
DIGEST

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HB 435 Engrossed

2020 Regular Session

Jordan

Abstract: Prohibits nonconsensual pelvic and rectal examinations on patient's performed by healthcare providers and medical residents, interns, or students.

Proposed law provides that healthcare providers or medical residents, interns, or students shall not perform pelvic or rectal examinations on an anesthetized or unconscious patient without informed consent.

Proposed law requires that informed consent shall be given by the patient or patient's representative to provide informed written consent to the examination. Further requires that the examination is necessary for preventive, diagnostic, or treatment purposes.

Proposed law provides one or more conditions shall be met in obtaining informed consent. Those conditions shall be: (1) the examination is necessary for preventive care for the patient, (2) informed consent has been given and the examination is within the scope of care for the patient, or (3) a court has directed that the examination is necessary for collection of evidence.

Proposed law requires the healthcare provider to obtain informed consent by a written or electronic document where the document specifically states what the document is, the nature and reason for the examination, and the healthcare provider and medical resident, student, or intern assisting with the examination.

Proposed law provides for ways to consent to an examination in which a medical resident, student, or intern would either be present during the examination for educational purposes or not be allowed to do so.

Proposed law provides that any healthcare provider who violates proposed law shall be subject to disciplinary action and investigation pursuant to present law.

Proposed law provides that any healthcare provider who violates proposed law shall be fined no less than \$250 and no more than \$500.

(Adds R.S. 40:1160.1-1160.3)