

By: West

S.B. No. 1618

A BILL TO BE ENTITLED

AN ACT

relating to billing and reimbursement for certain emergency and health care services provided to a sexual assault survivor.

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

SECTION 1. Chapter 64, Health and Safety Code, is amended by adding Section 64.002 to read as follows:

Sec. 64.002. REIMBURSEMENT FOR HEALTH CARE SERVICES FOR SEXUAL ASSAULT SURVIVORS. (a) In this section, "sexual assault" and "sexual assault survivor" have the meanings assigned by Section 323.001.

(b) A health care facility, physician, or health care practitioner that provides health care services associated with a sexual assault, other than the initial forensic examination and associated health care services, to a sexual assault survivor may only seek payment for those services by:

(1) if the survivor is receiving assistance from the medical assistance program under Chapter 32, Human Resources Code, or enrolled in the child health plan program under Chapter 62 of this code, submitting a bill to the commission and accepting the amount paid under the survivor's program benefits as payment in full;

(2) if the survivor is enrolled in a health benefit plan, submitting:

(A) a bill to the health benefit plan issuer for

1 the portion of the charge that is the issuer's responsibility under
2 the plan; and

3 (B) a request for reimbursement to the department
4 for the portion of the charge that is the survivor's responsibility
5 under the plan; or

6 (3) if the survivor is not receiving assistance or
7 benefits as described by Subdivision (1) or (2), submitting a
8 request for reimbursement to the department.

9 (c) A health care facility, physician, or health care
10 practitioner may not submit a bill to a sexual assault survivor for
11 any health care service associated with a sexual assault and
12 provided to the survivor.

13 (d) The department shall provide reimbursement from the
14 sexual assault program fund established under Section 420.008,
15 Government Code, to a health care facility, physician, or health
16 care practitioner if the facility, physician, or practitioner
17 provides to the department a completed application for
18 reimbursement under this section in the form and manner provided by
19 the department.

20 SECTION 2. Chapter 323, Health and Safety Code, is amended
21 by adding Section 323.009 to read as follows:

22 Sec. 323.009. REIMBURSEMENT FOR EMERGENCY AND HEALTH CARE
23 SERVICES; FORM FOR CONTINUING HEALTH CARE. (a) A health care
24 facility may only seek payment for initial care following a sexual
25 assault, including ambulance, health care, and laboratory
26 services, provided to a sexual assault survivor:

27 (1) under Article 56.06 or 56.065, Code of Criminal

1 Procedure, if applicable; or

2 (2) if reimbursement under Subdivision (1) is
3 unavailable or declined wholly or partly:

4 (A) if the survivor is receiving assistance from
5 the medical assistance program under Chapter 32, Human Resources
6 Code, or enrolled in the child health plan program under Chapter 62
7 of this code, by submitting a bill to the Health and Human Services
8 Commission and accepting the amount paid under the survivor's
9 program benefits as payment in full;

10 (B) if the survivor is enrolled in a health
11 benefit plan, by submitting:

12 (i) a bill to the health benefit plan issuer
13 for the portion of the charge that is the issuer's responsibility
14 under the plan; and

15 (ii) a request for reimbursement to the
16 department for the portion of the charge that is the survivor's
17 responsibility under the plan; or

18 (C) if the survivor is not receiving assistance
19 or benefits described by Paragraph (A) or (B), by submitting a
20 request for reimbursement to the department.

21 (b) A health care facility may not submit a bill to a sexual
22 assault survivor for any care associated with a sexual assault and
23 provided to the survivor.

24 (c) A health care facility shall provide a sexual assault
25 survivor to whom the facility has provided care associated with a
26 sexual assault a form developed by the department that states the
27 survivor received care at the facility and is eligible for

1 reimbursement from the department for any future health care
2 services associated with the sexual assault.

3 (d) The department shall provide reimbursement from the
4 sexual assault program fund established under Section 420.008,
5 Government Code, to a health care facility that provides a
6 completed application for reimbursement under this section in the
7 form and manner provided by the department.

8 SECTION 3. Section 420.008(c), Government Code, is amended
9 to read as follows:

10 (c) The legislature may appropriate money deposited to the
11 credit of the fund only to:

12 (1) the attorney general, for:

13 (A) sexual violence awareness and prevention
14 campaigns;

15 (B) grants to faith-based groups, independent
16 school districts, and community action organizations for programs
17 for the prevention of sexual assault and programs for victims of
18 human trafficking;

19 (C) grants for equipment for sexual assault nurse
20 examiner programs, to support the preceptorship of future sexual
21 assault nurse examiners, and for the continuing education of sexual
22 assault nurse examiners;

23 (D) grants to increase the level of sexual
24 assault services in this state;

25 (E) grants to support victim assistance
26 coordinators;

27 (F) grants to support technology in rape crisis

1 centers;

2 (G) grants to and contracts with a statewide
3 nonprofit organization exempt from federal income taxation under
4 Section 501(c)(3), Internal Revenue Code of 1986, having as a
5 primary purpose ending sexual violence in this state, for programs
6 for the prevention of sexual violence, outreach programs, and
7 technical assistance to and support of youth and rape crisis
8 centers working to prevent sexual violence;

9 (H) grants to regional nonprofit providers of
10 civil legal services to provide legal assistance for sexual assault
11 victims;

12 (I) grants to prevent sex trafficking and to
13 provide services for victims of sex trafficking; and

14 (J) grants to carry out the purpose of this
15 chapter, including standardizing the quality of services provided,
16 preventing sexual assault, and improving services to survivors of
17 sexual assault;

18 (2) the Department of State Health Services, to
19 measure the prevalence of sexual assault in this state, ~~and~~ for
20 grants to support programs assisting victims of human trafficking,
21 and for reimbursement of certain emergency and health care services
22 provided to survivors of sexual assault;

23 (3) the Institute on Domestic Violence and Sexual
24 Assault or the Bureau of Business Research at The University of
25 Texas at Austin, to conduct research on all aspects of sexual
26 assault and domestic violence;

27 (4) Texas State University, for training and technical

1 assistance to independent school districts for campus safety;

2 (5) the office of the governor, for grants to support
3 sexual assault and human trafficking prosecution projects;

4 (6) the department, to support sexual assault training
5 for commissioned officers;

6 (7) the comptroller's judiciary section, for
7 increasing the capacity of the sex offender civil commitment
8 program;

9 (8) the Texas Department of Criminal Justice:

10 (A) for pilot projects for monitoring sex
11 offenders on parole; and

12 (B) for increasing the number of adult
13 incarcerated sex offenders receiving treatment;

14 (9) the Texas Juvenile Justice Department, for
15 increasing the number of incarcerated juvenile sex offenders
16 receiving treatment;

17 (10) the comptroller, for the administration of the
18 fee imposed on sexually oriented businesses under Section [102.052](#),
19 Business & Commerce Code;

20 (11) the supreme court, to be transferred to the Texas
21 Access to Justice Foundation, or a similar entity, to provide
22 victim-related legal services to sexual assault victims, including
23 legal assistance with protective orders, relocation-related
24 matters, victim compensation, and actions to secure privacy
25 protections available to victims under law;

26 (12) any state agency or organization for the purpose
27 of conducting human trafficking enforcement programs; and

1 (13) any other designated state agency for the purpose
2 of preventing sexual assault or improving services for victims of
3 sexual assault.

4 SECTION 4. The changes in law made by this Act apply only to
5 an emergency or health care service provided on or after the
6 effective date of this Act.

7 SECTION 5. This Act takes effect September 1, 2017.