

Honolulu, Hawaii

April 26, 2012

RE: H.B. No. 2232
H.D. 2
S.D. 1
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2232, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require informed consent in certain circumstances before performing pelvic examinations on female patients.

Specifically, this measure prohibits a physician, osteopathic physician, surgeon, or student participating in a course of instruction, residency program, or clinical training program from performing a pelvic examination on an anesthetized or unconscious female patient unless:

- (1) The patient gives prior verbal or written informed consent to the pelvic examination;

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- (2) The performance of a pelvic examination is within the scope of care for the surgical procedure or diagnostic examination scheduled to be performed on the patient; or
- (3) The patient is unconscious and the pelvic examination is required for diagnostic purposes.

It is the intent of this measure that pelvic examinations be conducted on an anesthetized female patient with the informed consent of the patient or on an unconscious female patient if the pelvic examination is required for diagnostic purposes.

Your Committee on Conference has amended this measure by clarifying the preamble to specify that:

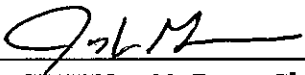
- (1) The requirement of informed consent applies to pelvic examinations for medical, as well as training purposes; and
- (2) Informed consent ensures that the patient understands the procedure and its attendant risks and benefits and agrees to the procedure being performed.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2232, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2232, H.D. 2, S.D. 1, C.D. 1.

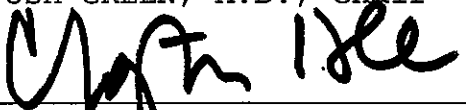
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

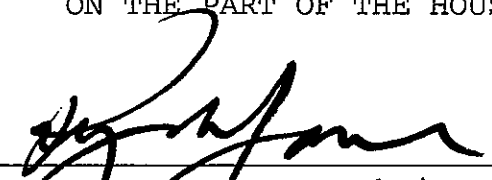
ON THE PART OF THE HOUSE



JOSH GREEN, M.D., Chair



CLAYTON LEE, Co-Chair



RYAN J. YAMANE, Co-Chair



GILBERT KEITH-AGARAN, Co-Chair



