

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 and procedures for
 8 obtaining consent for such examination; providing for
 9 disciplinary action against a health care provider who
 10 fails to comply with certain provisions; providing an
 11 effective date.

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

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 15 Section 1. Section 456.51, Florida Statutes, is created to
 16 read:

17 456.51 Health care providers; consent for pelvic
 18 examinations.-

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

20 (a) "Health care provider" means a health care
 21 practitioner as defined in s. 456.001 or a paramedic or
 22 emergency medical technician certified under part III of chapter
 23 401.

24 (b) "Pelvic examination" means a medical examination that
 25 requires contact with a patient's sexual organs.

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

28 (a) The health care provider obtains consent from the
 29 patient or the patient's representative in accordance with
 30 subsection (3);

31 (b) A court orders performance of the pelvic examination
 32 for the collection of evidence;

33 (c) The performance of the pelvic examination is within
 34 the scope of services for a procedure or diagnostic examination
 35 scheduled to be performed on the patient; or

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

38 (3) To obtain consent to perform a pelvic examination on
 39 an anesthetized or unconscious patient, the health care provider
 40 must do all of the following before the patient is anesthetized
 41 or rendered unconscious:

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

44 1. Is provided separately from any other notice or
 45 agreement.

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

49 3. Specifies the nature and purpose of the pelvic
 50 examination.

51 4. Lists the name and title of one or more health care
52 providers whom the patient or the patient's representative may
53 authorize to perform the pelvic examination.

54 5. States whether there may be a student or resident who
55 the patient or the patient's representative authorizes to
56 perform an additional pelvic examination or observe or otherwise
57 be present at the pelvic examination, either in person or
58 through electronic means, for educational or training purposes.

59 6. Provides the patient or the patient's representative
60 with a series of check boxes that allow the patient or the
61 patient's representative to:

62 a. Consent to the pelvic examination for diagnosis or
63 treatment and to the presence of or an additional examination
64 performed by a student or resident for educational or training
65 purposes;

66 b. Consent to the pelvic examination only for diagnosis or
67 treatment; or

68 c. Refuse to consent to the pelvic examination.

69 (b) Obtain the signature of the patient or the patient's
70 representative on the written or electronic document witnessed
71 by a third party.

72 (c) Sign the written or electronic document.

73 (4) A health care provider who fails to comply with this
74 section is subject to discipline by the applicable board, or the
75 department if there is no board.

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