

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1742
101ST GENERAL ASSEMBLY

4040H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to patient examinations.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be
2 known as section 191.240, to read as follows:

191.240. 1. For purposes of this section, the following terms mean:

2 **(1) "Health care provider", the same meaning given to the term in section**
3 **191.900;**

4 **(2) "Patient examination", a prostate, anal, or pelvic examination.**

5 **2. A health care provider, or any student or trainee under the supervision of a**
6 **health care provider, shall not knowingly perform a patient examination upon an**
7 **anesthetized or unconscious patient in a health care facility unless:**

8 **(1) The patient or a person authorized to make health care decisions for the**
9 **patient has given specific informed consent to the patient examination;**

10 **(2) The patient examination is necessary for diagnostic or treatment purposes;**
11 **or**

12 **(3) The collection of evidence through a forensic examination, as defined under**
13 **subsection 8 of section 595.220, for a suspected sexual assault on the anesthetized or**
14 **unconscious patient is necessary because the evidence will be lost or the patient is unable**
15 **to give informed consent due to a medical condition.**

16 **3. A health care provider shall notify a patient of any patient examination**
17 **performed under subsection 2 of this section.**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **4. A health care provider who violates the provisions of this section, or who**
19 **supervises a student or trainee who violates the provisions of this section, shall be**
20 **subject to discipline by any licensing board that licenses the health care provider.**

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