



General Assembly

February Session, 2022

Raised Bill No. 5278

LCO No. 1853



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT PROHIBITING AN UNAUTHORIZED INTIMATE EXAMINATION ON A PATIENT WHO IS UNDER DEEP SEDATION OR ANESTHESIA OR UNCONSCIOUS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section:
- 2 (1) "Health care provider" means a physician licensed pursuant to
3 chapter 370 of the general statutes, a student in a medical school
4 participating in a course of instruction, a person participating in a
5 residency program or clinical training program, a physician assistant or
6 an advanced practice registered nurse;
- 7 (2) "Intimate examination" means an inpatient or outpatient pelvic,
8 prostate or rectal examination; and
- 9 (3) "Legal representative" means a court-appointed fiduciary,
10 including a guardian or conservator, or a person with power of attorney
11 authorized to act on a patient's behalf or, if the patient is a minor, the
12 patient's parent or guardian.

13 (b) A health care provider may perform an intimate examination on
14 a patient who is (1) under deep sedation or anesthesia, or (2)
15 unconscious only when (A) the patient or the legal representative of the
16 patient provided written informed consent to the intimate examination,
17 (B) the performance of an intimate examination is within the scope of
18 the surgical procedure or diagnostic examination to be performed on
19 the patient, or (C) in the case of an unconscious patient, the intimate
20 examination is required for diagnostic purposes.

21 (c) To obtain informed consent to perform an intimate examination
22 from a patient or the legal representative of a patient pursuant to
23 subparagraph (A) of subdivision (2) of subsection (b) of this section, the
24 health care provider shall comply with the following requirements:

25 (1) Provide the patient or the patient's legal representative with a
26 written or electronic informed consent form that (A) may be included as
27 a distinct or separate section of a general informed consent form, (B)
28 contains the following heading at the top of the form in at least eighteen
29 point, boldface type: "CONSENT FOR EXAMINATION OF PELVIC,
30 PROSTATE OR RECTAL REGION", (C) specifies the nature and
31 purpose of the intimate examination, (D) informs the patient or the
32 patient's legal representative that a medical student or resident may be
33 present if the patient or the patient's legal representative authorizes the
34 student or resident to perform the intimate examination or to observe or
35 otherwise be present at the intimate examination for training purposes,
36 either in person or through electronic means, (E) allows the patient or
37 the patient's legal representative the opportunity to consent to or refuse
38 to consent to the intimate examination, and (F) allows a patient or a
39 patient's legal representative that consents to an intimate examination
40 under subparagraph (E) of this subdivision the opportunity to authorize
41 or refuse to authorize a medical student or resident to perform the
42 intimate examination or observe or otherwise be present at the intimate
43 examination for training purposes, either in person or through
44 electronic means;

45 (2) Obtain the signature of the patient or the patient's legal

46 representative on the informed consent form provided under
47 subdivision (1) of this subsection; and

48 (3) Sign the informed consent form provided under subdivision (1) of
49 this subsection.

50 (d) The Department of Public Health (1) shall investigate any alleged
51 violation of subsection (b) or (c) of this section pursuant to subdivision
52 (11) of subsection (a) of section 19a-14 of the general statutes, and (2) if
53 the department determines a violation was committed, may take
54 disciplinary action under section 19a-17 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2022	New section

Statement of Purpose:

To prohibit an unauthorized intimate examination on a patient who is under deep sedation or anesthesia or unconscious.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]