

## HOUSE SUMMARY OF SENATE AMENDMENTS

**HB 435**

**2020 Regular Session**

**Jordan**

HEALTH/MEDICAL TREATMENT: Provides relative to nonconsensual pelvic or rectal examinations by health care providers and medical students

### Synopsis of Senate Amendments

1. Provides that learners in a clinical setting shall only perform an examination on a patient who is under general anesthesia for teaching purposes when the examination is medically related to the performed procedure.
2. Clarifies that a violation may constitute grounds for adverse action by the medical education program for any learner and for adverse licensure action by the appropriate professional licensing board for any licensed individual.
3. Defines "teaching purposes" to mean a diagnostic or nontherapeutic examination that is solely for the education of the learner.
4. Makes technical changes.

### Digest of Bill as Finally Passed by Senate

Proposed law provides definitions for the following terms: anesthesia, examination, healthcare provider, learner, patient, pelvic examination, rectal examination, personal healthcare representative, and teaching purposes.

Proposed law provides that healthcare providers shall not perform a pelvic or rectal examination on an anesthetized or unconscious patient unless one of the following conditions have been met:

- (1) Written consent has been given by the patient or personal healthcare representative to the examination and that the examination is necessary for instructional, preventive, diagnostic, or treatment purposes.
- (2) Informed consent has been given and the examination is within the scope of care for the patient.
- (3) The patient is unconscious and incapable of providing consent and the examination is medically necessary.

Proposed law provides that the healthcare provider who performs an examination pursuant to proposed law shall notify the patient that an additional examination was performed and the nature of the examination. Further provides that the patient shall be notified at a reasonable time before the patient is discharged from the healthcare provider's care.

Proposed law provides that any violation of proposed law may constitute grounds for adverse licensure action by the appropriate professional licensing board exercising jurisdiction over the healthcare provider.

Proposed law provides that a learner in a clinical setting shall only perform an examination on a patient who is under general anesthesia when all of the following conditions are met:

- (1) The examination is explicitly consented to by the patient.
- (2) The examination is medically related to the performed procedure the patient is

undergoing.

- (3) The learner is recognized by the patient as a part of the patient's care team.
- (4) The examination was conducted under the direct supervision of an educator.

Proposed law provides that a learner who violates proposed law may be subjected to adverse action by the medical education program for any learner and for adverse licensure action by the appropriate professional licensing board for any licensed individual.

(Adds R.S. 40:1160.1-1160.4)