

116TH CONGRESS
1ST SESSION

H. R. 461

To amend the Public Health Service Act to ensure appropriate care by certain 340B covered entities for victims of sexual assault, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 10, 2019

Mr. GRIFFITH (for himself, Mr. WALDEN, and Mr. CARTER of Georgia) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Public Health Service Act to ensure appropriate care by certain 340B covered entities for victims of sexual assault, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. REQUIREMENTS FOR CERTAIN 340B COVERED**
4 **ENTITIES RELATING TO HOSPITAL CARE FOR**
5 **VICTIMS OF SEXUAL ASSAULT.**

6 (a) IN GENERAL.—Section 340B(a) of the Public
7 Health Service Act (42 U.S.C. 256b(a)) is amended—

8 (1) in paragraph (4)(L)—

1 (A) in clause (ii), by striking “and” at the
2 end;

3 (B) in clause (iii), by striking the period at
4 the end and adding “; and”; and

5 (C) by adding at the end the following new
6 clause:

7 “(iv) in the case of such a hospital
8 that has an emergency department and, as
9 of the date that is 12 months after the
10 date of enactment of this clause, has not
11 been designated as a SAFE-ready facility
12 under paragraph (11)(B)—

13 “(I) takes such actions as nec-
14 essary to become so designated not
15 later than the date that is 24 months
16 after such date of enactment; and

17 “(II) during the period beginning
18 on the date that is 12 months after
19 such date of enactment and ending on
20 the date that such hospital becomes so
21 designated, has adopted and enforces
22 a policy, with respect to visits to the
23 emergency department of such hos-
24 pital during such period, to ensure
25 compliance with the requirements of

1 paragraph (11) and meets the require-
2 ments of such paragraph.”; and

3 (2) by adding at the end the following new
4 paragraph:

5 “(11) REQUIREMENTS OF CERTAIN COVERED
6 ENTITIES RELATING TO EXAMINATION AND TREAT-
7 MENT FOR VICTIMS OF SEXUAL ASSAULT.—

8 “(A) IN GENERAL.—In the case of a cov-
9 ered entity described in paragraph (4)(L) that
10 has an emergency department and, as of the
11 date that is 12 months after the date of enact-
12 ment of this paragraph, has not been des-
13 ignated as a SAFE-ready facility under sub-
14 paragraph (B), for purposes of clause (iv)(II) of
15 such paragraph, the requirements of this para-
16 graph, with respect to visits to the emergency
17 department of such entity during the period de-
18 scribed in such clause (iv)(II), are the following:

19 “(i) TREATMENT.—If any individual
20 comes to the emergency department of
21 such entity for treatment relating to sexual
22 assault, the entity shall—

23 “(I) inform the individual that
24 the entity is not a SAFE-ready facil-
25 ity;

1 “(II) provide the name and loca-
2 tion of the closest SAFE-ready facility
3 to the entity;

4 “(III) inform the individual that
5 the individual may elect—

6 “(aa) to receive treatment at
7 the entity; or

8 “(bb) to be stabilized and
9 transferred to the facility de-
10 scribed in subclause (II); and

11 “(IV) in the case that the indi-
12 vidual elects to be transferred under
13 subclause (III)(bb)—

14 “(aa) obtain the individual’s
15 written consent for the transfer;

16 “(bb) contact the facility de-
17 scribed in subclause (II) to con-
18 firm that a sexual assault foren-
19 sic examiner is available at the
20 facility; and

21 “(cc) stabilize and transfer
22 the individual, at no cost, to such
23 facility using official transpor-
24 tation of the entity.

1 “(ii) PLANS REGARDING STAFF
2 TRAINING AND TRANSFERS TO SAFE-
3 READY FACILITIES.—Not later than the
4 date that is 12 months after the date of
5 enactment of this paragraph, the entity
6 shall develop and implement—

7 “(I) a plan to train relevant per-
8 sonnel on sexual assault forensic evi-
9 dence collection; and

10 “(II) a plan for transferring indi-
11 viduals to SAFE-ready facilities, in
12 accordance with the requirements of
13 clause (i)(IV).

14 “(B) SAFE-READY DESIGNATION.—

15 “(i) IN GENERAL.—The Secretary
16 shall designate a covered entity described
17 in paragraph (4)(L) as a SAFE-ready fa-
18 cility if the entity employs or contracts
19 with sexual assault forensic examiners such
20 that a sexual assault forensic examiner is
21 available or on call 24 hours per day, every
22 day of the year.

23 “(ii) PUBLICATION OF DATA.—The
24 Secretary shall publish on the public
25 website of the Department of Health and

1 Human Services a list of each covered enti-
2 ty designated as a SAFE-ready facility
3 under this subparagraph, including the ad-
4 dress of such entity. The Secretary shall
5 update such list annually.

6 “(C) DEFINITION.—In this paragraph, the
7 term ‘sexual assault forensic examiner’
8 means—

9 “(i) a trained sexual assault nurse ex-
10 aminer; or

11 “(ii) a physician with specialized
12 training on conducting a medical-forensic
13 examination.”.

14 (b) CONFORMING AMENDMENT.—Section
15 340B(a)(4)(M) of the Public Health Service Act (42
16 U.S.C. 256b(a)(4)(M)) is amended by striking “meet the
17 requirements of subparagraph (L), including the dis-
18 proportionate share adjustment percentage requirement
19 under clause (ii) of such subparagraph,” and inserting
20 “meet the requirements of clauses (i) through (iii) of sub-
21 paragraph (L)”.

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