

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 110

FINAL READING
(SECOND)

Introduced by Hughes, 24; Raybould, 28.

Read first time January 10, 2025

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to define terms;
- 2 to state findings; and to provide requirements for intimate
- 3 examinations as prescribed.
- 4 Be it enacted by the people of the State of Nebraska,

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

6 (2) The Legislature finds and declares that:

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

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

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

14 (3) A health care provider licensed under the Uniform Credentialing
15 Act shall not perform an intimate examination on a patient who is
16 anesthetized or unconscious in a health care facility as defined in
17 section 71-413 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 pursuant to subsection (3) of this section, the
26 patient shall be notified in writing prior to discharge of such patient
27 from the health care facility.

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