

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)



# 130th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2021

---

Legislative Document

No. 790

---

H.P. 595

House of Representatives, March 5, 2021

### **An Act Clarifying Patient Consent for Certain Medical Examinations**

---

Reference to the Committee on Health Coverage, Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative DOUDERA of Camden.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2905-B**, as enacted by PL 2019, c. 602, §1, is amended to read:

3 **§2905-B. Informed consent for pelvic, rectal or prostate examination ~~on an anesthetized~~**  
4 **~~or unconscious patient~~**

5 A health care practitioner may not perform a pelvic, rectal or prostate examination or  
6 supervise a pelvic, rectal or prostate examination performed by an individual practicing  
7 under the supervision of the health care practitioner on a patient without first obtaining the  
8 patient's specific informed consent, orally and in writing, to that pelvic, rectal or prostate  
9 examination, unless:

10 **1. Unconscious patient; diagnostic purposes and medically necessary.** In the case  
11 of an unconscious patient, the examination is required for diagnostic purposes and is  
12 medically necessary; ~~or~~

13 **2. Examination on unconscious alleged victim of sexual assault.** The health care  
14 practitioner is authorized to perform the examination pursuant to section 2986, subsection  
15 ~~5~~; or

16 **3. Conscious patient.** The patient is conscious, in which case the health care  
17 practitioner shall obtain the patient's specific informed consent, orally, to that pelvic, rectal  
18 or prostate examination.

19 **SUMMARY**

20 This bill clarifies that written informed consent is not required for pelvic, rectal or  
21 prostate examinations performed on a conscious patient; in such cases the informed consent  
22 must be obtained orally.