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State of Misconsin 2023 - 2024 LEGISLATURE

## ASSEMBLY SUBSTITUTE AMENDMENT 2, TO ASSEMBLY BILL 125

February 19, 2024 - Offered by Representative BRANDTJEN.

1 AN ACT *to create* 146.36 of the statutes; **relating to:** pelvic exams on 2 unconscious patients and modifying rules promulgated by the Department of 3 Health Services.

## Analysis by the Legislative Reference Bureau

This bill requires a hospital, a clinic associated with a hospital, or an ambulatory surgical center to ensure written informed consent is obtained from a patient before a pelvic exam is performed on the patient solely for educational purposes while the patient is under general anesthesia or otherwise unconscious. The bill also creates a Department of Health Services rule providing that a hospital, a clinic associated with a hospital, or an ambulatory surgical center must maintain written policies and procedures requiring written informed consent to be obtained from a patient before a pelvic exam is performed on the patient solely for educational purposes while the patient is under general anesthesia or otherwise unconscious.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**SECTION 1.** 146.36 of the statutes is created to read:

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**146.36 Informed consent for pelvic examinations. (1)** In this section, "ambulatory surgical center" has the meaning given in 42 CFR 416.2.

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3 (2) A hospital, a clinic associated with a hospital, or an ambulatory surgical 4 center shall ensure that, before a pelvic examination is performed for solely 5 educational purposes on a patient while the patient is under general anesthesia or 6 otherwise unconscious, written informed consent is obtained from the patient.

**SECTION 2.** DHS 124.10 of the administrative code is created to read:

8 DHS 124.10 Consent policy for pelvic examinations performed for 9 educational purposes. A hospital, a clinic associated with a hospital, or an 10 ambulatory surgical center, as defined in s. 146.36 (1), Stats., shall maintain written 11 policies and procedures requiring written informed consent to be obtained from a 12 patient before a pelvic examination is performed on the patient solely for educational 13 purposes while the patient is under general anesthesia or otherwise unconscious.

SECTION 3. Effective dates. This act takes effect on the day after publication,
 except as follows:

16 (1) The treatment of s. DHS 124.10, Wis. Adm. Code, takes effect as provided
17 in s. 227.265, stats.

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(END)