

By: Thompson of Harris, Howard, Collier,
Walle, Herrero, et al.

H.B. No. 3152

Substitute the following for H.B. No. 3152:

By: Price

C.S.H.B. No. 3152

A BILL TO BE ENTITLED

AN ACT

relating to the care and transportation provided to a sexual
assault survivor by a health care facility.

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

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

(3) "Health care facility" means a general or special
hospital licensed under Chapter 241, ~~[or]~~ a general or special
hospital owned by this state, or a freestanding emergency medical
care facility licensed under Chapter 254.

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

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

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

Sec. 323.0015. SAFE-READY FACILITIES. The department shall
designate a health care facility as a sexual assault forensic
exam-ready facility, or SAFE-ready facility, if the facility
notifies the department that the facility employs or contracts with
a sexual assault forensic examiner or uses a telemedicine system of

1 sexual assault forensic examiners to provide consultation to a
2 licensed nurse or physician when conducting a sexual assault
3 forensic medical examination.

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

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

11 (1) the facility is not a SAFE-ready [~~the designated~~]
12 facility and provide to the survivor the name and location of the
13 closest SAFE-ready [~~designated~~] facility and the information form
14 required by Section 323.0051; and

15 (2) the survivor is entitled, at the survivor's
16 option:

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

19 (B) to be stabilized and to be transferred to and
20 receive the care described by Subsection (b) at a SAFE-ready
21 [~~health care~~] facility [~~designated in a community-wide plan as the~~
22 ~~primary health care facility in the community for treating sexual~~
23 ~~assault survivors~~].

24 (a-2) If a sexual assault survivor chooses to be transferred
25 under Subsection (a-1)(2)(B), after obtaining the survivor's
26 written, signed consent to the transfer, the facility shall
27 stabilize and transfer the survivor to a SAFE-ready [~~health care~~]

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

5 (a-3) Before transferring a sexual assault survivor, a
6 health care facility that is not a SAFE-ready facility shall
7 contact the SAFE-ready facility to which the survivor will be
8 transferred to confirm a sexual assault forensic examiner is
9 available at that facility.

10 SECTION 4. Section 323.0045(c), Health and Safety Code, is
11 amended to read as follows:

12 (c) Each health care facility that has an emergency
13 department and that is not a SAFE-ready ~~[health care]~~ facility
14 ~~[designated in a community-wide plan as the primary health care~~
15 ~~facility in the community for treating sexual assault survivors]~~
16 shall develop a plan to train personnel on sexual assault forensic
17 evidence collection.

18 SECTION 5. Chapter 323, Health and Safety Code, is amended
19 by adding Section 323.0051 to read as follows:

20 Sec. 323.0051. INFORMATION FORM FOR SEXUAL ASSAULT
21 SURVIVORS AT CERTAIN FACILITIES. (a) The department shall develop
22 a standard information form for sexual assault survivors who arrive
23 at a health care facility that is not a SAFE-ready facility. The
24 information form must include:

25 (1) information regarding the benefits of a forensic
26 medical examination conducted by a sexual assault forensic
27 examiner;

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

4 (3) the following statements:

5 (A) "As a survivor of sexual assault, you have
6 the right to receive a forensic medical examination at this
7 hospital emergency room if you are requesting the examination not
8 later than 96 hours after the assault.";

9 (B) "A report to law enforcement is not required,
10 but if you make a report, law enforcement must first authorize the
11 examination."; and

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

14 (4) information on the procedure for submitting a
15 complaint against the health care facility.

16 (b) A health care facility that is not a SAFE-ready facility
17 shall provide the standard information form developed under this
18 section to each sexual assault survivor who arrives at the
19 facility.

20 SECTION 6. Section 323.008, Health and Safety Code, is
21 amended to read as follows:

22 Sec. 323.008. DATA PUBLICATION. The department shall post
23 on the department's Internet website a list of all hospitals that
24 are designated as SAFE-ready facilities and the facilities'
25 physical addresses [~~in a community-wide plan as the primary health~~
26 ~~care facility in the community for treating sexual assault~~
27 ~~survivors~~]. The department shall update the list annually. To the

1 extent possible, the department shall collect the data required by
2 this section as part of a survey required by the department under
3 other law.

4 SECTION 7. Section 323.001(1), Health and Safety Code, is
5 repealed.

6 SECTION 8. (a) Not later than January 1, 2018, the
7 Department of State Health Services shall develop the information
8 form required by Section 323.0051, Health and Safety Code, as added
9 by this Act.

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

13 SECTION 9. This Act takes effect September 1, 2017.