

1-1 By: Howard, et al. (Senate Sponsor - Blanco) H.B. No. 2651
1-2 (In the Senate - Received from the House May 3, 2023;
1-3 May 5, 2023, read first time and referred to Committee on Health &
1-4 Human Services; May 19, 2023, reported favorably by the following
1-5 vote: Yeas 8, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to required training and continuing education
1-20 requirements for persons who provide medical care or other support
1-21 to survivors of sexual assault.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 420.011(c), Government Code, is amended
1-24 to read as follows:

1-25 (c) The attorney general shall adopt rules establishing
1-26 minimum standards for the certification of a sexual assault nurse
1-27 examiner and the renewal of that certification by the nurse
1-28 examiner, including standards for examiner training courses and for
1-29 the interstate reciprocity of sexual assault nurse examiners. The
1-30 certification is valid for three [~~two~~] years from the date of
1-31 issuance. The attorney general shall also adopt rules establishing
1-32 minimum standards for the suspension, decertification, or
1-33 probation of a sexual assault nurse examiner who violates this
1-34 chapter.

1-35 SECTION 2. Section 323.002(a), Health and Safety Code, is
1-36 amended to read as follows:

1-37 (a) Each health care facility that has an emergency
1-38 department shall comply with Sections 323.004 and 323.0044. At the
1-39 request of the department, a health care facility that has an
1-40 emergency department shall submit to the department for approval a
1-41 plan for providing the services required by Section 323.004 to
1-42 sexual assault survivors who arrive for treatment at the emergency
1-43 department of the health care facility. Each health care facility
1-44 that is not a SAFE-ready facility shall include in the plan
1-45 submitted under this subsection the facility's written policies
1-46 developed under Sections 323.0045(c) and 323.0046(c).

1-47 SECTION 3. Section 323.0045, Health and Safety Code, is
1-48 amended to read as follows:

1-49 Sec. 323.0045. BASIC SEXUAL ASSAULT FORENSIC EVIDENCE
1-50 COLLECTION TRAINING. (a) A person who performs a forensic medical
1-51 examination on a sexual assault survivor must complete [~~have~~] at
1-52 least two hours of basic forensic evidence collection training or
1-53 the equivalent education that conforms to the evidence collection
1-54 protocol developed by the attorney general under Section 420.031,
1-55 Government Code.

1-56 (b) A person who completes a continuing medical or nursing
1-57 education course in forensic evidence collection described by
1-58 Section 156.057, 204.1563, or 301.306, Occupations Code, that is
1-59 approved or recognized by the appropriate licensing board is
1-60 considered to have completed basic [~~sexual assault~~] forensic
1-61 evidence collection training for purposes of this chapter.

2-1 (c) Each health care facility that has an emergency
 2-2 department and that is not a SAFE-ready facility shall develop a
 2-3 written policy [plan] to ensure that a person described by
 2-4 Subsection (a) completes training on basic [train personnel on
 2-5 sexual assault] forensic evidence collection in accordance with
 2-6 this section.

2-7 SECTION 4. Subchapter A, Chapter 323, Health and Safety
 2-8 Code, is amended by adding Section 323.0046 to read as follows:

2-9 Sec. 323.0046. BASIC SEXUAL ASSAULT RESPONSE POLICY AND
 2-10 TRAINING FOR CERTAIN HEALTH CARE FACILITY PERSONNEL. (a) A health
 2-11 care facility that has an emergency department shall provide at
 2-12 least one hour of basic sexual assault response training to
 2-13 facility employees who provide patient admission functions,
 2-14 patient-related administrative support functions, or direct
 2-15 patient care. The training must include instruction on:

2-16 (1) the provision of survivor-centered,
 2-17 trauma-informed care to sexual assault survivors; and

2-18 (2) the rights of sexual assault survivors under
 2-19 Chapter 56A, Code of Criminal Procedure, including:

2-20 (A) the availability of a forensic medical
 2-21 examination, including an examination that is available when a
 2-22 sexual assault survivor does not report the assault to a law
 2-23 enforcement agency; and

2-24 (B) the role of an advocate as defined by Section
 2-25 420.003, Government Code, in responding to a sexual assault
 2-26 survivor.

2-27 (b) An employee described by Subsection (a) who completes a
 2-28 continuing medical or nursing education course in forensic evidence
 2-29 collection described by Section 156.057, 204.1563, or 301.306,
 2-30 Occupations Code, that is approved or recognized by the appropriate
 2-31 licensing board is considered to have completed basic sexual
 2-32 assault response training for purposes of this section.

2-33 (c) Each health care facility that has an emergency
 2-34 department and that is not a SAFE-ready facility shall develop a
 2-35 written policy to ensure that all appropriate facility personnel
 2-36 complete the basic sexual assault response training required by
 2-37 Subsection (a).

