

By Senator Book

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1 A bill to be entitled
2 An act relating to informed consent for pelvic
3 examinations; creating s. 456.51, F.S.; defining the
4 terms "health care provider" and "pelvic examination";
5 specifying circumstances under which a health care
6 provider may perform a pelvic examination on an
7 anesthetized or unconscious patient; specifying
8 procedures for obtaining consent for a pelvic
9 examination; providing that a patient may revoke or
10 amend consent verbally or in writing within a
11 specified timeframe; prohibiting a student or resident
12 from observing or performing a pelvic examination on a
13 patient without the patient's consent; requiring a
14 health care provider to notify the patient of certain
15 information before the patient is anesthetized and
16 rendered unconscious; providing for disciplinary
17 action against a health care provider who fails to
18 comply with certain provisions; providing an effective
19 date.

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21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 456.51, Florida Statutes, is created to
24 read:

25 456.51 Health care providers; consent for pelvic
26 examinations.-

27 (1) As used in this section, the term:

28 (a) "Health care provider" means a health care practitioner
29 as defined in s. 456.001 or a paramedic or an emergency medical

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30 technician certified under part III of chapter 401.

31 (b) "Pelvic examination" means a medical examination that
32 requires contact with the patient's sexual organs.

33 (2) A health care provider may not perform a pelvic
34 examination on an anesthetized or unconscious patient unless:

35 (a) The health care provider obtains consent from the
36 patient or the patient's representative in accordance with
37 subsection (3);

38 (b) A court orders performance of the pelvic examination
39 for the collection of evidence;

40 (c) The performance of the pelvic examination is within the
41 scope of care for a procedure or diagnostic examination
42 scheduled to be performed on the patient; or

43 (d) The pelvic examination is immediately necessary for
44 diagnosis and treatment of the patient.

45 (3) To obtain consent to perform a pelvic examination on an
46 anesthetized or unconscious patient, the health care provider
47 must do all of the following before the patient is anesthetized
48 or rendered unconscious:

49 (a) Provide the patient or the patient's representative
50 with a written or electronic document that:

51 1. Is provided separately from any other notice or
52 agreement.

53 2. Contains a heading at the top of the document in at
54 least 18-point bold type which states the following: "CONSENT
55 FOR EXAMINATION OF PELVIC REGION".

56 3. Specifies the nature and purpose of the pelvic
57 examination.

58 4. Lists the name and title of one or more health care

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59 providers whom the patient or the patient's representative may
60 authorize to perform the pelvic examination.

61 5. States whether there may be a student or resident who
62 the patient or the patient's representative authorizes to
63 perform an additional pelvic examination or observe or otherwise
64 be present at the pelvic examination, either in person or
65 through electronic means, for educational or training purposes.

66 6. Provides the patient or the patient's representative
67 with a series of check boxes that allow the patient or the
68 patient's representative to:

69 a. Consent to the pelvic examination for diagnosis or
70 treatment and to the presence of, or an additional examination
71 performed by, a student or resident for educational or training
72 purposes;

73 b. Consent to the pelvic examination only for diagnosis or
74 treatment and refuse to consent to the presence of, or an
75 additional examination performed by, a student or resident for
76 educational or training purposes; or

77 c. Refuse to consent to the pelvic examination.

78 (b) Obtain the signature of the patient or the patient's
79 representative on the written or electronic document while
80 witnessed by a third party.

81 (c) Sign the written or electronic document.

82 (4) A patient may revoke or amend his or her consent,
83 verbally or in writing, at any time before being anesthetized or
84 rendered unconscious.

85 (5) A student or resident may not observe or perform a
86 pelvic examination on a patient unless the patient has executed
87 a consent form in accordance with subsection (3) authorizing the

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88 student or resident to do so.

89 (6) If a patient consents to have a student or resident
90 observe or perform a pelvic examination on the patient, before
91 the patient is anesthetized and rendered unconscious, the health
92 care provider must notify the patient of the name of each
93 student or resident who will be observing or performing a pelvic
94 examination on the patient and inform the patient of the right
95 to amend or revoke his or her consent.

96 (7) A health care provider who fails to comply with this
97 section is subject to discipline by the applicable board, or the
98 department if there is no board.

99 Section 2. This act shall take effect July 1, 2020.