing the services
1-39 required by Section 322.004 to sexual assault survivors who arrive
1-40 for treatment at the emergency department of the health care
1-41 facility.

1-42 (b) The department shall adopt procedures for submission,
1-43 approval, and modification of a plan required under this section.

1-44 (c) A health care facility shall submit the plan required by
1-45 this section not later than the 60th day after the date the
1-46 department requests the plan.

1-47 (d) The department shall approve or reject the plan not
1-48 later than the 120th day after the date the plan is submitted.

1-49 Sec. 322.003. REJECTION OF PLAN. (a) If a plan required
1-50 under Section 322.002 is not approved, the department shall:

1-51 (1) return the plan to the health care facility; and

1-52 (2) identify the specific provisions under Section
1-53 322.004 with which the plan conflicts or does not comply.

1-54 (b) Not later than the 90th day after the date the
1-55 department returns a plan to a health care facility under
1-56 Subsection (a), the facility shall correct and resubmit the plan to
1-57 the department for approval.

1-58 Sec. 322.004. MINIMUM STANDARDS FOR EMERGENCY SERVICES.

1-59 (a) After a sexual assault survivor arrives at a health care
1-60 facility following an alleged sexual assault, the facility shall:

1-61 (1) provide care to the survivor in accordance with
1-62 Subsection (b); or

1-63 (2) stabilize and transfer the survivor to a health

2-1 care facility designated in a community-wide plan as the primary
2-2 health care facility in the community for treating sexual assault
2-3 survivors, which shall provide care to the survivor in accordance
2-4 with Subsection (b).

2-5 (b) A health care facility providing care to a sexual
2-6 assault survivor shall provide the survivor with:

2-7 (1) a forensic medical examination in accordance with
2-8 Subchapter B, Chapter 420, Government Code, if the examination has
2-9 been approved by a law enforcement agency;

2-10 (2) a private area, if available, to wait or speak with
2-11 the appropriate medical, legal, or sexual assault crisis center
2-12 staff or volunteer until a physician, nurse, or physician assistant
2-13 is able to treat the survivor;

2-14 (3) access to a sexual assault program advocate, if
2-15 available, as provided by Article 56.045, Code of Criminal
2-16 Procedure;

2-17 (4) the information form required by Section 322.005;

2-18 (5) a private treatment room, if available;

2-19 (6) if indicated by the history of contact, access to
2-20 appropriate prophylaxis for exposure to sexually transmitted
2-21 infections; and

2-22 (7) the name and telephone number of the nearest
2-23 sexual assault crisis center.

2-24 (c) A health care facility must obtain documented consent
2-25 before providing the forensic medical examination and treatment.

2-26 Sec. 322.005. INFORMATION FORM. (a) The department shall
2-27 develop a standard information form for sexual assault survivors
2-28 that must include:

2-29 (1) a detailed explanation of the forensic medical
2-30 examination required to be provided by law, including a statement
2-31 that photographs may be taken of the genitalia;

2-32 (2) information regarding treatment of sexually
2-33 transmitted infections and pregnancy, including:

2-34 (A) generally accepted medical procedures;

2-35 (B) appropriate medications; and

2-36 (C) any contraindications of the medications
2-37 prescribed for treating sexually transmitted infections and
2-38 preventing pregnancy;

2-39 (3) information regarding drug-facilitated sexual
2-40 assault, including the necessity for an immediate urine test for
2-41 sexual assault survivors who may have been involuntarily drugged;

2-42 (4) information regarding crime victims compensation,
2-43 including:

2-44 (A) a statement that a law enforcement agency
2-45 will pay for the forensic portion of the examination; and

2-46 (B) reimbursement information for the medical
2-47 portion of the examination;

2-48 (5) an explanation that consent for the forensic
2-49 medical examination may be withdrawn at any time during the
2-50 examination;

2-51 (6) the name and telephone number of sexual assault
2-52 crisis centers statewide; and

2-53 (7) information regarding postexposure prophylaxis
2-54 for HIV infection.

2-55 (b) A health care facility shall use the standard form
2-56 developed under this section.

2-57 (c) An individual employed by or under contract with a
2-58 health care facility may refuse to provide the information form
2-59 required by this section for ethical or religious reasons. If an
2-60 individual employed by or under contract with a health care
2-61 facility refuses to provide the survivor with the information form,
2-62 the health care facility must ensure that the information form is
2-63 provided without delay to the survivor by another individual
2-64 employed by or under contract with the facility.

2-65 Sec. 322.006. INSPECTION. The department may conduct an
2-66 inspection of a health care facility to ensure compliance with this
2-67 chapter.

2-68 SECTION 2. This Act takes effect September 1, 2005.

