

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.".