

HOUSE No. 1991

The Commonwealth of Massachusetts

PRESENTED BY:

Denise Provost

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to assure informed consent for pelvic examinations of anesthetized or unconscious patients.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|------------------------------------|---------------------------------------|
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Ruth B. Balsler</i> | <i>12th Middlesex</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> |
| <i>Carlos Gonzalez</i> | <i>10th Hampden</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Patricia D. Jehlen</i> | <i>Second Middlesex</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Michael O. Moore</i> | <i>Second Worcester</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> |

| | |
|------------------------------|----------------------------------|
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> |
| <i>José F. Tosado</i> | <i>9th Hampden</i> |

HOUSE No. 1991

By Ms. Provost of Somerville, a petition (accompanied by bill, House, No. 1991) of Denise Provost and others relative to informed consent for pelvic examinations of anesthetized or unconscious patients. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to assure informed consent for pelvic examinations of anesthetized or unconscious patients.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 70E of Chapter 111 of the General Laws, 2016 official edition, is hereby
2 amended in subsection (l), by adding, after the phrase, “ to informed consent to the extent
3 provided by law;” the following language:

4 “provided that no physician or surgeon, nor any student undertaking a course of
5 professional instruction or a clinical training program, may perform a pelvic examination on an
6 anesthetized or unconscious patient unless the patient has given specific informed consent in
7 writing to the pelvic examination; or the performance of a pelvic examination is within the scope
8 of care for the surgical procedure or diagnostic examination to be performed on the patient or, in
9 the case of an unconscious patient, the pelvic examination is required for diagnostic purposes.”