

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Health Policy

CS/CS/SB 716 — Consent for Pelvic Examinations

by Judiciary Committee; Health Policy Committee; and Senator Book

The bill amends, narrows, and simplifies the definition of “pelvic examination.” It amends current law requiring written consent for all pelvic examinations performed by health care practitioners and trainees, to requiring written consent for health care practitioners and trainees to performing pelvic examinations on anesthetized or unconscious patients. The bill further requires verbal consent, in addition to written consent, if the patient is conscious. The bill provides exceptions to the need to obtain consent as follows:

- The bill maintains current law exception for court orders.
- The bill modifies the current law exception allowing a pelvic examination without consent to avert a serious risk of imminent, substantial and irreversible physical impairment of a major bodily function, to permit a pelvic examination without consent when it is necessary to provide emergency services and care.
- The bill adds three new exceptions, thereby allowing an examination without consent when:
 - o A patient has emergency medical conditions;
 - o Administered as part of a child protective investigation; or
 - o The examination is administered pursuant to a criminal investigation alleging certain offenses related to child abuse and neglect.

The bill further provides that a single written consent for a pelvic examination may authorize multiple health care practitioners or students to perform a pelvic examination on a pregnant woman having contractions in a hospital.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0