

Meaningful Survivor Access to Sexual Assault Program Advocates During Medical Forensic Exams in Texas

Why Immediate Advocate Contact Matters

- **Survivor-centered care:** Advocates provide emotional support, information, and rights protection during a highly vulnerable time.
- **Meaningful access:** Contacting an advocate as soon as possible ensures survivors can make an informed choice about having support present.
- **Patient rights:** Advocate involvement is part of supporting patient care and respecting survivor autonomy.

Legal Rights and Protections

Art. 56a.351. Presence Of Sexual Assault Program Advocate

- Before conducting a forensic medical examination of a victim who consents to the exam for evidence collection, medical personnel must offer the victim the opportunity to have an advocate from a sexual assault program (as defined by Section 420.003, Government Code) present, if available.
- Any individual or entity, including a health care facility, that provides an advocate with access under this statute is **not subject to civil or criminal liability** for doing so.

Health And Safety Code Chapter 323

- Sets minimum standards for emergency services which requires the facility to provide the survivor with access to a sexual assault program advocate.

HIPAA Compliance

- **No violation:** HIPAA does not restrict hospitals from contacting an advocate to come to the facility and the law protects entities and individuals from liability when contacting an advocate.
- **Part of care coordination:** Contacting an advocate is considered a legitimate part of coordinating patient care.
- **Privacy maintained:** Facilities can contact an advocate without disclosing treatment details by notifying them a survivor is at the facility.

- **Survivor choice:** Once the advocate is present, the survivor can decide whether or not to speak with them or have them stay in the room.

Key Actions for Hospitals

- **Contact an advocate immediately** when a survivor presents due to a sexual assault and may need a medical forensic exam.
- **Do not delay:** Early contact ensures availability and meaningful access.
- **Respect survivor consent:** Once advocate is present, allow the survivor to decide whether to engage.

Bottom Line: Hospitals play a critical role in ensuring survivors have timely access to advocates. Contacting an advocate is legally supported, HIPAA-compliant, and essential to survivor-centered care.