

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
Regular Session, 2021

As Engrossed: H2/24/21
A Bill

HOUSE BILL 1137

By: Representatives Vaught, M. Gray

For An Act To Be Entitled

AN ACT TO PROHIBIT THE PERFORMANCE OF A PELVIC EXAMINATION ON AN UNCONSCIOUS OR ANESTHETIZED PATIENT WITHOUT THE PRIOR CONSENT OF THE PATIENT; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT THE PERFORMANCE OF A PELVIC EXAMINATION ON AN UNCONSCIOUS OR ANESTHETIZED PATIENT WITHOUT THE PRIOR CONSENT OF THE PATIENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 6, is amended to add an additional section to read as follows:

20-9-605. Pelvic examination on unconscious or anesthetized patient - Consent.

(a) A healthcare professional shall not perform a pelvic examination on an unconscious or anesthetized patient unless:

(1) The healthcare professional obtains written consent from the patient or the patient's representative before performing the pelvic examination;

(2) A court orders performance of the pelvic examination for collection of evidence;

(3) The performance of the pelvic examination is within the scope and standard of care for the procedure or diagnostic examination to be performed on the patient and the patient or the patient's representative has



given informed consent; or

(4) A medical emergency exists and the pelvic examination is immediately necessary for diagnosis or treatment of the patient.

(b) A student or trainee in a clinical setting shall only perform a pelvic examination on an unconscious or anesthetized patient for teaching purposes if the pelvic examination is:

(1) Explicitly consented to by the patient or the patient's representative;

(2) Medically related to the planned or performed procedure;

(3) Performed by a student or trainee who has been made known to the patient as being part of his or her care team; and

(4) Conducted under the direct supervision of an educator.

(c) If a pelvic examination is performed on an unconscious or anesthetized patient by a healthcare professional or a student or trainee in a clinical setting under subdivisions (a)(2)-(4) of this section, the healthcare professional or student or trainee shall notify the patient at a reasonable time before the patient is discharged from the care of the healthcare professional or the student or trainee.

(d) A violation of this section shall constitute grounds for disciplinary action by the appropriate licensing board or medical education program.

/s/Vaught