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Texas Hospitals Face New Requirements in Treating Sexual Assault

During the recently concluded 2013 regular session, the Texas Legislature enacted Senate Bill 1191, which established new requirements for hospitals treating victims of sexual assault. The bill is primarily aimed at improving access to forensic examinations for survivors of sexual assault by ensuring that every hospital with an emergency department has personnel who have basic training in forensic examinations. The changes are effective beginning Sept. 1, 2013.

SB 1191 sets out three new requirements for hospitals:

1. Any person who performs a forensic examination on a sexual assault survivor must have basic sexual assault forensic evidence collection training. Training approved or recognized by the appropriate licensing board satisfies this requirement.
2. Hospitals that have emergency departments, but which are not designated by a communitywide plan as the primary healthcare facility in the community for treating sexual assault providers, must:
 - a. Inform sexual assault survivors that the hospital is not a designated facility.
 - b. Provide sexual assault survivors with the name and location of a designated facility.
 - c. Inform survivors that they may choose to be transferred to a designated facility for care or receive care at the nondesignated facility.

- d. If survivors choose to be transferred to the designated facility for care, stabilize and transfer the survivors to the designated facility after obtaining written, signed consent to do so.
3. Hospitals that have an emergency department, but which are not designated by a communitywide plan as the primary healthcare facility in the community for treating sexual assault providers, must develop a plan to train personnel on sexual assault forensic evidence collection.

What This Means to You

There are several elements to consider in implementing SB 1191's new requirements:

1. Hospitals that have emergency departments, but which are not designated by a communitywide plan as the primary healthcare facility in the community for treating sexual assault victims, will need to:
 - a. Have a process for informing patients of the hospital's undesignated status, provide the name and location of the hospital that is designated, permit the patient to choose to be transferred to the designated hospital, and make the transfer if the patient so chooses.
 - b. Have a plan for training personnel on sexual assault forensic evidence collection.
2. All hospitals that have emergency departments, whether or not they are designated by a communitywide plan as the primary healthcare facility in the community for treating sexual assault victims, will need to ensure that all personnel performing forensic examinations on sexual assault survivors have undergone basic sexual assault forensic evidence collection training. Personnel that have completed a continuing medical or nursing education course in forensic evidence collection that is approved or recognized by the appropriate licensing board will satisfy this requirement.

Contact Information

For additional information concerning this or other issues affecting healthcare regulations, please contact your Husch Blackwell attorney or one of our Healthcare, Life Sciences & Pharmaceuticals attorneys.