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H.B. No. 2651

A BILL TO BE ENTITLED

AN ACT

1
2 relating to required training and continuing education
3 requirements for persons who provide medical care or other support
4 to survivors of sexual assault.

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

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

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

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

20 (a) Each health care facility that has an emergency
21 department shall comply with Sections 323.004 and 323.0044. At the
22 request of the department, a health care facility that has an
23 emergency department shall submit to the department for approval a
24 plan for providing the services required by Section 323.004 to

1 sexual assault survivors who arrive for treatment at the emergency
2 department of the health care facility. Each health care facility
3 that is not a SAFE-ready facility shall include in the plan
4 submitted under this subsection the facility's written policies
5 developed under Sections 323.0045(c) and 323.0046(c).

6 SECTION 3. Section 323.0045, Health and Safety Code, is
7 amended to read as follows:

8 Sec. 323.0045. BASIC SEXUAL ASSAULT FORENSIC EVIDENCE
9 COLLECTION TRAINING. (a) A person who performs a forensic medical
10 examination on a sexual assault survivor must complete ~~[have]~~ at
11 least two hours of basic forensic evidence collection training or
12 the equivalent education that conforms to the evidence collection
13 protocol developed by the attorney general under Section 420.031,
14 Government Code.

15 (b) A person who completes a continuing medical or nursing
16 education course in forensic evidence collection described by
17 Section 156.057, 204.1563, or 301.306, Occupations Code, that is
18 approved or recognized by the appropriate licensing board is
19 considered to have completed basic ~~[sexual assault]~~ forensic
20 evidence collection training for purposes of this chapter.

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

27 SECTION 4. Subchapter A, Chapter 323, Health and Safety

1 Code, is amended by adding Section 323.0046 to read as follows:

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

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

11 (2) the rights of sexual assault survivors under
12 Chapter 56A, Code of Criminal Procedure, including:

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

17 (B) the role of an advocate as defined by Section
18 420.003, Government Code, in responding to a sexual assault
19 survivor.

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

26 (c) Each health care facility that has an emergency
27 department and that is not a SAFE-ready facility shall develop a

1 written policy to ensure that all appropriate facility personnel
2 complete the basic sexual assault response training required by
3 Subsection (a).

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

6 Sec. 156.057. CONTINUING EDUCATION IN FORENSIC EVIDENCE
7 COLLECTION. (a) A physician licensed under this subtitle who
8 submits an application for renewal of a license to practice
9 medicine and whose practice includes treating patients in an
10 emergency room setting shall [~~may~~] complete at least two hours of
11 continuing medical education relating to:

12 (1) the provision of trauma-informed care to sexual
13 assault survivors;

14 (2) appropriate community referrals and prophylactic
15 medications;

16 (3) the rights of a sexual assault survivor under
17 Chapter 56A, Code of Criminal Procedure, including the opportunity
18 to request the presence of an advocate as defined by Section
19 420.003, Government Code, and a forensic medical examination;

20 (4) forensic evidence collection methods; and

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

23 (b) The board shall adopt rules to establish the content of
24 continuing medical education relating to forensic evidence
25 collection. The content of the continuing medical education must
26 conform to the evidence collection protocol distributed by the
27 attorney general under Section 420.031, Government Code. The board

1 may adopt other rules to implement this section.

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

4 Sec. 204.1563. CONTINUING EDUCATION IN FORENSIC EVIDENCE
5 COLLECTION. (a) A physician assistant licensed under this chapter
6 whose practice includes treating patients in an emergency room
7 setting shall complete at least two hours of continuing medical
8 education relating to:

9 (1) the provision of trauma-informed care to sexual
10 assault survivors;

11 (2) appropriate community referrals and prophylactic
12 medications;

13 (3) the rights of a sexual assault survivor under
14 Chapter 56A, Code of Criminal Procedure, including the opportunity
15 to request the presence of an advocate as defined by Section
16 420.003, Government Code, and a forensic medical examination;

17 (4) forensic evidence collection methods; and

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

20 (b) The content of the continuing medical education
21 relating to forensic evidence collection must conform to the
22 evidence collection protocol distributed by the attorney general
23 under Section 420.031, Government Code.

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

26 (a) As part of continuing education requirements under
27 Section 301.303, a license holder who is employed to work in an

1 emergency room setting and who is required under board rules to
2 comply with this section shall complete at least two hours of
3 continuing education relating to:

4 (1) the provision of trauma-informed care to sexual
5 assault survivors;

6 (2) appropriate community referrals and prophylactic
7 medications;

8 (3) the rights of a sexual assault survivor, including
9 the opportunity to request the presence of an advocate as defined by
10 Section 420.003, Government Code, and a forensic medical
11 examination under Chapter 56A, Code of Criminal Procedure;

12 (4) forensic evidence collection methods; and

13 (5) state law pertaining to the custody, transfer, and
14 tracking of forensic evidence [~~relating to forensic evidence~~
15 ~~collection not later than:~~

16 [~~(1) September 1, 2008; or~~

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

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

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

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

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

17 (c) Not later than December 1, 2023, a health care facility
18 that has an emergency department shall develop the written policies
19 required by Section 323.0045(c), Health and Safety Code, as amended
20 by this Act, and Section 323.0046(c), Health and Safety Code, as
21 added by this Act.

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

26 SECTION 10. Sections 156.057 and 301.306, Occupations Code,
27 as amended by this Act, and Section 204.1563, Occupations Code, as

1 added by this Act, apply to an application for the renewal of a
2 license filed on or after September 1, 2024. An application for the
3 renewal of a license filed before that date is governed by the law
4 in effect on the date the application was filed, and the former law
5 is continued in effect for that purpose.

6 SECTION 11. Not later than June 1, 2024, the Texas Medical
7 Board shall adopt the rules required by Section [156.057](#),
8 Occupations Code, as amended by this Act.

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

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

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