

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.