

## **BILL ANALYSIS**

Senate Research Center

H.B. 2651  
By: Howard et al. (Blanco)  
Health & Human Services  
5/13/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Sexual Assault Survivors' Task Force (SASTF) in the Office of the Governor was statutorily created during by the 86th Legislature with the intent to establish a survivor-centered, trauma informed, collaborative, and coordinated response to sexual violence experienced by adults and children in Texas. The legislature showed its overwhelming support of the SASTF's inaugural work by passing all 11 policy recommendations proposed during the 87th Legislative Session. The dedicated stakeholders, experts, and survivors who constitute the SASTF have provided policy recommendations intended to help transform Texas' response to sexual violence.

Current state law requires nurses who work in an emergency department to receive a two-hour training on forensic evidence collection, but there is no specificity in the law for the content of that training. In addition, the law does not require persons employed at a health care facility who, in the course of their work, come into contact with a survivor to have any training on best practices when handling these sensitive cases. Current training requirements do not ensure that everyone a survivor encounters in an emergency department has the requisite training to appropriately respond to the medical needs of survivors and adhere to their crime victim's rights.

H.B. 2651 seeks to ensure that facility employees a survivor encounters in an emergency department have the requisite training to appropriately respond to the medical and emotional needs of the survivor and adhere to the survivor's crime victim's rights by requiring a health care facility that has an emergency department to provide basic sexual assault response training to facility employees who are likely to interact with survivors.

H.B. 2651 amends current law relating to required training and continuing education requirements for persons who provide medical care or other support to survivors of sexual assault.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Physician Assistant Board in SECTION 10 of this bill.

Rulemaking authority is expressly granted to the Texas Board of Nursing in SECTION 11 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 420.011(c), Government Code, to provide that the certification of a sexual assault nurse examiner is valid for three years, rather than two years, from the date of issuance.

SECTION 2. Amends Section 323.002(a), Health and Safety Code, to require each health care facility that is not a SAFE-ready facility to include in the plan submitted under this subsection the facility's written policies developed under Sections 323.0045(c) and 323.0046(c).

SECTION 3. Amends Section 323.0045, Health and Safety Code, as follows:

Sec. 323.0045. BASIC SEXUAL ASSAULT FORENSIC EVIDENCE COLLECTION TRAINING. (a) Requires a person who performs a forensic medical examination on a sexual assault survivor to complete, rather than to have, at least two hours of basic forensic evidence collection training or the equivalent education that conforms to the evidence collection protocol developed by the attorney general under Section 420.031 (Evidence Collection Protocol; Kits), Government Code.

(b) Provides that a person who completes a continuing medical or nursing education course in forensic evidence collection described by Section 156.057 (Continuing Education in Forensic Evidence Collection), 204.1563, or 301.306 (Forensic Evidence Collection Component in Continuing Education), Occupations Code, that is approved or recognized by the appropriate licensing board is considered to have completed basic forensic evidence collection training, rather than to have basic sexual assault forensic evidence training, for purposes of Chapter 323 (Emergency Services and Forensic Examination Programs for Survivors of Sexual Assault).

(c) Requires each health care facility that has an emergency department and that is not a SAFE-ready facility to develop a written policy to ensure that a person described by Subsection (a) completes training on basic forensic evidence collection in accordance with this section, rather than to develop a plan to train personnel on sexual assault forensic evidence collection.

SECTION 4. Amends Subchapter A, Chapter 323, Health and Safety Code, by adding Section 323.0046, as follows:

Sec. 323.0046. BASIC SEXUAL ASSAULT RESPONSE POLICY AND TRAINING FOR CERTAIN HEALTH CARE FACILITY PERSONNEL. (a) Requires a health care facility that has an emergency department to provide at least one hour of basic sexual assault response training to facility employees who provide patient admission functions, patient-related administrative support functions, or direct patient care. Requires that the training include instruction on:

(1) the provision of survivor-centered, trauma-informed care to sexual assault survivors; and

(2) the rights of sexual assault survivors under Chapter 56A (Rights of Crime Victims), Code of Criminal Procedure, including:

(A) the availability of a forensic medical examination, including an examination that is available when a sexual assault survivor does not report the assault to a law enforcement agency; and

(B) the role of an advocate as defined by Section 420.003 (Definitions), Government Code, in responding to a sexual assault survivor.

