

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 224

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MEDICAL CONSENT; AMENDING CHAPTER 45, TITLE 39, IDAHO CODE, BY
2 THE ADDITION OF A NEW SECTION 39-4517, IDAHO CODE, TO PROHIBIT PELVIC
3 EXAMINATIONS ON ANESTHETIZED OR UNCONSCIOUS PATIENTS, TO PROVIDE EX-
4 CEPTIONS, AND TO PROVIDE FOR PROFESSIONAL DISCIPLINE; AND DECLARING AN
5 EMERGENCY.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Chapter 45, Title 39, Idaho Code, be, and the same is
9 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
10 ignated as Section 39-4517, Idaho Code, and to read as follows:

11 39-4517. PELVIC EXAMINATION OF UNCONSCIOUS PATIENT. (1) A health care
12 provider may not knowingly perform or authorize a student practicing under
13 the provider's authority to perform a pelvic examination on a patient who is
14 anesthetized or unconscious unless:

15 (a) The patient or a person authorized to make health care decisions for
16 the patient gave specific informed consent to the examination;

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

19 (c) The patient is suspected to be the victim of a sex crime, and the
20 pelvic examination is being performed to collect evidence.

21 (2) A health care provider who violates the provisions of subsection
22 (1) of this section is subject to discipline from the provider's licensing
23 board pursuant to title 54, Idaho Code.

24 SECTION 2. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.