

By the Committees on Judiciary; and Health Policy; and Senator Book

590-03535-21

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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 consent; providing that certain
7 health care practitioners and students need only
8 obtain written consent for the initial pelvic
9 examination for certain patients under certain
10 circumstances; requiring such written consent form to
11 inform the patient that multiple pelvic examinations
12 may be conducted during the course of care and
13 treatment; providing an effective date.
14

15 Be It Enacted by the Legislature of the State of Florida:
16

17 Section 1. Section 456.51, Florida Statutes, is amended to
18 read:

19 456.51 Consent for pelvic examinations.—

20 (1) As used in this section, the term "pelvic examination"
21 means a manual ~~the series of tasks that comprise an~~ examination
22 of the organs of the female reproductive system using ~~vagina,~~
23 ~~cervix, uterus, fallopian tubes, ovaries, rectum, or external~~
24 ~~pelvic tissue or organs using any combination of modalities,~~
25 ~~which may include, but need not be limited to,~~ the health care
26 provider's gloved hand or instrumentation. The term does not
27 include a visual assessment, imaging, or a nondiagnostic medical
28 or surgical procedure.

29 (2) A health care practitioner, a medical student, or any

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30 other student receiving training as a health care practitioner
31 may not perform a pelvic examination on an anesthetized or
32 unconscious a patient without the written consent of the patient
33 or the patient's legal representative executed specific to, and
34 expressly identifying, the pelvic examination. If the patient is
35 conscious, informed verbal consent must be obtained for the
36 pelvic examination in addition to any written consent obtained.
37 Consent is not required if, unless:

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

40 (b) The pelvic examination is ~~immediately~~ necessary for the
41 provision of emergency services and care as defined in s.
42 395.002;

43 (c) The patient has an emergency medical condition as
44 defined in s. 395.002;

45 (d) The pelvic examination is administered pursuant to a
46 child protective investigation under chapter 39; or

47 (e) The pelvic examination is administered pursuant to a
48 criminal investigation of an alleged violation related to child
49 abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g),
50 chapter 794, chapter 796, chapter 800, chapter 827, or chapter
51 847 to avert a serious risk of imminent substantial and
52 irreversible physical impairment of a major bodily function of
53 the patient.

54 (3) A health care practitioner, a medical student, or any
55 other student receiving training as a health care practitioner
56 who is providing care to a pregnant woman having contractions in
57 a facility licensed under chapter 395 need only obtain written
58 consent from the patient to perform the initial pelvic

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59 examination. The written consent form must inform the patient
60 that multiple pelvic examinations may be conducted during the
61 course of her care and treatment at the facility.

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