

By the Committee on Health Policy; and Senator Book

588-02982-21

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1 A bill to be entitled
2 An act relating to consent for pelvic examinations;
3 amending s. 456.51, F.S.; revising the definition of
4 the term "pelvic examination"; revising the
5 circumstances under which a pelvic examination may be
6 performed without written consent; authorizing written
7 consent for a pelvic examination to be obtained as a
8 part of a general consent form and to allow multiple
9 health care practitioners or students to perform the
10 examination; providing an effective date.

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

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14 Section 1. Section 456.51, Florida Statutes, is amended to
15 read:

16 456.51 Consent for pelvic examinations.—

17 (1) As used in this section, the term "pelvic examination"
18 means ~~the series of tasks that comprise~~ an examination of the
19 organs of the female internal reproductive system ~~vagina,~~
20 ~~cervix, uterus, fallopian tubes, ovaries, rectum, or external~~
21 ~~pelvic tissue or organs using any combination of modalities,~~
22 ~~which may include, but need not be limited to, the health care~~
23 ~~provider's gloved hand or instrumentation.~~

24 (2) A health care practitioner, a medical student, or any
25 other student receiving training as a health care practitioner
26 may not perform a pelvic examination on an anesthetized or
27 unconscious ~~a~~ patient without the written consent of the patient
28 or the patient's legal representative ~~executed specific to, and~~
29 ~~expressly identifying, the pelvic examination,~~ unless:

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30 (a) A court orders performance of the pelvic examination
31 for the collection of evidence; ~~or~~

32 (b) The pelvic examination is ~~immediately~~ necessary for the
33 provision of emergency services and care as defined in s.
34 395.002 to avert a serious risk of imminent substantial and
35 irreversible physical impairment of a major bodily function of
36 the patient;

37 (c) The pelvic examination is administered pursuant to a
38 child protective investigation under chapter 39;

39 (d) The pelvic examination is administered pursuant to a
40 criminal investigation of an alleged violation related to child
41 abuse or neglect under s. 787.06(3)(b), (d), (f), or (g),
42 chapter 794, chapter 796, chapter 800, chapter 827, or chapter
43 847; or

44 (e) The pelvic examination is indicated in the standard of
45 care for a procedure to which the patient or the patient's legal
46 representative has consented.

47 (3) Written consent for a pelvic examination may be
48 obtained as part of a general consent form if it is included as
49 its own provision. One written consent form may be used to
50 authorize multiple health care practitioners or students to
51 perform a pelvic examination.

52 Section 2. This act shall take effect July 1, 2021.