



General Assembly

February Session, 2022

**Substitute Bill No. 5278**



**AN ACT PROHIBITING AN UNAUTHORIZED INTIMATE EXAMINATION ON A PATIENT WHO IS UNDER DEEP SEDATION OR ANESTHESIA OR UNCONSCIOUS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2022*) (a) As used in this section:
- 2 (1) "Health care provider" means a physician licensed pursuant to  
3 chapter 370 of the general statutes, a student in a medical school  
4 participating in a course of instruction, a person participating in a  
5 residency program or clinical training program, a physician assistant  
6 licensed pursuant to chapter 370 of the general statutes or an advanced  
7 practice registered nurse licensed pursuant to chapter 378 of the general  
8 statutes;
- 9 (2) "Intimate examination" means an inpatient or outpatient pelvic,  
10 prostate or rectal examination; and
- 11 (3) "Legal representative" means a court-appointed fiduciary,  
12 including a guardian or conservator, or a person with power of attorney  
13 authorized to act on a patient's behalf or, if the patient is a minor, the  
14 patient's parent or guardian.
- 15 (b) A health care provider may perform an intimate examination on  
16 a patient who is (1) under deep sedation or anesthesia, or (2)  
17 unconscious only when (A) the patient or the legal representative of the

18 patient provided written informed consent to the intimate examination,  
19 (B) the performance of an intimate examination is within the scope of  
20 the surgical procedure or diagnostic examination to be performed on  
21 the patient, or (C) in the case of an unconscious patient, the intimate  
22 examination is required for diagnostic purposes.

23 (c) To obtain informed consent to perform an intimate examination  
24 from a patient or the legal representative of a patient pursuant to  
25 subparagraph (A) of subdivision (2) of subsection (b) of this section, the  
26 health care provider shall comply with the following requirements:

27 (1) Provide the patient or the patient's legal representative with a  
28 written or electronic informed consent form that (A) may be included as  
29 a distinct or separate section of a general informed consent form, (B)  
30 contains the following heading at the top of the form in at least eighteen  
31 point, boldface type: "CONSENT FOR EXAMINATION OF PELVIC,  
32 PROSTATE OR RECTAL REGION", (C) specifies the nature and  
33 purpose of the intimate examination, (D) informs the patient or the  
34 patient's legal representative that a medical student or resident may be  
35 present if the patient or the patient's legal representative authorizes the  
36 student or resident to perform the intimate examination or to observe or  
37 otherwise be present at the intimate examination for training purposes,  
38 either in person or through electronic means, (E) allows the patient or  
39 the patient's legal representative the opportunity to consent to or refuse  
40 to consent to the intimate examination, and (F) allows a patient or a  
41 patient's legal representative that consents to an intimate examination  
42 under subparagraph (E) of this subdivision the opportunity to authorize  
43 or refuse to authorize a medical student or resident to perform the  
44 intimate examination or observe or otherwise be present at the intimate  
45 examination for training purposes, either in person or through  
46 electronic means;

47 (2) Obtain the signature of the patient or the patient's legal  
48 representative on the informed consent form provided under  
49 subdivision (1) of this subsection; and

