

House Bill 1428

By: Representatives Davis of the 87<sup>th</sup>, Scott of the 76<sup>th</sup>, and Schofield of the 63<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to  
2 consent for surgical or medical treatment, so as to prohibit pelvic and rectal examinations on  
3 an anesthetized or unconscious patient without consent or a court order except in cases of  
4 emergency; to provide for an exception; to provide for related matters; to repeal conflicting  
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 9 of Title 31 of the Official Code of Georgia Annotated, relating to consent for  
9 surgical or medical treatment, is amended by revising subsections (g) and (h) of and by  
10 adding a new subsection to Code Section 31-9-6.1, relating to disclosure of certain  
11 information to persons undergoing certain surgical or diagnostic procedures, failure to  
12 comply, exceptions, and regulations establishing standards for implementation, to read as  
13 follows:

14 "(g)(1) A responsible physician shall not perform a pelvic or rectal examination on an  
15 anesthetized or unconscious patient unless:

16 (A) The patient or a person authorized to consent for the patient gives informed  
17 consent to such examination;

18 (B) The performance of such examination is within the scope of care ordered for the  
19 patient; and

20 (C) Such examination is medically necessary for diagnosis or treatment purposes;  
21 provided, however, that informed consent shall not be required pursuant to this subsection  
22 in the event of an emergency, as defined in Code Section 31-9-3.

23 (2) A responsible physician may perform a pelvic or rectal examination on an  
24 anesthetized or unconscious patient when a court has ordered the performance of the  
25 pelvic or rectal examination for the purposes of evidence collection.

26 (3) A physician or student undertaking a course of professional instruction or a clinical  
27 training program shall not perform a pelvic or rectal examination on an anesthetized or  
28 unconscious patient for the purposes of instruction or clinical training unless the patient  
29 has given informed consent to the pelvic or rectal examination and such instruction or  
30 training.

31 ~~(g)~~(h) The Georgia Composite Medical Board shall be required to adopt and have the  
32 authority to promulgate rules and regulations governing and establishing the standards  
33 necessary to implement this chapter specifically including but not limited to the  
34 disciplining of a physician who fails to comply with this Code section.

35 ~~(h)~~(i) As used in this Code section, the term 'responsible physician' means the physician  
36 who performs the procedure or the physician under whose direct orders the procedure is  
37 performed by a nonphysician."

38 **SECTION 2.**

39 All laws and parts of laws in conflict with this Act are repealed.