2-38 SECTION 5. Subchapter D, Chapter 204, Occupations Code, is
 2-39 amended by adding Section 204.1563 to read as follows:

2-40 Sec. 204.1563. CONTINUING EDUCATION IN FORENSIC EVIDENCE
 2-41 COLLECTION. (a) A physician assistant licensed under this chapter
 2-42 whose practice includes treating patients in an emergency room
 2-43 setting shall complete at least two hours of continuing medical
 2-44 education relating to:

2-45 (1) the provision of trauma-informed care to sexual
 2-46 assault survivors;

2-47 (2) appropriate community referrals and prophylactic
 2-48 medications;

2-49 (3) the rights of a sexual assault survivor under
 2-50 Chapter 56A, Code of Criminal Procedure, including the opportunity
 2-51 to request the presence of an advocate as defined by Section
 2-52 420.003, Government Code, and a forensic medical examination;

2-53 (4) forensic evidence collection methods; and

2-54 (5) state law pertaining to the custody, transfer, and
 2-55 tracking of forensic evidence.

2-56 (b) The content of the continuing medical education
 2-57 relating to forensic evidence collection must conform to the
 2-58 evidence collection protocol distributed by the attorney general
 2-59 under Section 420.031, Government Code.

2-60 SECTION 6. Sections 301.306(a) and (c), Occupations Code,
 2-61 are amended to read as follows:

2-62 (a) As part of continuing education requirements under
 2-63 Section 301.303, a license holder who is employed to work in an
 2-64 emergency room setting and who is required under board rules to
 2-65 comply with this section shall complete at least two hours of
 2-66 continuing education relating to:

2-67 (1) the provision of trauma-informed care to sexual
 2-68 assault survivors;

2-69 (2) appropriate community referrals and prophylactic

3-1 medications;
 3-2 (3) the rights of a sexual assault survivor, including
 3-3 the opportunity to request the presence of an advocate as defined by
 3-4 Section 420.003, Government Code, and a forensic medical
 3-5 examination under Chapter 56A, Code of Criminal Procedure;
 3-6 (4) forensic evidence collection methods; and
 3-7 (5) state law pertaining to the custody, transfer, and
 3-8 tracking of forensic evidence [relating to forensic evidence
 3-9 collection not later than:

3-10 [~~(1) September 1, 2008, or~~
 3-11 [~~(2) the second anniversary of the initial~~
 3-12 ~~issuance of a license under this chapter to the license holder].~~

3-13 (c) The board shall adopt rules to identify the license
 3-14 holders who are required to complete continuing education under
 3-15 Subsection (a) and to establish the content of that continuing
 3-16 education. The content of the continuing education relating to
 3-17 forensic evidence collection must conform to the evidence
 3-18 collection protocol distributed by the attorney general under
 3-19 Section 420.031, Government Code. The board may adopt other rules
 3-20 to implement this section, including rules under Section 301.303(c)
 3-21 for the approval of education programs and providers.

3-22 SECTION 7. Section 420.011(c), Government Code, as amended
 3-23 by this Act, applies only to an application for renewal of a sexual
 3-24 assault nurse examiner certificate filed on or after the effective
 3-25 date of this Act. An application for renewal of a certificate filed
 3-26 before the effective date of this Act is governed by the law in
 3-27 effect on the date the application was filed, and the former law is
 3-28 continued in effect for that purpose.

3-29 SECTION 8. (a) Section 323.002(a), Health and Safety Code,
 3-30 as amended by this Act, applies only to a report requested by the
 3-31 Department of State Health Services on or after January 1, 2024.

3-32 (b) Section 323.0045(a), Health and Safety Code, as amended
 3-33 by this Act, applies only to a forensic medical examination that
 3-34 occurs on or after December 1, 2023. A forensic medical examination
 3-35 that occurs before the effective date of this Act is governed by the
 3-36 law as it existed immediately before that date, and the former law
 3-37 is continued in effect for that purpose.

3-38 (c) Not later than December 1, 2023, a health care facility
 3-39 that has an emergency department shall develop the written policies
 3-40 required by Section 323.0045(c), Health and Safety Code, as amended
 3-41 by this Act, and Section 323.0046(c), Health and Safety Code, as
 3-42 added by this Act.

3-43 (d) Notwithstanding Section 323.0046(a), Health and Safety
 3-44 Code, as added by this Act, a health care facility that has an
 3-45 emergency department is not required to comply with that subsection
 3-46 until December 1, 2023.

3-47 SECTION 9. Section 301.306, Occupations Code, as amended by
 3-48 this Act, and Section 204.1563, Occupations Code, as added by this
 3-49 Act, apply to an application for the renewal of a license filed on
 3-50 or after September 1, 2024. An application for the renewal of a
 3-51 license filed before that date is governed by the law in effect on
 3-52 the date the application was filed, and the former law is continued
 3-53 in effect for that purpose.

3-54 SECTION 10. Not later than June 1, 2024, the Texas Physician
 3-55 Assistant Board shall adopt the rules required by Section 204.1563,
 3-56 Occupations Code, as added by this Act.

3-57 SECTION 11. Not later than June 1, 2024, the Texas Board of
 3-58 Nursing shall adopt the rules required by Section 301.306,
 3-59 Occupations Code, as amended by this Act.

3-60 SECTION 12. This Act takes effect September 1, 2023.

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