**An Act Clarifying Patient Consent for Certain Medical Examinations**

**Be it enacted by the People of the State of Maine as follows:**

**Sec.** **1. 24 MRSA §2905-B,** as enacted by PL 2019, c. 602, §1, is amended to read:

**§****2905-B.** **Informed consent for pelvic, rectal or prostate examination** **~~on anesthetized~~** **~~or unconscious patient~~**

A health care practitioner may not perform a pelvic, rectal or prostate examination or supervise a pelvic, rectal or prostate examination performed by an individual practicing under the supervision of the health care practitioner on a patient without first obtaining the patient's specific informed consent, orally and in writing, to that pelvic, rectal or prostate examination, unless:

**1.** **Unconscious patient; diagnostic purposes and medically necessary.**  In the case of an unconscious patient, the examination is required for diagnostic purposes and is medically necessary; ~~or~~

**2.** **Examination on unconscious alleged victim of sexual assault.**  The health care practitioner is authorized to perform the examination pursuant to section 2986, subsection 5~~.~~; or

**3.** **Conscious patient.**  The patient is conscious, in which case the health care practitioner shall obtain the patient's specific informed consent, orally, to that pelvic, rectal or prostate examination.

**SUMMARY**

This bill clarifies that written informed consent is not required for pelvic, rectal or prostate examinations performed on a conscious patient; in such cases the informed consent must be obtained orally.