88R5408 SHH/KKR-F

By:  Howard H.B. No. 2651

A BILL TO BE ENTITLED

AN ACT

relating to required training and continuing education requirements for persons who provide medical care or other support to survivors of sexual assault.

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

SECTION 1.  Section 420.011(c), Government Code, is amended to read as follows:

(c)  The attorney general shall adopt rules establishing minimum standards for the certification of a sexual assault nurse examiner and the renewal of that certification by the nurse examiner, including standards for examiner training courses and for the interstate reciprocity of sexual assault nurse examiners. The certification is valid for three [~~two~~] years from the date of issuance. The attorney general shall also adopt rules establishing minimum standards for the suspension, decertification, or probation of a sexual assault nurse examiner who violates this chapter.

SECTION 2.  Section 323.002(a), Health and Safety Code, is amended to read as follows:

(a)  Each health care facility that has an emergency department shall comply with Sections 323.004 and 323.0044. At the request of the department, a health care facility that has an emergency department shall submit to the department for approval a plan for providing the services required by Section 323.004 to sexual assault survivors who arrive for treatment at the emergency department of the health care facility. Each health care facility that is not a SAFE-ready facility shall 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.  Section 323.0045, Health and Safety Code, is amended to read as follows:

Sec. 323.0045.  BASIC SEXUAL ASSAULT FORENSIC EVIDENCE COLLECTION TRAINING. (a) A person who performs a forensic medical examination on a sexual assault survivor must complete [~~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, Government Code.

(b)  A person 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~~] forensic evidence collection training for purposes of this chapter.

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

SECTION 4.  Subchapter A, Chapter 323, Health and Safety Code, is amended by adding Section 323.0046 to read as follows:

Sec. 323.0046.  BASIC SEXUAL ASSAULT RESPONSE POLICY AND TRAINING FOR CERTAIN HEALTH CARE FACILITY PERSONNEL. (a) A health care facility that has an emergency department shall 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 training must 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, 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, Government Code, in responding to a sexual assault survivor.

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

SECTION 5.  Section 156.057, Occupations Code, is amended to read as follows:

Sec. 156.057.  CONTINUING EDUCATION IN FORENSIC EVIDENCE COLLECTION. (a) A physician licensed under this subtitle who submits an application for renewal of a license to practice medicine and whose practice includes treating patients in an emergency room setting shall [~~may~~] 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, Government Code, and a forensic medical examination;

(4)  forensic evidence collection methods; and

(5)  applicable state law pertaining to the custody, transfer, and tracking of forensic evidence.

(b)  The board shall adopt rules to establish the content of continuing medical education relating to forensic evidence collection. The content of the continuing medical education must conform to the evidence collection protocol distributed by the attorney general under Section 420.031, Government Code. The board may adopt other rules to implement this section.

SECTION 6.  Subchapter D, Chapter 204, Occupations Code, is amended by adding Section 204.1563 to read as follows:

Sec. 204.1563.  CONTINUING EDUCATION IN FORENSIC EVIDENCE COLLECTION. (a) A physician assistant licensed under this chapter whose practice includes treating patients in an emergency room setting shall 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, 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)  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 Section 420.031, Government Code.

SECTION 7.  Sections 301.306(a) and (c), Occupations Code, are amended to read as follows:

(a)  As part of continuing education requirements under Section 301.303, a license holder who is employed to work in an emergency room setting and who is required under board rules to comply with this section shall 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 [~~relating to forensic evidence collection not later than:~~

[~~(1)  September 1, 2008; or~~

[~~(2)  the second anniversary of the initial issuance of a license under this chapter to the license holder~~].

(c)  The board shall adopt rules to identify the license holders who are required to complete continuing education under Subsection (a) and to establish the content of that continuing education. The content of the continuing education relating to forensic evidence collection must conform to the evidence collection protocol distributed by the attorney general under Section 420.031, Government Code. The board may adopt other rules to implement this section, including rules under Section 301.303(c) for the approval of education programs and providers.

SECTION 8.  Section 420.011(c), Government Code, as amended by this Act, applies only to an application for renewal of a sexual assault nurse examiner certificate filed on or after the effective date of this Act. An application for renewal of a certificate filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 9.  (a) Section 323.002(a), Health and Safety Code, as amended by this Act, applies only to a report requested by the Department of State Health Services on or after January 1, 2024.

(b)  Section 323.0045(a), Health and Safety Code, as amended by this Act, applies only to a forensic medical examination that occurs on or after December 1, 2023. A forensic medical examination that occurs before the effective date of this Act is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose.

(c)  Not later than December 1, 2023, a health care facility that has an emergency department shall 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)  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 10.  Sections 156.057 and 301.306, Occupations Code, as amended by this Act, and Section 204.1563, Occupations Code, as added by this Act, apply to an application for the renewal of a license filed on or after September 1, 2024. An application for the renewal of a license filed before that date is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

SECTION 11.  Not later than June 1, 2024, the Texas Medical Board shall adopt the rules required by Section 156.057, Occupations Code, as amended by this Act.

SECTION 12.  Not later than June 1, 2024, the Texas Physician Assistant Board shall adopt the rules required by Section 204.1563, Occupations Code, as added by this Act.

SECTION 13.  Not later than June 1, 2024, the Texas Board of Nursing shall adopt the rules required by Section 301.306, Occupations Code, as amended by this Act.

SECTION 14.  This Act takes effect September 1, 2023.