

By: Guillen

H.B. No. 1432

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the billing for certain health care services provided
3 to a sexual assault survivor.

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

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

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

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

21 (d) The department shall pay the appropriate fees, as set by
22 attorney general rule, less any amount to be paid directly to the
23 health care facility by a health insurer under Section 323.009(e),
24 Health and Safety Code, for the forensic portion of the medical

1 examination and for the evidence collection kit if a physician,
2 sexual assault examiner, or sexual assault nurse examiner conducts
3 the forensic portion of the examination within 96 hours after the
4 alleged sexual assault occurred. The attorney general shall
5 reimburse the department for fees paid under this subsection.

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

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

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

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

16 (A) generally accepted medical procedures;

17 (B) appropriate medications; and

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

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

24 (4) information regarding crime victims compensation,
25 including:

26 (A) a statement that:

27 (i) a law enforcement agency or the

1 survivor's health insurer will pay for the forensic portion of an
2 examination requested by the agency under Article 56.06, Code of
3 Criminal Procedure, and for the evidence collection kit; or

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

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

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

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

16 (7) information regarding postexposure prophylaxis
17 for HIV infection.

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

20 Sec. 323.009. BILLING FOR EMERGENCY AND HEALTH CARE
21 SERVICES FOR SEXUAL ASSAULT SURVIVORS. (a) A health care facility
22 that provides care to a sexual assault survivor in accordance with
23 Section 323.004 may not require the Department of Public Safety or
24 other law enforcement agency to pay the costs of providing care to
25 the survivor, other than the costs of a forensic medical
26 examination and an evidence collection kit required under Article
27 56.06 or 56.065, Code of Criminal Procedure.

1 (b) A health care facility described by Subsection (a) may
2 not require an officer commissioned by the Department of Public
3 Safety or other law enforcement officer to sign any document
4 agreeing to pay the costs of providing care to a sexual assault
5 survivor, other than the costs of a forensic medical examination
6 and an evidence collection kit required under Article 56.06 or
7 56.065, Code of Criminal Procedure.

8 (c) A health care facility described by Subsection (a) may
9 not require a sexual assault survivor to pay or sign any document
10 agreeing to pay the costs of a forensic medical examination or an
11 evidence collection kit the Department of Public Safety or other
12 law enforcement agency is required to pay under Article 56.06 or
13 56.065, Code of Criminal Procedure.

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

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

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