

## **BILL ANALYSIS**

Senate Research Center  
79R2110 EMT-F

S.B. 388  
By: Wentworth  
Health and Human Services  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Currently, sexual assault survivors are not receiving adequate care in many emergency rooms, as the information and treatment they receive varies widely depending upon the emergency room.

S.B. 388 allows the Department of State Health Services (department) to request that a hospital submit a plan for providing emergency services for sexual assault patients. S.B. 388 requires the department to develop an information form for survivors that includes certain explanations regarding the examination and treatment and establishes minimum standards for a health care facility to meet when providing emergency services.

### **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 Subtitle G, Title 4, Health and Safety Code, by adding Chapter 322, as follows:

#### CHAPTER 322. EMERGENCY SERVICES FOR SURVIVORS OF SEXUAL ASSAULT

Sec. 322.001. DEFINITIONS. Defines "department," "health care facility," "sexual assault," and "sexual assault survivor."

Sec. 322.002. PLAN FOR EMERGENCY SERVICES. Requires a health care facility to submit to the Department of State Health Services (department) for approval and within 60 days of the department's request, a plan for providing, at minimum, the services required by Section 322.005. Requires the department to adopt procedures for submission, approval, and modification of a plan required under this section and to approve or reject the plan no later than 120 days after the plan is submitted.

Sec. 322.003. REJECTION OF PLAN. Requires the department, if a plan required under Section 322.002 is not approved, to return the plan to the health care facility and identify the specific provisions under Section 322.005 with which the plan conflicts or does not comply. Requires a health care facility to correct and resubmit the plan to the department within 90 days of the date the plan was returned to the facility.

Sec. 322.004. COMMUNITY OR AREA-WIDE PLANS. Authorizes a health care facility, in addition to submitting a plan as required under Section 322.002, to participate with another health care facility, an entity administering a sexual assault program, a district attorney's office, or a law enforcement agency, in a community or area-wide plan to furnish emergency services to sexual assault survivors on a community or area-wide basis. Requires a health care facility participating in a community or area-wide plan to furnish the department with any written agreements establishing the community or area-wide plan and designating a primary health care facility for treating sexual assault survivors.

Sec. 322.005. MINIMUM STANDARDS FOR EMERGENCY SERVICES. (a) Requires a health care facility, after the arrival of a sexual assault survivor at the facility,

to conduct a forensic medical examination, subject to Subsection (b), or, if the health care facility at which the survivor arrives is not the primary health care facility for sexual assault survivors, transfer the survivor to the health care facility designated as the primary health care facility for treating sexual assault survivors, which shall conduct a forensic medical examination, subject to Subsection (b).

(b) Sets forth criteria for a health care facility in conducting a forensic medical examination and requires the health care facility to obtain documented consent before providing forensic medical examinations and treatment.

(c) Requires a health care facility to obtain documented consent before providing forensic medical examinations and treatment.

Sec. 322.006. INFORMATION FORM. Requires the department to develop a standard information form for sexual assault survivors that must include specific and detailed information regarding the forensic medical examination and withdrawal of consent to such, treatment of sexually transmitted infections and pregnancy, drug-facilitated sexual assault, crime victims compensation, and the name and telephone number of sexual assault crisis centers statewide. Requires a health care facility to use a standard form developed under this section.

Sec. 322.007. INSPECTION. Authorizes the department to conduct an inspection of a health care facility to ensure compliance with this chapter.

SECTION 2. Effective date: September 1, 2005.