



FMA Legal Update

New law requiring written consent for pelvic exams takes effect July 1

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Sen. Lauren Book, a vocal and prominent advocate for victims of sexual abuse, **sponsored Florida Senate Bill 698** after learning that pelvic examinations were sometimes performed on patients under anesthesia by multiple practitioners or students, without the patient's consent. Effective July 1, 2020, healthcare practitioners, medical students, or any other student receiving training as a healthcare practitioner will be prohibited from performing pelvic examinations without the written consent of the patient or patient's legal representative. SB 698 defines pelvic examination as the series of tasks that comprise an examination of the vagina, cervix, uterus, fallopian tubes, ovaries, rectum, or external pelvic tissue or organs using any combination of modalities, which may include, but need not be limited to, the healthcare provider's gloved hand or instrumentation.

The legislation specifies that the informed consent cannot be general in nature but must be executed specific to, and

expressly identifying the pelvic examination. This consent requirement applies to all pelvic examinations, whether conducted in a hospital or office setting, and whether performed under anesthesia or on a fully conscious patient. The written consent requirement is not required where there is a court order for a pelvic examination for the collection of evidence; or if the pelvic examination is immediately necessary to avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the patient.

It is well known and generally accepted that medical students and residents must have an opportunity to practice a skill as part of their medical education and SB 698 does not prevent that practice, but merely requires the patient have explicit knowledge of and consent to the pelvic examination, which includes knowing which practitioners will be participating in the procedure.

If you have any questions about SB 698 and are an FMA member, please contact our General Counsel's office at legal@FLmedical.org or call (850) 224-6496.



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