

HOUSE BILL No. 1012

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-1-9.

Synopsis: Health care consent for pelvic examinations. Prohibits health practitioners and other specified individuals from performing pelvic examinations on an anesthetized or unconscious patient except in specified circumstances.

Effective: July 1, 2021.

Jackson

January 4, 2021, read first time and referred to Committee on Public Health.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1012

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-1-9-4.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 4.2. (a) A practitioner, a student in training in a
4 medical school, an intern, a resident, a graduate student, or an
5 individual participating in a clinical training or resident program
6 may not perform a pelvic examination on an anesthetized or
7 unconscious patient unless one (1) of the following conditions is
8 met:**
9 (1) **The patient, the patient's guardian, or the patient's health
10 care representative (as defined in IC 16-21-12-4) provides
11 prior written informed consent to the pelvic examination, and
12 the pelvic examination is necessary for preventative,
13 diagnostic, or treatment purposes.**
14 (2) **The patient, the patient's guardian, or the patient's health
15 care representative (as defined in IC 16-21-12-4) provides
16 prior written informed consent to a surgical procedure or
17 diagnostic examination to be performed on the patient, and**



1 **the performance of a pelvic examination is within the scope of**
 2 **care ordered for the surgical procedure or diagnostic**
 3 **examination.**

4 **(3) The patient is unconscious and incapable of providing**
 5 **prior informed consent, and the pelvic examination is**
 6 **necessary for diagnostic or treatment purposes.**

7 **(4) A court has ordered the performance of the pelvic**
 8 **examination for the purposes of the collection of evidence.**

9 **(b) A person who violates this section is subject to disciplinary**
 10 **action under section 9 of this chapter.**

11 SECTION 2. IC 25-1-9-9 IS AMENDED TO READ AS FOLLOWS
 12 [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The board may impose any
 13 of the following sanctions, singly or in combination, if it finds that a
 14 practitioner is subject to disciplinary sanctions under section 4, 4.2, 5,
 15 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

16 (1) Permanently revoke a practitioner's license.

17 (2) Suspend a practitioner's license.

18 (3) Censure a practitioner.

19 (4) Issue a letter of reprimand.

20 (5) Place a practitioner on probation status and require the
 21 practitioner to:

22 (A) report regularly to the board upon the matters that are the
 23 basis of probation;

24 (B) limit practice to those areas prescribed by the board;

25 (C) continue or renew professional education under a
 26 preceptor, or as otherwise directed or approved by the board,
 27 until a satisfactory degree of skill has been attained in those
 28 areas that are the basis of the probation; or

29 (D) perform or refrain from performing any acts, including
 30 community restitution or service without compensation, that
 31 the board considers appropriate to the public interest or to the
 32 rehabilitation or treatment of the practitioner.

33 (6) Assess a fine against the practitioner in an amount not to
 34 exceed one thousand dollars (\$1,000) for each violation listed in
 35 section 4 of this chapter, except for a finding of incompetency due
 36 to a physical or mental disability. When imposing a fine, the
 37 board shall consider a practitioner's ability to pay the amount
 38 assessed. If the practitioner fails to pay the fine within the time
 39 specified by the board, the board may suspend the practitioner's
 40 license without additional proceedings. However, a suspension
 41 may not be imposed if the sole basis for the suspension is the
 42 practitioner's inability to pay a fine.



1 (b) The board may withdraw or modify the probation under
2 subsection (a)(5) if it finds, after a hearing, that the deficiency that
3 required disciplinary action has been remedied, or that changed
4 circumstances warrant a modification of the order.

