

# STATE OF NEW YORK

1092--C

Cal. No. 454

2019-2020 Regular Sessions

## IN SENATE

January 10, 2019

Introduced by Sens. PERSAUD, BIAGGI, BOYLE, HOYLMAN, KAPLAN, KRUEGER, MARTINEZ, STAVISKY, THOMAS -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the education law, in relation to including in the definition of professional misconduct performing a pelvic examination without consent on an anesthetized or unconscious person

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 6530 of the education law is amended by adding a  
2 new subdivision 50 to read as follows:

3 50. Performing a pelvic examination or supervising the performance of  
4 a pelvic examination on an anesthetized or unconscious patient unless:

5 (a) the patient or the patient's authorized representative gives prior  
6 verbal or written informed consent to the pelvic examination;

7 (b) the performance of a pelvic examination is within the scope of  
8 care for the surgical procedure or diagnostic examination scheduled to  
9 be performed on the patient and to which the patient has already given  
10 verbal or written consent; or

11 (c) the patient is unconscious and the pelvic examination is necessary  
12 for diagnostic or treatment purposes.

13 § 2. This act shall take effect on the one hundred eightieth day after  
14 it shall have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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