

BILL ANALYSIS

H.B. 2651
By: Howard
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Medical Board in SECTION 5, the Texas Board of Nursing in SECTION 7, and the Texas Physician Assistant Board in SECTION 12 of this bill.

ANALYSIS

H.B. 2651 amends the Health and Safety Code to require 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. The bill requires the training to include instructions on the provision of survivor-centered, trauma-informed care to sexual assault survivors and rights of sexual assault survivors as crime victims, including the availability of certain forensic medical examinations and the role of an advocate providing advocacy services as an employee or volunteer of a sexual assault program in responding to a sexual assault survivor. The bill

considers an employee who completes a continuing medical or nursing education course in forensic evidence collection that is approved or recognized by the appropriate licensing board to have completed basic sexual assault response training. The bill requires each health care facility that has an emergency department and that is not a SAFE-ready facility to develop a written policy not later than December 1, 2023, to ensure that all appropriate facility personnel complete the basic sexual assault response training. A health care facility that has an emergency department is not required to comply with these provisions of the bill until December 1, 2023.

H.B. 2651 revises statutory provisions relating to basic sexual assault forensic evidence collection training, applicable only to a forensic medical examination that occurs on or after December 1, 2023, as follows:

- clarifies that the forensic examination on a sexual assault survivor is a forensic medical examination;
- specifies that the amount of basic forensic evidence collection training or the equivalent education that a person must complete is two hours and that the training or education conforms to the evidence collection protocol developed by the attorney general under the Sexual Assault Prevention and Crisis Services Act;
- specifies the types of continuing medical or nursing education course in forensic evidence collection considered to be basic forensic evidence collection training; and
- removes the requirement for a health care facility that has an emergency and that is not considered a SAFE-ready facility to develop a plan to train personnel on sexual assault forensic evidence collection and requires such a facility instead to develop a written policy to ensure that a person performing the forensic medical examination completes training on basic forensic evidence collection. The bill requires an applicable health care facility to develop the required written policies not later than December 1, 2023.

H.B. 2651 requires each health care facility that is not a SAFE-ready facility to include in the plan for emergency services the facility's written policies developed for purposes of basic sexual assault forensic evidence collection training and response policy. This provision applies only to a report requested by the Department of State Health Services on or after January 1, 2024.

H.B. 2651 amends the Occupations Code to require a licensed physician assistant, a licensed physician who submits an application for renewal of a license to practice medicine whose practice includes treating patients in an emergency room setting, and a licensed nurse who is employed to work in an emergency room setting to complete at least two hours of continuing medical education relating to the following:

- provision of trauma-informed care to sexual assault survivors;
- appropriate community referrals and prophylactic medications;
- rights of a sexual assault survivor, including the opportunity to request the presence of an advocate and a forensic medical examination;
- forensic evidence collection methods; and
- state law pertaining to the custody, transfer, and tracking of forensic evidence.

The content of the continuing medical education relating to forensic evidence collection must conform to the evidence collection protocol distributed by the attorney general under the Sexual Assault Prevention and Crisis Services Act. The bill requires the Texas Physician Assistant Board, Texas Medical Board, and Texas Board of Nursing, not later than June 1, 2024, to adopt the rules required by the applicable provisions of the bill. The bill provisions relating to an applicable physician assistant, physician, and nurse apply to an application for the renewal of an applicable license filed on or after September 1, 2024.

H.B. 2651 amends the Government Code to change from two to three years the period for which a sexual assault nurse examiner certification is valid under the Sexual Assault Prevention and Crisis Services Act. This provision applies only to an application for renewal of a sexual assault nurse examiner certificate filed on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.