

Effective 5/3/2023

Superseded 7/1/2024

58-1-509 Patient consent for certain medical examinations.

- (1) As used in this section:
 - (a) "Health care provider" means:
 - (i) an individual who is:
 - (A) a healthcare provider as defined in Section 78B-3-403; and
 - (B) licensed under this title;
 - (ii) emergency medical service personnel as defined in Section 26B-4-101; or
 - (iii) an individual described in Subsection 58-1-307(1)(b) or (c).
 - (b) "Patient examination" means a medical examination that requires contact with the patient's sexual organs.
- (2) A health care provider may not perform a patient examination on an anesthetized or unconscious patient unless:
 - (a) the health care provider obtains consent from the patient or the patient's representative in accordance with Subsection (3);
 - (b) a court orders performance of the patient examination for the collection of evidence;
 - (c) the performance of the patient examination is within the scope of care for a procedure or diagnostic examination scheduled to be performed on the patient; or
 - (d) the patient examination is immediately necessary for diagnosis or treatment of the patient.
- (3) To obtain consent to perform a patient examination on an anesthetized or unconscious patient, before performing the patient examination, the health care provider shall:
 - (a) provide the patient or the patient's representative with a written or electronic document that:
 - (i) is provided separately from any other notice or agreement;
 - (ii) contains the following heading at the top of the document in not smaller than 18-point bold face type: "CONSENT FOR EXAMINATION OF PELVIC REGION";
 - (iii) specifies the nature and purpose of the patient examination;
 - (iv) names one or more primary health care providers whom the patient or the patient's representative may authorize to perform the patient examination;
 - (v) states whether there may be a student or resident that the patient or the patient's representative authorizes to:
 - (A) perform an additional patient examination; or
 - (B) observe or otherwise be present at the patient examination, either in person or through electronic means; and
 - (vi) provides the patient or the patient's representative with a series of check boxes that allow the patient or the patient's representative to:
 - (A) consent to the patient examination for diagnosis or treatment and an additional patient examination performed by a student or resident for an educational or training purpose;
 - (B) consent to the patient examination only for diagnosis or treatment; or
 - (C) refuse to consent to the patient examination;
 - (b) obtain the signature of the patient or the patient's representative on the written or electronic document while witnessed by a third party; and
 - (c) sign the written or electronic document.

Amended by Chapter 328, 2023 General Session