

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: H2/24/21

A Bill

HOUSE BILL 1137

5 By: Representatives Vaught, M. Gray
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For An Act To Be Entitled

8 AN ACT TO PROHIBIT THE PERFORMANCE OF A PELVIC
9 EXAMINATION ON AN UNCONSCIOUS OR ANESTHETIZED PATIENT
10 WITHOUT THE PRIOR CONSENT OF THE PATIENT; AND FOR
11 OTHER PURPOSES.
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Subtitle

14 TO PROHIBIT THE PERFORMANCE OF A PELVIC
15 EXAMINATION ON AN UNCONSCIOUS OR
16 ANESTHETIZED PATIENT WITHOUT THE PRIOR
17 CONSENT OF THE PATIENT.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 20, Chapter 9, Subchapter 6, is amended
24 to add an additional section to read as follows:

25 20-9-605. Pelvic examination on unconscious or anesthetized patient -
26 Consent.

27 (a) A healthcare professional shall not perform a pelvic examination
28 on an unconscious or anesthetized patient unless:

29 (1) The healthcare professional obtains written consent from the
30 patient or the patient's representative before performing the pelvic
31 examination;

32 (2) A court orders performance of the pelvic examination for
33 collection of evidence;

34 (3) The performance of the pelvic examination is within the
35 scope and standard of care for the procedure or diagnostic examination to be
36 performed on the patient and the patient or the patient's representative has



1 given informed consent; or

2 (4) A medical emergency exists and the pelvic examination is
3 immediately necessary for diagnosis or treatment of the patient.

4 (b) A student or trainee in a clinical setting shall only perform a
5 pelvic examination on an unconscious or anesthetized patient for teaching
6 purposes if the pelvic examination is:

7 (1) Explicitly consented to by the patient or the patient's
8 representative;

9 (2) Medically related to the planned or performed procedure;

10 (3) Performed by a student or trainee who has been made known to
11 the patient as being part of his or her care team; and

12 (4) Conducted under the direct supervision of an educator.

13 (c) If a pelvic examination is performed on an unconscious or
14 anesthetized patient by a healthcare professional or a student or trainee in
15 a clinical setting under subdivisions (a)(2)-(4) of this section, the
16 healthcare professional or student or trainee shall notify the patient at a
17 reasonable time before the patient is discharged from the care of the
18 healthcare professional or the student or trainee.

19 (d) A violation of this section shall constitute grounds for
20 disciplinary action by the appropriate licensing board or medical education
21 program.

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23 /s/Vaught

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26 **APPROVED: 3/15/21**
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