AN ACT to amend the education law, in relation to including in the defi-
nition 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 Assem-
bly, 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.