

BILL ANALYSIS

Senate Research Center

H.B. 3152
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State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2013, S.B. 1191 mandated all Texas hospitals to provide a forensic medical exam if requested by a survivor of sexual assault. In 2016, a study by the Police Foundation concluded that the law had little effect on actual practice and sexual assault survivors still had to seek a "designated" hospital to obtain a forensic medical exam. A "designated" hospital is one equipped to provide forensic medical exams, typically by a Sexual Assault Forensic Examiner (SAFE). If a sexual assault survivor arrives at a hospital without a SAFE they may desire or be encouraged to transfer to a designated hospital.

H.B. 3152 would additionally require the Department of State Health Services to develop an information sheet with information on hospitals that employ a SAFE, emergency rooms without a SAFE to provide the DSHS-developed information sheet to survivors of sexual assault, and, when transferring a sexual assault survivor/patient for a forensic medical exam, emergency rooms shall call ahead to confirm the presence of a SAFE at the receiving emergency room.

H.B. 3152 amends current law relating to the care and transportation provided to a sexual assault survivor by a health care facility.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 323.001, Health and Safety Code, by amending Subdivision (3) and adding Subdivisions (3-a) and (4-a) to redefine "health care facility" and define "SAFE-ready facility" and "sexual assault forensic examiner."

SECTION 2. Amends Chapter 323, Health and Safety Code, by adding Section 323.0015, as follows:

Sec. 323.0015. SAFE-READY FACILITIES. Requires the Department of State Health Services (DSHS) to designate a health care facility as a sexual assault forensic exam-ready facility, or SAFE-ready facility, if the facility notifies DSHS that the facility employs or contracts with a sexual assault forensic examiner or uses a telemedicine system of sexual assault forensic examiners to provide consultation to a licensed nurse or physician when conducting a sexual assault forensic medical examination.

SECTION 3. Amends Section 323.004, Health and Safety Code, by amending Subsections (a-1) and (a-2) and adding Subsection (a-3), as follows:

(a-1) Requires a facility that is not a SAFE-ready facility to inform the sexual assault survivor that, rather than requires a facility that is not a health care facility designated in a community-wide plan as the primary health care facility in the community for treating sexual assault survivors to inform the survivor that:

(1) the facility is not a SAFE-ready facility, rather than the designated facility, and provide to the survivor the name and location of the closest SAFE-ready facility and the information form required by Section 323.0051. Makes a conforming change; and

(2) at the survivor's option, the survivor is entitled to certain options, including to be stabilized and to be transferred to and receive the care described by Subsection (b) (relating to requiring a health care facility providing care to a sexual assault survivor providing the survivor with certain items) at a SAFE-ready facility, rather than a health care facility designated in a community-wide plan as the primary health care facility in the community for treating sexual assault survivors.

(a-2) Makes conforming changes.

(a-3) Requires a health care facility that is not a SAFE-ready facility, before transferring a sexual assault survivor, to contact the SAFE-ready facility to which the survivor will be transferred to confirm a sexual assault forensic examiner is available at that facility.

SECTION 4. Amends Section 323.0045(c), Health and Safety Code, to require each health care facility that has an emergency department that is not a SAFE-ready facility, rather than that is not a health care facility with a certain designation, to develop a certain plan.

SECTION 5. Amends Chapter 323, Health and Safety Code, by adding Section 323.0051, as follows:

Sec. 323.0051. INFORMATION FORM FOR SEXUAL ASSAULT SURVIVORS AT CERTAIN FACILITIES. (a) Requires DSHS to develop a standard information form for sexual assault survivors who arrive at a health care facility that is not a SAFE-ready facility. Requires that the information form include certain information and certain statements.

(b) Requires a health care facility that is not a SAFE-ready facility to provide the standard information form developed under this section to each sexual assault survivor who arrives at the facility.

SECTION 6. Amends Section 323.008, Health and Safety Code, as follows:

Sec. 323.008. DATA PUBLICATION. Requires DSHS to post on DSHS's Internet website a list of all hospitals that are designated as SAFE-ready facilities and the facilities' physical addresses, rather than all hospitals that are designated in a community-wide plan as the primary health care facility in the community for treating sexual assault survivors. Requires DSHS to update this list annually. Requires DSHS, to the extent possible, to collect the data required by this section as part of a survey required by DSHS under other law.

SECTION 7. Repealer: Section 323.001(1) (relating to the definition of "community-wide plan"), Health and Safety Code.

SECTION 8. (a) Requires DSHS, not later than January 1, 2018, to develop the information form required by Section 323.0051, Health and Safety Code, as added by this Act.

(b) Provides that, notwithstanding Section 323.0051, Health and Safety Code, as added by this Act, a health care facility is not required to comply with that section until January 1, 2018.

SECTION 9. Effective date: September 1, 2017.