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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 1392, L.D. 1948, Bill, “An Act To Prohibit, Except in Emergency Situations, the Performance without Consent of Pelvic Examinations on Unconscious or Anesthetized Patients”

Amend the bill by striking out the title and substituting the following:

'An Act To Prohibit, Except in Emergency Situations, the Performance without Consent of Certain Examinations on Unconscious or Anesthetized Patients'

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 24 MRSA §2905-B is enacted 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.'

SUMMARY

This amendment replaces the bill. The amendment requires that, prior to performing or supervising a pelvic, rectal or prostate examination, a health care practitioner must

COMMITTEE AMENDMENT

1 obtain the patient's informed consent to that examination unless the examination of an
2 unconscious patient is required for diagnostic purposes and is medically necessary or the
3 examination is authorized pursuant to the implied consent provision in the Maine Health
4 Security Act relating to forensic examinations of unconscious alleged victims of sexual
5 assault.

6 The amendment clarifies that the provisions apply more broadly to licensed health
7 care practitioners, not just physicians as in the bill, and reallocates the provision to the
8 Maine Revised Statutes, Title 24, chapter 21, subchapter 5. The amendment expands the
9 scope of the bill to include rectal and prostate examinations and also requires a health
10 care practitioner to obtain the patient's informed consent orally and in writing.