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H.B. 89
135th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Hillyer and Abdullahi

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SUMMARY

- Prohibits advanced practice registered nurses, physician assistants, physicians, medical residents, or students from performing an intimate examination on an anesthetized or unconscious patient except under limited circumstances.
- Authorizes the appropriate licensing board to take disciplinary action if the provider violates the prohibition on intimate examinations.

DETAILED ANALYSIS

Intimate examinations

The bill prohibits an advanced practice registered nurse (APRN), physician assistant (PA), physician, medical resident, or student actively pursuing education to become an APRN, PA, or physician from performing, or authorizing another to perform, an intimate examination on an anesthetized or unconscious patient.¹ Intimate examination is defined as a pelvic, prostate, or rectal examination.²

The bill permits an intimate examination on an anesthetized or unconscious patient in only the following circumstances: (1) the intimate examination is within the scope of care for the surgical procedure or diagnostic examination being performed, (2) the patient or the patient's legal representative gives specific, informed consent for the intimate examination, (3) the intimate examination is required for diagnostic purposes or treatment, or (4) a court orders the intimate examination for the purpose of collecting evidence.³

¹ R.C. 4723.93(B), 4730.57(B), and 4731.77(B).

² R.C. 4723.93(A), 4730.57(A), and 4731.77(A).

³ R.C. 4723.93(C), 4730.57(C), and 4731.77(C).

Enforcement

The bill authorizes the appropriate licensing board to take disciplinary action against a provider for violating the provisions prohibiting intimate examinations on unconscious or anesthetized patients. Disciplinary action may include: limiting, revoking, or suspending a license to practice; refusing to issue, renew, or reinstate a license; or reprimanding or placing on probation the license holder.⁴

HISTORY

Action	Date
Introduced	03-07-23

ANHB0089IN-135/ts

⁴ R.C. 4723.28, 4730.25, and 4731.22.