

BILL ANALYSIS

Senate Research Center

S.B. 71
By: Nelson
State Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Most Texas communities are not currently served by a sexual assault nurse examiner (SANE), or do not have easy access to one. There are currently 357 SANEs working in Texas and 84 percent of Texas counties have no SANE. In communities with no or limited SANEs, sexual assault survivors have a choice to receive care from ER staff, drive themselves hours to a SANE, or decide to not have the evidence collected. In many areas of the state it does not make sense to have a designated SANE due to the number of cases. Quality evidence collection and support from SANEs translates to more reports to law enforcement and more reliable evidence collection for prosecutors.

S.B. 71 creates a statewide teleSANE program to connect certified sexual assault nurse examiners to underserved areas utilizing telemedicine. (Original Author's/Sponsor's Statement of Intent)

S.B. 71 amends current law relating to the establishment of a statewide telehealth center for sexual assault forensic medical examination.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas attorney general in SECTION 1 (Section 420.108, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 420, Government Code, by adding Subchapter E, as follows:

SUBCHAPTER E. STATEWIDE TELEHEALTH CENTER FOR SEXUAL ASSAULT FORENSIC MEDICAL EXAMINATION

Sec. 420.101. DEFINITIONS. Defines "center" and "telehealth service" for purposes of this subchapter.

Sec. 420.102. ESTABLISHMENT OF CENTER. Requires the Texas attorney general (attorney general) to establish the statewide telehealth center for sexual assault forensic medical examination (center) to expand access to sexual assault nurse examiners for underserved populations.

Sec. 420.103. POWERS OF CENTER. (a) Authorizes the center, in accordance with other law, to facilitate in person or through telecommunications or information technology the provision by a sexual assault nurse examiner of:

- (1) training or technical assistance to a sexual assault examiner on:
 - (A) conducting a forensic medical examination on a survivor; and
 - (B) the use of telehealth services; and

(2) consultation services, guidance, or technical assistance to a sexual assault examiner during a forensic medical examination on a survivor.

(b) Authorizes the center, with permission from the facility or entity where a forensic medical examination on a survivor is conducted and to the extent authorized by other law, to facilitate the use of telehealth services during a forensic medical examination on a survivor.

(c) Authorizes the center to deliver other services as requested by the attorney general to carry out the purposes of this subchapter.

Sec. 420.104. OPERATION PROTOCOLS REQUIRED. (a) Requires the center and the attorney general to develop operation protocols to address compliance with applicable laws and rules governing telehealth services, standards of professional conduct for licensure and practice, standards of care, maintenance of records, technology requirements, data privacy and security of patient information, and the operation of a telehealth center.

(b) Requires the center to make every effort to ensure the system through which the center operates for the provision of telehealth services meets national standards for interoperability to connect to telehealth systems outside of the center.

Sec. 420.105. AUTHORIZED CONTRACTS. Authorizes the attorney general to enter into any contract the attorney general considers necessary to implement this subchapter, including a contract to:

(1) develop, implement, maintain, or operate the center;

(2) train or provide technical assistance for health care professionals on conducting forensic medical examinations and the use of telehealth services; or

(3) provide consultation, guidance, or technical assistance for health care professionals using telehealth services during a forensic medical examination.

Sec. 420.106. FUNDING. (a) Authorizes the legislature to appropriate money to the attorney general to establish the center.

(b) Authorizes the attorney general to provide funds to the center for:

(1) establishing and maintaining the operations of the center;

(2) training conducted by or through the center;

(3) travel expenses incurred by a sexual assault nurse examiner for:

(A) carrying out the nurse's duties under Section 420.103(a); or

(B) testifying as a witness outside the nurse's county of residence;

(4) equipment and software applications for the center; and

(5) any other purpose considered appropriate by the attorney general.

Sec. 420.107. CONSULTATION REQUIRED. Requires the attorney general, in implementing the subchapter, to consult with persons with expertise in medicine and forensic medical examinations, a statewide sexual assault coalition, a statewide organization with expertise in the operation of children's advocacy programs, and attorneys with expertise in prosecuting sexual assault offenses.

Sec. 420.108. RULES. Authorizes the attorney general to adopt rules as necessary to implement this subchapter.

SECTION 2. Effective date: September 1, 2019.