

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 106  
AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to patient examinations.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 191, RSMo, is amended by adding thereto  
2 one new section, to be known as section 191.240, to read as  
3 follows:

191.240. 1. For purposes of this section, the  
2 following terms mean:

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

5 (2) "Patient examination", a prostate, anal, or pelvic  
6 examination.

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

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

14 (2) The patient examination is necessary for  
15 diagnostic or treatment purposes;

16 (3) The collection of evidence through a forensic  
17 examination, as defined under subsection 8 of section  
18 595.220, for a suspected sexual assault on the anesthetized  
19 or unconscious patient is necessary because the evidence

20 will be lost or the patient is unable to give informed  
21 consent due to a medical condition; or

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

24 3. A health care provider shall notify a patient of  
25 any patient examination performed under subsection 2 of this  
26 section.

27 4. A health care provider who violates the provisions  
28 of this section, or who supervises a student or trainee who  
29 violates the provisions of this section, shall be subject to  
30 discipline by any licensing board that licenses the health  
31 care provider.