

CHAPTER 2021-126

Committee Substitute for Committee Substitute for Senate Bill No. 716

An act relating to consent for pelvic examinations; amending s. 456.51, F.S.; revising the definition of the term “pelvic examination”; revising the circumstances under which a pelvic examination may be performed without consent; providing that certain health care practitioners and students need only obtain written consent for the initial pelvic examination for certain patients under certain circumstances; requiring such written consent form to inform the patient that multiple pelvic examinations may be conducted during the course of care and treatment; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 456.51, Florida Statutes, is amended to read:

456.51 Consent for pelvic examinations.—

(1) As used in this section, the term “pelvic examination” means a manual examination of the female reproductive system using 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 health care provider’s gloved hand or instrumentation. The term does not include a visual assessment, imaging, or a nondiagnostic medical or surgical procedure. ~~the series of tasks that comprise an examination of the organs of the female reproductive system using 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 health care provider’s gloved hand or instrumentation. The term does not include a visual assessment, imaging, or a nondiagnostic medical or surgical procedure.~~

(2) A health care practitioner, a medical student, or any other student receiving training as a health care practitioner may not perform a pelvic examination on an anesthetized or unconscious a patient without the written consent of the patient or the patient’s legal representative executed specific to, and expressly identifying, the pelvic examination. If the patient is conscious, informed verbal consent must be obtained for the pelvic examination in addition to any written consent obtained. Consent is not required if, unless: ~~the patient is conscious, informed verbal consent must be obtained for the pelvic examination in addition to any written consent obtained. Consent is not required if, unless:~~

(a) A court orders performance of the pelvic examination for the collection of evidence; ~~or~~

(b) The pelvic examination is immediately necessary for the provision of emergency services and care as defined in s. 395.002; ~~immediately necessary for the provision of emergency services and care as defined in s. 395.002;~~

(c) The patient has an emergency medical condition as defined in s. 395.002; ~~The patient has an emergency medical condition as defined in s. 395.002;~~

(d) The pelvic examination is administered pursuant to a child protective investigation under chapter 39; or ~~The pelvic examination is administered pursuant to a child protective investigation under chapter 39; or~~

(e) The pelvic examination is administered pursuant to a criminal investigation of an alleged violation related to child abuse or neglect under s. 787.06(3)(a)1., (c)1., (f)1., or (g), chapter 794, chapter 796, chapter 800, chapter 827, or chapter 847 to avert a serious risk of imminent substantial and irreversible physical impairment of a major bodily function of the patient.

(3) A health care practitioner, a medical student, or any other student receiving training as a health care practitioner who is providing care to a pregnant woman having contractions in a facility licensed under chapter 395 need only obtain written consent from the patient to perform the initial pelvic examination. The written consent form must inform the patient that multiple pelvic examinations may be conducted during the course of her care and treatment at the facility.

Section 2. This act shall take effect July 1, 2021.

Approved by the Governor June 21, 2021.

Filed in Office Secretary of State June 21, 2021.