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:

Section 1. (NEW) (Effective July 1, 2022) (a) As used in this section:

(1) "Health care provider" means a physician licensed pursuant to chapter 370 of the general statutes, a student in a medical school participating in a course of instruction, a person participating in a residency program or clinical training program, a physician assistant or an advanced practice registered nurse;

(2) "Intimate examination" means an inpatient or outpatient pelvic, prostate or rectal examination; and

(3) "Legal representative" means a court-appointed fiduciary, including a guardian or conservator, or a person with power of attorney authorized to act on a patient's behalf or, if the patient is a minor, the patient's parent or guardian.
(b) A health care provider may perform an intimate examination on a patient who is (1) under deep sedation or anesthesia, or (2) unconscious only when (A) the patient or the legal representative of the patient provided written informed consent to the intimate examination, (B) the performance of an intimate examination is within the scope of the surgical procedure or diagnostic examination to be performed on the patient, or (C) in the case of an unconscious patient, the intimate examination is required for diagnostic purposes.

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

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

(2) Obtain the signature of the patient or the patient's legal
representative on the informed consent form provided under subdivision (1) of this subsection; and

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

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