



130th MAINE LEGISLATURE

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Legislative Document

No. 790

H.P. 595

House of Representatives, March 5, 2021

An Act Clarifying Patient Consent for Certain Medical Examinations

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative DOUDERA of Camden.

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

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

3 **§2905-B. Informed consent for pelvic, rectal or prostate examination ~~on an anesthetized~~**
4 **~~or unconscious patient~~**

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

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

13 **2. Examination on unconscious alleged victim of sexual assault.** The health care
14 practitioner is authorized to perform the examination pursuant to section 2986, subsection
15 ~~5~~; or

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

19 **SUMMARY**

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