

# HOUSE BILL NO. 4958

September 12, 2019, Introduced by Rep. Hornberger and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 16279.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 16279. (1) A licensee or registrant shall comply with**  
2 **both of the following unless 1 of the conditions described in**  
3 **subsection (2) is met:**

4           **(a) He or she shall not perform a pelvic examination on an**  
5 **anesthetized or unconscious patient.**



1 (b) He or she shall ensure that a student who is in a health  
2 profession training program does not perform a pelvic examination  
3 on an anesthetized or unconscious patient while performing a duty  
4 assigned in the course of training by the licensee or registrant.

5 (2) An individual described in subsection (1) may perform a  
6 pelvic examination on an anesthetized or unconscious patient if 1  
7 of the following is met before the pelvic examination is performed:

8 (a) The patient or the patient's authorized representative  
9 provides written, informed consent to the pelvic examination, and  
10 the pelvic examination is necessary for preventative, diagnostic,  
11 or treatment purposes.

12 (b) The patient or the patient's authorized representative has  
13 provided written, informed consent to a surgical procedure or  
14 diagnostic examination to be performed on the patient, and the  
15 performance of the pelvic examination is within the scope of care  
16 ordered for the surgical procedure or diagnostic examination.

17 (c) The patient is unconscious and incapable of providing  
18 informed consent, and the pelvic examination is necessary for  
19 diagnostic or treatment purposes.

20 (d) A court has ordered the performance of the pelvic  
21 examination for the purposes of collecting evidence.

