

JAN 20 2012

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that medical students are
2 often asked by their training physicians to perform pelvic
3 examinations for training purposes on anesthetized or
4 unconscious female patients, without first obtaining the
5 patients' informed consent.

6 The legislature further finds that the American College of
7 Obstetricians and Gynecologists recommends that pelvic
8 examinations undertaken for teaching purposes should be
9 performed with the specific informed consent of the patient.
10 The legislature also finds that the American Medical Association
11 recommends discussing medical student involvement with patient
12 procedures whenever possible.

13 The purpose of this Act is to require informed consent in
14 certain circumstances before performing pelvic examinations for
15 training purposes on anesthetized or unconscious female
16 patients.



1 SECTION 2. Chapter 453, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§453- Pelvic examinations on anesthetized or
5 unconscious female patients. A physician, osteopathic
6 physician, surgeon, or student participating in a course of
7 instruction, residency program, or clinical training program
8 shall not perform a pelvic examination on an anesthetized or
9 unconscious female patient unless:

- 10 (1) The patient gives prior informed consent to the pelvic
11 examination;
12 (2) The performance of a pelvic examination is within the
13 scope of care for the surgical procedure or diagnostic
14 examination scheduled to be performed on the patient;
15 or
16 (3) The patient is unconscious and the pelvic examination
17 is required for diagnostic purposes."

18 SECTION 3. New statutory material is underscored.
19



1 SECTION 4. This Act shall take effect upon its approval.

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S.B. NO. 2578

Report Title:

Health; Physicians; Medical School Students; Pelvic Examinations; Informed Consent

Description:

Prohibits a physician, osteopathic physician, surgeon, or medical student from performing a pelvic examination on an anesthetized or unconscious female patient unless specific informed consent was obtained, the pelvic examination is within the specified scope of care, or the pelvic examination is required for diagnostic purposes on an unconscious patient.

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