
DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 596 Original

2020 Regular Session

Ivey

Abstract: Prohibits nonconsensual pelvic and rectal examinations on patients 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 prior to the examination. Further requires that the examination is necessary for educational, preventive, diagnostic, or treatment purposes.

Proposed law provides one or more of the following conditions shall be met in obtaining informed consent: (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) The examination is medically necessary. If the examination is medically necessary then the healthcare provider shall inform the patient that an additional examination was performed and the nature of the such examination. Further provides that the healthcare provider shall notify the patient of the examination at a reasonable time before the patient is discharged

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 to 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 violations proposed law shall be fined no less than \$250 and no more than \$500. Further provides that a healthcare provider may be imprisoned for no less than 10 days and no more than 5 months, or both.

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