

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 106

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR ARTHUR.

0309S.04P

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to patient examinations.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto
2 one new section, to be known as section 191.240, to read as
3 follows:

**191.240. 1. For purposes of this section, the
2 following terms mean:**

3 (1) "Health care provider", the same meaning given to
4 the term in section 191.900;

5 (2) "Patient examination", a prostate, anal, or pelvic
6 examination.

7 2. A health care provider, or any student or trainee
8 under the supervision of a health care provider, shall not
9 knowingly perform a patient examination upon an anesthetized
10 or unconscious patient in a health care facility unless:

11 (1) The patient or a person authorized to make health
12 care decisions for the patient has given specific informed
13 consent to the patient examination for nonmedical purposes;

14 (2) The patient examination is necessary for
15 diagnostic or treatment purposes;

16 (3) The collection of evidence through a forensic
17 examination, as defined under subsection 8 of section
18 595.220, for a suspected sexual assault on the anesthetized
19 or unconscious patient is necessary because the evidence
20 will be lost or the patient is unable to give informed
21 consent due to a medical condition; or

22 (4) Circumstances are present which imply consent, as
23 described in section 431.063.

24 3. A health care provider shall notify a patient of
25 any patient examination performed under subsection 2 of this
26 section.

27 4. A health care provider who violates the provisions
28 of this section, or who supervises a student or trainee who
29 violates the provisions of this section, shall be subject to
30 discipline by any licensing board that licenses the health
31 care provider.

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