

Senate Bill 267

By: Senators Islam of the 7th, Parent of the 42nd and Halpern of the 39th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 31-9-6.1 of the Official Code of Georgia Annotated, relating to
2 disclosure of certain information to persons undergoing certain surgical or diagnostic
3 procedures, failure to comply, exceptions, and regulations establishing standards for
4 implementation, so as to prohibit certain examinations on an anesthetized or unconscious
5 patient without prior informed consent; to provide that informed consent shall be deemed
6 valid consent for other medical personnel under certain conditions; to provide for related
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 31-9-6.1 of the Official Code of Georgia Annotated, relating to disclosure of
11 certain information to persons undergoing certain surgical or diagnostic procedures, failure
12 to comply, exceptions, and regulations establishing standards for implementation, is amended
13 by adding a new subsection to read as follows:

14 "(i)(1) Except as otherwise provided for in subsection (e) of this Code section, a
15 responsible physician shall not perform a breast, pelvic, prostate, or rectal examination
16 on an anesthetized or unconscious patient unless the patient, or a person authorized to

17 consent for the patient, gives informed consent prior to such examination, the
18 performance of such examination is within the scope of care ordered for the patient, and
19 such examination is medically necessary for diagnosis or treatment purposes, or a court
20 has ordered the performance of any such examination for the purposes of evidence
21 collection.

22 (2) An informed consent to a breast, pelvic, prostate, or rectal examination obtained
23 pursuant to this subsection shall be deemed to be valid consent for the responsible
24 physician and all medical personnel under the direct supervision and control of the
25 responsible physician and for all other medical personnel otherwise involved in the
26 course of treatment of the patient's condition, provided that the patient is informed that
27 such other medical personnel may perform the examination."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.