

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 228, Page 9, Section 190.613, Line 28,

2 by inserting after all of said line the following:

3 "191.240. 1. For purposes of this section, the  
4 following terms mean:

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

7 (2) "Patient examination", a prostate, anal, or pelvic  
8 examination.

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

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

16 (2) The patient is unable to give verbal or written  
17 consent and the examination is necessary for diagnostic or  
18 treatment purposes;

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

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

27           3. A health care provider shall notify a patient of  
28 any patient examination performed under subdivisions (2) to  
29 (4) of subsection 2 of this section.

30           4. A health care provider who violates the provisions  
31 of this section, or who supervises a student or trainee who  
32 violates the provisions of this section, shall be subject to  
33 discipline by any licensing board that licenses the health  
34 care provider."; and

35           Further amend the title and enacting clause accordingly.