

AMENDMENTS TO LB110

Introduced by Health and Human Services.

1 1. Strike the original section and insert the following new section:

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

7 (2) The Legislature finds and declares that:

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

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

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

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

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

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

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

24 (4) If an intimate examination is performed on an unconscious or
25 anesthetized patient, the patient shall be notified in writing prior to
26 discharge of such patient from the hospital or medical clinic.

27 (5) A health care provider who violates subsection (1) of this

1 section is subject to discipline under the Uniform Credentialing Act.