

Chapter: Health Care and Treatment	<b>Effective Date: 2/1/14</b>
<b>Title: Health Care and Referral for Victims of Sexual Abuse</b>	Page: 1 of 2
ACA: 4-JCF-4C-50	Replaces: HSP.04.13, 6/1/09
Implements: <a href="#">GAP.380.9337</a>	
Statutes: 28 C.F.R. <a href="#">§115.321</a> , <a href="#">§115.361</a> , <a href="#">§115.363</a> , <a href="#">§115.381</a> , <a href="#">§115.382</a>	

(a) **Standard.**

- (1) Victims of sexual abuse are referred to a community hospital for gathering of evidence, a medical evaluation, and/or treatment as needed. University of Texas Medical Branch – Correctional Managed Care (UTMB) medical personnel do not perform forensic medical examinations.
- (2) All suspected sexual abuse is appropriately reported, regardless of whether it occurred in a Texas Juvenile Justice Department (TJJD) facility.

(b) **Procedures.**

(1) **Alleged Sexual Abuse in TJJD Custody.**

If a health care staff member has knowledge or suspicion that a youth has been sexually abused while in TJJD custody:

(A) The **health care staff member**:

- (i) immediately notifies the Office of Inspector General (OIG) Incident Reporting Center (IRC) and the superintendent in accordance with [GAP.07.03](#); and
- (ii) documents the IRC number in the EMR.

(B) Nursing staff completes the Alleged Sexual Assault Nursing Assessment Protocol.

(C) Regardless of the time elapsed since the alleged incident, the **health services administrator or designee**:

- (i) coordinates with the superintendent or designee to ensure separation of the youth from his or her assailant; and
- (ii) refers the youth to a mental health professional.

(D) When the TJJD Office of Inspector General determines it is evidentiarily appropriate, a youth who has experienced sexual abuse is transported immediately to a hospital, clinic, or emergency department for examination by a Sexual Assault Nurse Examiner (SANE) or Sexual Assault Forensic Examiner (SAFE). TJJD staff will accompany youth to the hospital.

(E) If the youth is not referred to a community hospital, clinic, or emergency department for evaluation, treatment, and/or gathering of evidence, a **nurse** schedules the youth for an evaluation by the medical provider at the next scheduled provider clinic. If a physical examination is completed, the **health care staff** may still gather evidence by documenting any findings, such as bruises, lacerations, or statements made by the youth about the incident.

(2) **Alleged Sexual Abuse Before Entering TJJD Custody.**

- (A) If a health care staff member has knowledge or suspicion that sexual abuse occurred in a juvenile facility or institutional setting before admission to TJJD; the **health care staff member**:

- (i) immediately notifies the IRC and the superintendent in accordance with [GAP.07.03](#); and
  - (ii) documents the IRC number in the EMR.
- (B) If a health care staff member has knowledge or suspicion that sexual abuse occurred while in a community setting before admission to TJJD (i.e., home placement); the **health care staff member**:
- (i) immediately notifies the IRC and documents the IRC number in the EMR;
  - (ii) immediately notifies the superintendent and documents the notification in the EMR; and
  - (iii) if the youth is under 18 years of age, notifies the Texas Department of Family and Protective Services (DFPS) and documents the case number in the EMR; or
  - (iv) if the youth is 18 years of age or older, obtains informed consent from the youth before reporting information to DFPS.

Note: If notified in writing that an incident described above was previously reported to the IRC and/or to DFPS by TJJD psychology staff or by UTMB health care staff, the nurse scans the notification into the EMR and documents the IRC number and/or DFPS case number in the EMR.

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