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S.F. No. 2846 - Informed consent for sensitive examinations of an anesthetized or unconscious patient requirement

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Section Summaries

Section 1 (adds Minn. Stat. § 145.076) This section adds a new section of law to chapter 145 (which relates to “Public Health Provisions”) to prohibit a health professional, or student or resident training for a health profession, from performing a sensitive examination on an anesthetized or unconscious patient, unless there is a permitted exception.

Sensitive examination is defined by this section to mean “a pelvic, breast, urogenital, or rectal examination,” and the permitted exceptions include: (1) the patient or the patient’s representative provided prior, written, informed consent to the exam, and the exam is necessary for preventative, diagnostic, or treatment purposes; (2) the patient or the patient’s representative provided prior, written, informed consent to a surgical procedure or diagnostic exam, and the sensitive examination is within the scope of care ordered for that surgical procedure or diagnostic exam; (3) the patient is unconscious and incapable of providing informed consent, and the exam is necessary for diagnostic or treatment purposes; and (4) a court ordered an exam to be performed for purposes of collecting evidence.

This section further provides that a person who violates this section is guilty of a gross misdemeanor and is subject to discipline by the person’s health licensing board.