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H.B. 495
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Gross

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SUMMARY

- Requires a physician, advanced practice registered nurse, or physician assistant to offer a medical chaperone before conducting an intimate examination on a patient.
- Permits a physician, advanced practice registered nurse, or physician assistant to refuse to conduct an intimate examination if the patient declines to have a medical chaperone present.
- Requires a health professional to report certain information regarding another health care professional to that health care professional's state licensing board.
- Permits state licensing boards to discipline license holders who violate the requirements of this bill.
- Designates H.B. 495 as the "Patient Protection Act."

DETAILED ANALYSIS

Medical chaperones

Before conducting an intimate examination, the bill requires a physician, advanced practice registered nurse, or physician assistant to offer a patient (or a patient's representative) a medical chaperone, which is a third person who is present in the examination room.¹ An intimate examination is a medical examination of the patient's pelvic area, genitals, rectum, breast, or prostate.

¹ R.C. 4743.11(A) and (B).

A physician, advanced practice registered nurse, or physician assistant may refuse to conduct an examination if the patient or the patient’s representative declines to have a medical chaperone present.²

Required reporting

Health care professionals are required under the bill to report certain information about other health care professionals to the appropriate state licensing board. This includes knowledge that another health care professional has (1) interacted with a patient in a sexual manner or had sexual contact with a patient, (2) had a patient complain of sexual interaction or sexual contact, or (3) routinely failed to offer patients a medical chaperone before conducting intimate examinations. The report must be made as soon as practicable.³ Health care professionals include physicians, advanced practice registered nurses, physician assistants, anesthesiologist assistants, radiologist assistants, acupuncturists, genetic counselors, and individuals authorized to practice a limited branch of medicine (massage therapists, naprapaths, and mechanotherapists).⁴

Discipline

If a health care professional fails to offer patients a medical chaperone before conducting an intimate examination, or fails to report information to another health professional’s licensing board as described above, that health care professional’s licensing board may take disciplinary action consistent with the board’s current disciplinary powers.⁵

Designation

The bill is designated as the “Patient Protection Act.”⁶

HISTORY

Action	Date
Introduced	11-23-21

ANHB0495IN-134/tl

² R.C. 4743.11(B).

³ R.C. 4743.11(C).

⁴ R.C. 4743.11(A) and 4731.15(A), not in the bill.

⁵ R.C. 4743.11(D).

⁶ Section 2.