

Senate Bill 288

By: Senators Islam Parkes of the 7th, Jones II of the 22nd, Jackson of the 41st, Orrock of the 36th, Esteves of the 35th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 31-9-6.1 of the Official Code of Georgia Annotated, relating to  
2 disclosure of certain information to persons undergoing certain surgical or diagnostic  
3 procedures, failure to comply, exceptions, and regulations establishing standards for  
4 implementation, so as to prohibit certain examinations on an anesthetized or unconscious  
5 patient without prior informed consent; to provide that informed consent shall be deemed  
6 valid consent for other medical personnel under certain conditions; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 31-9-6.1 of the Official Code of Georgia Annotated, relating to disclosure of  
11 certain information to persons undergoing certain surgical or diagnostic procedures, failure  
12 to comply, exceptions, and regulations establishing standards for implementation, is amended  
13 by adding a new subsection to read as follows:

14 "(i)(1) Except as otherwise provided for in subsection (e) of this Code section, a  
15 responsible physician shall not perform a breast, pelvic, prostate, or rectal examination  
16 on an anesthetized or unconscious patient unless the patient, or a person authorized to

17 consent for the patient, gives informed consent prior to such examination, the  
18 performance of such examination is within the scope of care ordered for the patient, and  
19 such examination is medically necessary for diagnosis or treatment purposes, or a court  
20 has ordered the performance of any such examination for the purposes of evidence  
21 collection.

22 (2) An informed consent to a breast, pelvic, prostate, or rectal examination obtained  
23 pursuant to this subsection shall be deemed to be valid consent for the responsible  
24 physician and all medical personnel under the direct supervision and control of the  
25 responsible physician and for all other medical personnel otherwise involved in the  
26 course of treatment of the patient's condition, provided that the patient is informed that  
27 such other medical personnel may perform the examination."

28 **SECTION 2.**

29 All laws and parts of laws in conflict with this Act are repealed.