

115TH CONGRESS  
2D SESSION

# H. R. 6273

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.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mrs. MIMI WALTERS of California (for herself and Mr. WALDEN) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## 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 subparagraph, 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 clause, the entity shall  
6 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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