

BILL ANALYSIS

Senate Research Center
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S.B. 1191
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the United States Department of Justice, two out of three rapes and sexual assaults go unreported. This is due to a variety of factors, but one potential barrier is access to health care facilities that are capable of treating and collecting evidence from sexual assault survivors.

S.B. 1191 provides a survivor of sexual assault the option of receiving care at a hospital that is not the designated facility in a community-wide plan. Before administering treatment, the non-designated hospital is required to inform the survivor that it is not the community-wide designated facility, and that survivor has the choice to receive care at that facility or be transferred to the hospital designated in the community-wide plan. If the survivor chooses to be transferred, the hospital will stabilize and transfer the person to the primary health care facility, after obtaining written consent from the survivor.

As proposed, S.B. 1191 amends current law relating to the care provided to a sexual assault survivor by a health care facility.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Health and Human Services Commission and the Telecommunications Infrastructure Fund Board in SECTION 1 (Section 323.004, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 323.004, Health and Safety Code, by amending Subsection (a) and adding Subsections (a-1), (a-2), and (d), as follows:

(a) Requires a general or special hospital licensed under Chapter 241 (Hospitals) or a general or special hospital owned by this state (facility), except as otherwise provided by Subsection (a-2), after a sexual assault survivor arrives at a facility following an alleged sexual assault, to provide care to the survivor in accordance with Subsection (b) (relating to requiring a facility providing care to a sexual assault survivor to provide the survivor with certain care). Deletes existing Subdivision (1) designation, and makes nonsubstantive changes.

(a-1) Requires that a facility that is not a facility designated in a community-wide plan as the primary facility in the community for treating sexual assault survivors inform the survivor that:

(1) the facility is not the designated facility; and

(2) the survivor is entitled, at the survivor's option:

(A) to receive the care described by Subsection (b) at that facility; or

(B) to be stabilized and to be transferred to and receive the care described by Subsection (b) at a facility designated in a community-wide plan as the primary facility in the community for treating sexual assault survivors.

(a-2) Requires that the facility, if a survivor chooses to be transferred under Subsection (a-1)(2)(B), after obtaining the survivor's written, signed consent to the transfer, stabilize and transfer the survivor to a facility designated in a community-wide plan as the primary facility in the community for treating sexual assault survivors, which is required provide care to the survivor in accordance with Subsection (b). Deletes existing Subdivision (2) designation, and makes nonsubstantive changes.

(d) Requires that the facility, if telemedicine is used in the treatment described by Subsection (b) provided to a sexual assault survivor, comply with Section 531.02161 (Telemedicine, Telehealth, and Home Telemonitoring Technology Standards), Government Code, and any rules adopted under that section.

SECTION 2. Effective date: September 1, 2013.