

ENGROSSED LEGISLATIVE BILL 110

Introduced by Hughes, 24; Raybould, 28.

A BILL FOR AN ACT relating to public health and welfare; to define terms; to state findings; and to provide requirements for intimate examinations as prescribed.

Be it enacted by the people of the State of Nebraska,

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

(2) The Legislature finds and declares that:

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

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

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

(3) A health care provider as defined in section 71-7907 shall not perform an intimate examination on a patient who is anesthetized or unconscious in a hospital or health care facility as defined in section 71-413 without prior written consent unless:

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

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

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

(4) If an intimate examination is performed on an unconscious or

anesthetized patient pursuant to subsection (3) of this section, the patient shall be notified in writing prior to discharge of such patient from the hospital or medical clinic.

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

PRESIDENT OF THE LEGISLATURE

*THIS IS TO CERTIFY that the within LB 110 was passed by the One Hundred Ninth
Legislature of Nebraska at its Second Session on the day
of 20.....*

CLERK OF THE LEGISLATURE

Approved:

..... 20....., o'clock M.

GOVERNOR