

HEALTH AND SAFETY CODE

TITLE 2. HEALTH

SUBTITLE H. PUBLIC HEALTH PROVISIONS

CHAPTER 167A. PELVIC EXAMINATIONS

Sec. 167A.001. DEFINITIONS. In this chapter:

(1) "Health care practitioner" means a physician, physician assistant, or advanced practice registered nurse licensed to practice in this state.

(2) "Patient's legally authorized representative" means:

(A) a parent, managing conservator, or guardian of a patient, if the patient is a minor;

(B) a guardian of the patient, if the patient has been adjudicated incompetent to manage the patient's personal affairs; or

(C) an agent of the patient authorized under a durable power of attorney for health care.

(3) "Pelvic examination" means a physical examination by a health care practitioner of a patient's external and internal reproductive organs, genitalia, or rectum.

Added by Acts 2021, 87th Leg., R.S., Ch. 251 (H.B. 1434), Sec. 1, eff. September 1, 2021.

Sec. 167A.002. LIMITATIONS ON CERTAIN PELVIC EXAMINATIONS.

(a) A health care practitioner may not perform or delegate to another individual, including a student training to become a health care practitioner, the performance of a pelvic examination on an anesthetized or unconscious patient unless:

(1) the pelvic examination is within the standard scope of a procedure or diagnostic examination scheduled to be performed on the patient;

(2) the patient or the patient's legally authorized representative gives informed consent for the pelvic examination as provided by Subsection (b);

(3) the pelvic examination is necessary for diagnosis or treatment of the patient's medical condition; or

(4) the pelvic examination is for the purpose of collecting evidence.

(b) To obtain informed consent to perform a pelvic examination on an unconscious or anesthetized patient, a health care practitioner must:

(1) provide the patient or the patient's legally authorized representative with a written or electronic informed consent form that:

(A) may be included as a distinct or separate section of a general informed consent form;

(B) contains the following heading at the top of the form in at least 18-point boldface type: "CONSENT FOR EXAMINATION OF PELVIC REGION";

(C) specifies the nature and purpose of the pelvic examination;

(D) informs the patient or the patient's legally authorized representative that a medical student or resident may be present if the patient or the patient's legally authorized representative authorizes the student or resident to:

(i) perform the pelvic examination; or

(ii) observe or otherwise be present at the pelvic examination, either in person or through electronic means;

(E) allows the patient or the patient's legally authorized representative the opportunity to consent to or refuse to consent to the pelvic examination; and

(F) allows a patient or a patient's legally authorized representative that consents to a pelvic examination under Paragraph (E) the opportunity to authorize or refuse to authorize:

(i) a medical student or resident to perform the pelvic examination; or

(ii) a medical student or resident to observe or otherwise be present at the pelvic examination, either in person or through electronic means;

(2) obtain the signature of the patient or the patient's legally authorized representative on the informed consent form; and

(3) sign the informed consent form.

Added by Acts 2021, 87th Leg., R.S., Ch. 251 (H.B. [1434](#)), Sec. 1, eff. September 1, 2021.

Sec. 167A.003. DISCIPLINARY ACTION. The appropriate licensing authority may take disciplinary action against a health care practitioner who violates Section [167A.002](#), including imposing an administrative penalty, as if the practitioner violated an applicable licensing law.

Added by Acts 2021, 87th Leg., R.S., Ch. 251 (H.B. [1434](#)), Sec. 1, eff. September 1, 2021.