

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING PERFORMANCE OF SENSITIVE MEDICAL  
5 EXAMINATIONS WITHOUT OBTAINING INFORMED CONSENT; PROVIDING EXCEPTIONS; AND  
6 PROVIDING PENALTIES."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
10 **NEW SECTION. Section 1. Performance of sensitive medical examinations -- informed consent**

11 **required.** (1) A physician licensed under this chapter may not knowingly perform or supervise the performance  
12 of a breast, pelvic, urogenital, prostate, or rectal examination on a patient who is anesthetized or unconscious  
13 unless:

14 (a) the patient or a person authorized to make health care decisions for the patient has provided  
15 specific informed consent to the examination;

16 (b) the examination is within the scope of care for a procedure or diagnostic examination scheduled to  
17 be performed on the patient; or

18 (c) an emergency exists, it is impracticable to obtain consent, and the examination is necessary for  
19 diagnostic or treatment purposes.

20 (2) Violation of subsection (1) constitutes unprofessional conduct.  
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22 **NEW SECTION. Section 2. Performance of sensitive medical examinations -- informed consent**

23 **required.** (1) An advanced practice registered nurse licensed under this chapter may not knowingly perform or  
24 supervise the performance of a breast, pelvic, urogenital, prostate, or rectal examination on a patient who is  
25 anesthetized or unconscious unless:

26 (a) the patient or a person authorized to make health care decisions for the patient has provided  
27 specific informed consent to the examination;

28 (b) the examination is within the scope of care for a procedure or diagnostic examination scheduled to

1 be performed on the patient; or

2 (c) an emergency exists, it is impracticable to obtain consent, and the examination is necessary for  
3 diagnostic or treatment purposes.

4 (2) Violation of subsection (1) is punishable pursuant to 37-8-443.

5

6 NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an  
7 integral part of Title 37, chapter 3, part 3, and the provisions of Title 37, chapter 3, part 3, apply to [section 1].

8 (2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 8, part 4, and the  
9 provisions of Title 37, chapter 8, part 4, apply to [section 2].

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