

ACT 136

H.B. NO. 2232

A Bill for an Act Relating to Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that the American Congress of Obstetricians and Gynecologists, formerly known as the American College of Obstetricians and Gynecologists, recommends that pelvic examinations undertaken for teaching purposes should be performed with the specific informed consent

of the patient. Informed consent ensures the patient understands the procedure and its attendant risks and benefits and agrees to the procedure being performed. The legislature also finds that the American Medical Association recommends discussing medical student involvement with patient procedures whenever possible.

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

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

“§453- Pelvic examinations on anesthetized or unconscious female patients. A physician, osteopathic physician, surgeon, or student participating in a course of instruction, residency program, or clinical training program shall not perform 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;
- (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.”

SECTION 3. New statutory material is underscored.¹

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

(Approved June 19, 2012.)

Note

1. Edited pursuant to HRS §23G-16.5.