

By: Thompson of Harris

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 adding Subdivision (3-a) to read as follows:

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

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 employs or contracts with a certified sexual assault nurse examiner or specially trained physician to be available to perform a forensic medical examination on a sexual assault survivor 24 hours a day, seven days a week.

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

(a-1) A facility that is not a SAFE-ready ~~[health care] facility [designated in a community-wide plan as the primary health care facility in the community for treating sexual assault~~

1 ~~survivors]~~ shall inform the sexual assault survivor that:

2 (1) the facility is not a SAFE-ready [~~the designated~~]  
3 facility and provide to the survivor the name and location of the  
4 closest SAFE-ready [~~designated~~] facility; and

5 (2) the survivor is entitled, at the survivor's  
6 option:

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

9 (B) to be stabilized and to be transferred to and  
10 receive the care described by Subsection (b) at a SAFE-ready  
11 [~~health care~~] facility [~~designated in a community-wide plan as the~~  
12 ~~primary health care facility in the community for treating sexual~~  
13 ~~assault survivors]~~.

14 (a-2) If a sexual assault survivor chooses to be transferred  
15 under Subsection (a-1)(2)(B), after obtaining the survivor's  
16 written, signed consent to the transfer, the facility shall  
17 stabilize and transfer the survivor to a SAFE-ready [~~health care~~]  
18 facility [~~in the community designated in a community-wide plan as~~  
19 ~~the primary health care facility in the community for treating~~  
20 ~~sexual assault survivors]~~, which shall provide care to the survivor  
21 in accordance with Subsection (b).

22 (a-3) A health care facility that is not a SAFE-ready  
23 facility shall develop and submit to the department a  
24 transportation plan for a sexual assault survivor who chooses to be  
25 transferred to a SAFE-ready facility under Subsection (a-1)(2)(B).  
26 The transportation plan must include procedures for:

27 (1) transporting the survivor, including a survivor

1 with a disability, to a SAFE-ready facility regardless of the  
2 survivor's ability to pay;

3 (2) maintaining survivor confidentiality;

4 (3) returning the survivor to the survivor's residence  
5 or a safe place agreed to by the survivor after the forensic medical  
6 examination;

7 (4) obtaining confirmation before the survivor is  
8 transferred that the SAFE-ready facility is able to provide a  
9 forensic medical examination to the survivor;

10 (5) providing the name of a liaison at the receiving  
11 SAFE-ready facility who will be available to the survivor should  
12 the survivor seek help;

13 (6) minimizing the survivor's travel and waiting  
14 times; and

15 (7) to the extent possible, minimizing additional  
16 trauma to the survivor.

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

19 (c) Each health care facility that has an emergency  
20 department and that is not a SAFE-ready ~~[health care]~~ facility  
21 ~~[designated in a community-wide plan as the primary health care~~  
22 ~~facility in the community for treating sexual assault survivors]~~  
23 shall develop a plan to train personnel on sexual assault forensic  
24 evidence collection.

25 SECTION 5. Section 323.008, Health and Safety Code, is  
26 amended to read as follows:

27 Sec. 323.008. DATA PUBLICATION. The department shall post

1 on the department's Internet website a list of all hospitals that  
2 are designated as SAFE-ready facilities [~~in a community-wide plan~~  
3 ~~as the primary health care facility in the community for treating~~  
4 ~~sexual assault survivors~~]. The department shall update the list  
5 annually.

6 SECTION 6. Section [323.001\(1\)](#), Health and Safety Code, is  
7 repealed.

8 SECTION 7. This Act takes effect September 1, 2017.