

E AND R AMENDMENTS TO LB 110

Introduced by Guereca, 7, Chairman Enrollment and Review

1        1. Strike the original section and all amendments thereto and insert  
2        the following new section:

3        **Section 1.** (1) For purposes of this section, intimate examination  
4        means the manual examination of a patient's breast or an internal pelvic,  
5        prostate, or rectal examination but does not include a visual examination  
6        of a patient's breast or any body part associated with an internal  
7        pelvic, prostate, or rectal examination.

8        (2) The Legislature finds and declares that:

9        (a) The ethical principle of informed consent in medical practice is  
10       critical to the trust a patient places in a health care provider;

11       (b) A patient has the rational expectation to have control over the  
12       patient's medical decisions; and

13       (c) The parts of the body subject to an intimate examination are  
14       protected under state law and deserve similar protection in medical  
15       practice.

16       (3) A health care provider shall not perform an intimate examination  
17       on a patient who is anesthetized or unconscious in a hospital or medical  
18       clinic without prior written consent unless:

19       (a) An individual authorized to make health care decisions for the  
20       patient has given written consent for the examination;

21       (b) The examination is necessary for emergency diagnostic or  
22       emergency treatment purposes; or

23       (c) A court orders the performance of the examination for the  
24       collection of evidence.

25       (4) If an intimate examination is performed on an unconscious or  
26       anesthetized patient pursuant to subsection (3) of this section, the  
27       patient shall be notified in writing prior to discharge of such patient

1 from the hospital or medical clinic.

2 (5) A health care provider who violates subsection (3) of this  
3 section is subject to discipline under the Uniform Credentialing Act.

4 2. On page 1, strike beginning with "provide" in line 1 through line  
5 2 and insert "define terms; to state findings; and to provide  
6 requirements for intimate examinations as prescribed.".