



## HB 2462/HB 2706 Updates

HB 2462 and HB 2706, passed during the 87<sup>th</sup> Legislature, made changes regarding sexual assault examinations and the reimbursement process. The tables below provide a summary of the changes that impact medical professionals and law enforcement agencies. Monitor the OAG website for implementation updates, including information on proposed administrative rules and reimbursement rates. Please email [sapcs@oag.texas.gov](mailto:sapcs@oag.texas.gov) if you have any questions about HB 2462 or HB 2706 changes related to reimbursements for the sexual assault exam and related medical care.

HB 2462 Updates
<p><b>Law Enforcement Requests</b></p> <p>HB 2462 amended Code of Criminal Procedure, Art. 56A.251 and provisions regarding law enforcement requests for sexual assault exams, including:</p> <ul style="list-style-type: none"><li>• Removing provisions regarding false reports that allow law enforcement to decline requests for exams of an adult within 120 hours of the assault;</li><li>• Requiring that law enforcement request exams of children even if the assault was beyond 120 hours; and</li><li>• Clarifying situations where exams may be conducted for adults after 120 hours if law enforcement believes it would further investigation or prosecution or if a medical provider/examiner notifies law enforcement that an exam should be conducted.</li></ul>
<p><b>Required Forms</b></p> <p>Law enforcement must still document, in a manner required by the OAG, their requests or denials of sexual assault exams for all reported sexual assaults.</p> <ul style="list-style-type: none"><li>• Law enforcement must provide the completed request documentation to the medical provider conducting the exam, the victim, and retain a copy for their records.<ul style="list-style-type: none"><li>○ The OAG will require a copy of this form with each application for reimbursement of the forensic costs of the exam.</li><li>○ This does not apply to sexual assaults that are not reported to law enforcement.</li></ul></li></ul>
<p><b>OAG Implementation</b></p> <ul style="list-style-type: none"><li>• The OAG revised the <i>Law Enforcement Request for Sexual Assault Exam</i> form to include the new request/decline provisions.</li><li>• New copies of the form will be distributed statewide.<ul style="list-style-type: none"><li>○ Electronic copy sent to law enforcement associations, SANE coordinators, OAG certified SANEs, rape crisis centers, children's advocacy centers, and the Office of the Governor Sexual Assault Survivors' Task Force.</li><li>○ The form will be available on the OAG website.</li></ul></li></ul>

HB 2706 Updates
<p><b>SAFE Programs</b></p> <ul style="list-style-type: none"><li>• Amended Code of Criminal Procedure 56A.254 and 56A.305 to add SAFE Programs as entities eligible to receive payments for the cost of medical care related to the sexual assault exams.</li><li>• Amended Health and Safety Code Chapter 323 to include SAFE Programs as a SAFE-ready facility for emergency services for survivors of sexual assault.<ul style="list-style-type: none"><li>○ Subchapter B, Sexual Assault Forensic Examination Programs, lays out procedures for SAFE Programs.</li><li>○ Health &amp; Safety Code Section 323.052 provides the process for SAFE program designation.</li></ul></li></ul>
<p><b>SAFE Programs Eligibility</b></p> <ul style="list-style-type: none"><li>• SAFE Programs must seek designation as a SAFE-ready facility from HHSC to be eligible.</li><li>• The list of SAFE-ready facilities is based upon facility self-reports to HHSC.</li></ul>

- A SAFE Program that is not on the list but is in the process of getting designated, must notify the OAG that they are seeking designation to ensure that may be reimbursed on behalf of the victim.
- Information can be found on the HHSC website (<https://www.hhs.texas.gov/doing-business-hhs/provider-portals/health-care-facilities-regulation/information-survivors-sexual-assault>).
- For additional questions or to update the SAFE Program's SAFE-ready status, email [healthfacilitylicensing@hhs.state.tx.us](mailto:healthfacilitylicensing@hhs.state.tx.us)

#### **Required Procedures for Reimbursement for Emergency Medical Care**

- Victims are eligible to seek reimbursements for the reasonable costs of medical treatment provided during the sexual assault exam at a SAFE Program. This is considered Emergency Medical Care (EMC).
  - If the SAFE Program conducts the exam and there is no cost to the victim for the medical care received during the exam, then the SAFE Program may not seek reimbursement from the OAG as there is no cost to the victim.
  - The victim must apply for either Crime Victims' Compensation (CVC) or for *EMC Compensation* for the medical care costs to be reimbursed.
  - The victim or their legal guardian must complete and sign either the EMC or CVC application. Service providers cannot apply for EMC or CVC.
    - The victim can apply via the CVC Portal. An advocate with access to the CVC Portal can assist the victim with this process.
    - This can be done at the time of the forensic examination or later, within 3 years.
- *Collateral Resources*
  - Generally, victims must use readily available collateral resources for the costs of their medical care.
  - For CVC Applications:
    - Private insurance or Medicaid/Medicare must be used for medical expenses before the OAG may reimburse the victim or a health care provider on behalf of the victim.
  - For EMC Applications:
    - If the victim is covered by Medicaid or Medicare, these federal collateral sources must be billed first.
    - If the SAFE Program is not a Medicaid/Medicare provider **and** the victim is a participant, the SAFE Program may not be reimbursed for not using this collateral source. Please review these cases with CVC staff.
    - Private insurance maybe used but is not required.
- *Emergency Medical Care (EMC) Compensation Applications*
  - Follow-up medical care and any other crime-related costs are not eligible under an EMC application but may be reimbursed if the victim is eligible under the CVC Program.
  - Victims have 3 years to apply for full CVC to seek reimbursements for additional costs.
- *Medical Provider Invoices*
  - Forensic costs should be clearly separated from medical costs on the itemized invoice.
  - Eligible medical costs which would be billed to the victim or a claimant may be paid on their behalf if they complete an EMC or CVC application.
  - SAFE Programs may submit medical bills to the OAG on behalf of the victim or claimant.
    - An advocate with access to the CVC Portal can submit bills with the application.
    - A medical provider can also submit bills by mail.
  - Sexual assault exam reimbursement (SAER) applications and invoices must still be submitted online through the CVC Portal.

#### **OAG Implementation**

- System changes are being made to allow SAFE Programs to seek reimbursement for EMC compensation related to the exam.
- SAFE Programs designated by the HHSC will be eligible for the same facility fee reimbursement as health care facilities reimbursement rates under the SAER process.
- For questions on billing and applications, contact Provider Support at (512) 936-2952.