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## DIGEST

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HB 415 Original

2020 Regular Session

Duplessis

**Abstract:** Provides relative to forensic medical examinations and the medical consent needed to perform an examination.

Present law provides that persons identified by present law may consent to any surgical or medical treatment, including an autopsy to be performed on a patient who is unable to consent to such treatment themselves.

Proposed law retains present law but adds that persons identified by present law who may consent to a patient receiving surgical or medical treatment shall be able to consent to the performance of a forensic medical examination.

Present law provides those persons designated by present law are unable to consent to a patient's surgical or medical treatment or procedure, to include an autopsy, then a physician shall have such discretion to perform the treatment or procedure according to present law.

Proposed law retains present law and adds that the physician has the discretion to perform a forensic medical examination according to present law.

Present law provides that no healthcare facility, physician, or other provider shall be subjected to criminal prosecution or civil liability for the performance of a surgical or medical treatment which includes the performance of an autopsy.

Proposed law retains present law and adds forensic medical examinations as a procedure that is not subjected to present law.

Proposed law defines "forensic medical examination".

Proposed law provides that a medical examiner may perform a forensic medical examination upon having a reasonable belief the individual has been the victim of a sexually-oriented criminal offense. Proposed law further provides that a forensic medical examination shall cease upon the victim objecting to the examination.

(Amends R.S. 40:1159.4(A)(intro. para.), (C), (G), and (H); Adds R.S. 40:1159.4(I) and (J))