(b) Provides that an employee described by Subsection (a) who completes a continuing medical or nursing education course in forensic evidence collection described by Section 156.057, 204.1563, or 301.306, Occupations Code, that is approved or recognized by the appropriate licensing board is considered to have completed basic sexual assault response training for purposes of this section.

(c) Requires each health care facility that has an emergency department and that is not a SAFE-ready facility to develop a written policy to ensure that all appropriate facility personnel complete the basic sexual assault response training required by Subsection (a).

SECTION 5. Amends Subchapter D, Chapter 204, Occupations Code, by adding Section 204.1563, as follows:

Sec. 204.1563. CONTINUING EDUCATION IN FORENSIC EVIDENCE COLLECTION. (a) Requires a physician assistant licensed under Chapter 204 (Physician Assistants) whose practice includes treating patients in an emergency room setting to complete at least two hours of continuing medical education relating to:

- (1) the provision of trauma-informed care to sexual assault survivors;
- (2) appropriate community referrals and prophylactic medications;
- (3) the rights of a sexual assault survivor under Chapter 56A, Code of Criminal Procedure, including the opportunity to request the presence of an advocate as defined by Section 420.003 (Definitions), Government Code, and a forensic medical examination;
- (4) forensic evidence collection methods; and
- (5) state law pertaining to the custody, transfer, and tracking of forensic evidence.

(b) Requires that the content of the continuing medical education relating to forensic evidence collection conform to the evidence collection protocol distributed by the attorney general under Section 420.031, Government Code.

SECTION 6. Amends Sections 301.306(a) and (c), Occupations Code, as follows:

(a) Requires a license holder who is employed to work in an emergency room setting and who is required under Texas Board of Nursing (BON) rules to comply with this section, as part of continuing education requirements under Section 301.303 (Continuing Competency), to complete at least two hours of continuing education relating to:

- (1) the provision of trauma-informed care to sexual assault survivors;
- (2) appropriate community referrals and prophylactic medications;
- (3) the rights of a sexual assault survivor, including the opportunity to request the presence of an advocate as defined by Section 420.003, Government Code, and a forensic medical examination under Chapter 56A, Code of Criminal Procedure;
- (4) forensic evidence collection methods; and
- (5) state law pertaining to the custody, transfer, and tracking of forensic evidence.

Deletes existing text requiring a license holder who is employed to work in an emergency room setting and who is required under BON rules to comply with this section, as part of continuing education requirements under Section 301.303, to complete at least two hours of continuing education relating to forensic evidence collection not later than September 1, 2008, or the second anniversary of the initial issuance of a license under Chapter 301 (Nurses) to the license holder.

(c) Requires that the content of the continuing education relating to forensic evidence collection conform to the evidence collection protocol distributed by the attorney general under Section 420.031, Government Code.

SECTION 7. Makes application of Section 420.011(c), Government Code, as amended by this Act, prospective.

SECTION 8. (a) Makes application of Section 323.002(a), Health and Safety Code, as amended by this Act, prospective to January 1, 2024.

(b) Makes application of Section 323.0045(a), Health and Safety Code, as amended by this Act, prospective to December 1, 2023.

(c) Requires a health care facility that has an emergency department, not later than December 1, 2023, to develop the written policies required by Section 323.0045(c), Health and Safety Code, as amended by this Act, and Section 323.0046(c), Health and Safety Code, as added by this Act.

(d) Provides that, notwithstanding Section 323.0046(a), Health and Safety Code, as added by this Act, a health care facility that has an emergency department is not required to comply with that subsection until December 1, 2023.

SECTION 9. Makes application of Section 301.306, Occupations Code, as amended by this Act, and Section 204.1563, Occupations Code, as added by this Act, prospective to September 1, 2024.

SECTION 10. Requires the Texas Physician Assistant Board, not later than June 1, 2024, to adopt the rules required by Section 204.1563, Occupations Code, as added by this Act.

SECTION 11. Requires the Texas Board of Nursing, not later than June 1, 2024, to adopt the rules required by Section 301.306, Occupations Code, as amended by this Act.

SECTION 12. Effective date: September 1, 2023.