



Senate Fiscal Agency
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House Bill 4958 (as passed by the House)
Senate Bill 1081 (as introduced 9-2-20)
Sponsor: Representative Pamela Hornberger (H.B. 4958)
Senator Paul Wojno (S.B. 1081)
House Committee: Health Policy
Ways and Means
Senate Committee: Health Policy and Human Services

Date Completed: 10-1-20

CONTENT

House Bill 4958 would amend Part 161 (General Provisions) of the Public Health Code to prohibit a licensee or registrant from performing a pelvic examination on an anesthetized or unconscious patient except in certain circumstances.

Senate Bill 1081 would amend Section 161 of the Code to define "invasive bodily examination" as a pelvic, vaginal, rectal, or prostate examination.

Senate Bill 1081 is tie-barred to House Bill 4958.

House Bill 4958 is described in greater detail below.

Under the bill, a licensee or registrant would have to comply with both of the following unless one of the conditions described below was met:

- He or she could not perform a pelvic examination on an anesthetized or unconscious patient.
- He or she would have to ensure that a student who was in a health profession training program did not perform a pelvic examination on an anesthetized or unconscious patient while performing a duty assigned in the course of training by the licensee or registrant.

("Licensee" as used in Part 161 means an individual who is issued a license under Part 161 and is regulated under Article 15 (Occupations) of the Code. "Registrant" as used in Part 161 means an individual who is issued a registration, a specialty certification, or a health profession specialty field license under Part 161 and who is regulated under Article 15.)

A licensee or registrant could perform a pelvic examination on an anesthetized or unconscious patient if one of the following were met before the pelvic examination was performed:

- The patient or the patient's authorized representative provided written, informed consent to the pelvic examination, and the pelvic examination was necessary for preventative, diagnostic, or treatment purposes.
- The patient or the patient's authorized representative had provided written, informed consent to a surgical procedure or diagnostic examination to be performed on the patient,

- and the performance of the pelvic examination was within the scope of care ordered for the surgical procedure or diagnostic examination.
- The patient was unconscious and incapable of providing informed consent, and the pelvic examination was necessary for diagnostic or treatment purposes.
- A court had ordered the performance of the pelvic examination for the purposes of collecting evidence.

Proposed MCL 333.16279 (H.B. 4958)
MCL 333.16105 & 333.16106 (S.B. 1081)

Legislative Analyst: Stephen Jackson

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.