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By:  Guillen H.B. No. 1432

A BILL TO BE ENTITLED

AN ACT

relating to the billing for certain health care services provided to a sexual assault survivor.

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

SECTION 1.  Article 56.06(c), Code of Criminal Procedure, is amended to read as follows:

(c)  A law enforcement agency that requests a forensic medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense shall pay the [~~all~~] costs, less any amount to be paid directly to the health care facility by a health insurer under Section 323.009(e), Health and Safety Code, of the forensic portion of the examination and of the evidence collection kit. On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.

SECTION 2.  Article 56.065(d), Code of Criminal Procedure, is amended to read as follows:

(d)  The department shall pay the appropriate fees, as set by attorney general rule, less any amount to be paid directly to the health care facility by a health insurer under Section 323.009(e), Health and Safety Code, for the forensic portion of the medical examination and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred. The attorney general shall reimburse the department for fees paid under this subsection.

SECTION 3.  Section 323.005(a), Health and Safety Code, is amended to read as follows:

(a)  The Health and Human Services Commission [~~department~~] shall develop a standard information form for sexual assault survivors that must include:

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

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

(A)  generally accepted medical procedures;

(B)  appropriate medications; and

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

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

(4)  information regarding crime victims compensation, including:

(A)  a statement that:

(i)  a law enforcement agency or the survivor's health insurer will pay for the forensic portion of an examination requested by the agency under Article 56.06, Code of Criminal Procedure, and for the evidence collection kit; or

(ii)  the Department of Public Safety or the survivor's health insurer will pay the appropriate fees for the forensic portion of an examination conducted under Article 56.065, Code of Criminal Procedure, and for the evidence collection kit; and

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

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

(6)  the name and telephone number of sexual assault crisis centers statewide; and

(7)  information regarding postexposure prophylaxis for HIV infection.

SECTION 4.  Chapter 323, Health and Safety Code, is amended by adding Section 323.009 to read as follows:

Sec. 323.009.  BILLING FOR EMERGENCY AND HEALTH CARE SERVICES FOR SEXUAL ASSAULT SURVIVORS. (a) A health care facility that provides care to a sexual assault survivor in accordance with Section 323.004 may not require the Department of Public Safety or other law enforcement agency to pay the costs of providing care to the survivor, other than the costs of a forensic medical examination and an evidence collection kit required under Article 56.06 or 56.065, Code of Criminal Procedure.

(b)  A health care facility described by Subsection (a) may not require an officer commissioned by the Department of Public Safety or other law enforcement officer to sign any document agreeing to pay the costs of providing care to a sexual assault survivor, other than the costs of a forensic medical examination and an evidence collection kit required under Article 56.06 or 56.065, Code of Criminal Procedure.

(c)  A health care facility described by Subsection (a) may not require a sexual assault survivor to pay or sign any document agreeing to pay the costs of a forensic medical examination or an evidence collection kit the Department of Public Safety or other law enforcement agency is required to pay under Article 56.06 or 56.065, Code of Criminal Procedure.

(d)  A health care facility described by Subsection (a) shall provide an itemized statement of the costs of a forensic medical examination performed under Article 56.06 or 56.065, Code of Criminal Procedure, to the Department of Public Safety or other law enforcement agency.

(e)  If a sexual assault survivor has private health insurance coverage, a health care facility must submit a claim for payment of the costs of a forensic medical examination performed under Article 56.06 or 56.065, Code of Criminal Procedure, to the survivor's health insurer before the facility may submit a claim for payment to the Department of Public Safety or other law enforcement agency.

SECTION 5.  This Act takes effect September 1, 2019.