

Legislative Analysis



PROHIBITION OF NONCONSENSUAL PELVIC EXAMINATIONS

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<http://www.house.mi.gov/hfa>

House Bill 4958 as introduced
Sponsor: Rep. Pamela Hornberger
Committee: Health Policy
Complete to 10-10-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4958 would amend Part 161 of the Public Health Code to prohibit a licensee or registrant¹ from performing a pelvic examination, or allowing a student in the course of studies for a health profession training program to perform a pelvic examination, on an anesthetized or unconscious patient.

However, a pelvic examination on an anesthetized or unconscious patient could be conducted in any of the following circumstances:

- The patient or patient's authorized representative provided written, informed consent to the pelvic examination and it was necessary for preventative, diagnostic, or treatment purposes.
- The patient or patient's authorized representative provided written, informed consent to a surgical procedure or diagnostic examination to be performed on the patient and the pelvic examination was within the scope of care for that procedure or examination.
- The patient was unconscious and incapable of providing informed consent and the pelvic examination was necessary for diagnostic or treatment purposes.
- A court ordered the pelvic examination in order to collect evidence.

Proposed MCL 333.16279

FISCAL IMPACT:

House Bill 4958 would not have a significant fiscal impact on any unit of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

¹ "Licensee or registrant," as used in Part 161 of the Public Health Code, applies to any licensee or registrant regulated by Article 15 (Occupations) of the code.