

HOUSE BILL NO. 248

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/16/24

Referred: Judiciary, Health and Social Services

A BILL

FOR AN ACT ENTITLED

1 **"An Act establishing liability for failure to obtain consent for a pelvic examination."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 09.55 is amended by adding a new section to read:

4 **Sec. 09.55.557. Failure to obtain consent for a pelvic examination.** A health
5 care provider or student receiving instruction or participating in clinical training or a
6 residency program to be a health care provider is liable for failure to obtain consent for
7 a pelvic examination if the provider or student performs a pelvic examination on an
8 anesthetized or unconscious patient, unless

9 (1) the patient or patient's representative consented to the examination
10 after receiving a consent form separate from any other document, with the following
11 language printed at the top of the document in not smaller than 20-point bold face
12 type: "CONSENT FOR EXAMINATION OF THE PELVIC REGION"; and

13 (2) the health care provider performing the pelvic examination or, if
14 performed by a student, the student performing the pelvic examination and the person
15 supervising the student have personal knowledge that the patient or patient's

1 representative consented to the pelvic examination.

2 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
3 read:

4 APPLICABILITY. AS 09.55.557, enacted by sec. 1 of this Act, applies to pelvic
5 examinations performed on or after the effective date of this Act.