

# HOUSE BILL No. 1139

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 25-1-9.

**Synopsis:** Consent for pelvic, prostate, and rectal exams. Prohibits health practitioners and other specified individuals from performing pelvic, prostate, or rectal examinations on an anesthetized or unconscious patient except in specified circumstances.

**Effective:** July 1, 2023.

---

---

## Jackson, Shackelford

---

---

January 10, 2023, read first time and referred to Committee on Public Health.

---

---



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1139

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-1-9-4.2 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2023]: **Sec. 4.2. (a) A practitioner, a student in training in a  
4 medical school, an intern, a resident, a graduate student, or an  
5 individual participating in a clinical training or resident program  
6 may not perform a pelvic, prostate, or rectal examination on an  
7 anesthetized or unconscious patient unless one (1) of the following  
8 conditions is met:**

9 (1) **The patient, the patient's guardian, or the patient's health  
10 care representative (as defined in IC 16-21-12-4) provides  
11 prior written informed consent to the pelvic, prostate, or  
12 rectal examination.**

13 (2) **The performance of a pelvic, prostate, or rectal  
14 examination is within the scope of care ordered for the  
15 surgical procedure or diagnostic examination to be performed  
16 on the patient and the patient, patient's guardian, or patient's  
17 health care representative (as defined in IC 16-21-12-4) has**



1           **given informed consent.**

2           **(3) A medical emergency exists and the pelvic, prostate, or**  
 3           **rectal examination is immediately necessary for diagnostic**  
 4           **examination or treatment of the patient.**

5           **(4) A court has ordered the performance of the pelvic,**  
 6           **prostate, or rectal examination for the purposes of the**  
 7           **collection of evidence.**

8           **(b) A person who violates this section is subject to disciplinary**  
 9           **sanctions under section 9 of this chapter.**

10          SECTION 2. IC 25-1-9-9 IS AMENDED TO READ AS FOLLOWS  
 11          [EFFECTIVE JULY 1, 2023]: Sec. 9. (a) The board may impose any  
 12          of the following sanctions, singly or in combination, if it finds that a  
 13          practitioner is subject to disciplinary sanctions under section 4, **4.2**, 5,  
 14          6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:

15               (1) Permanently revoke a practitioner's license.

16               (2) Suspend a practitioner's license.

17               (3) Censure a practitioner.

18               (4) Issue a letter of reprimand.

19               (5) Place a practitioner on probation status and require the  
 20               practitioner to:

21                       (A) report regularly to the board upon the matters that are the  
 22                       basis of probation;

23                       (B) limit practice to those areas prescribed by the board;

24                       (C) continue or renew professional education under a  
 25                       preceptor, or as otherwise directed or approved by the board,  
 26                       until a satisfactory degree of skill has been attained in those  
 27                       areas that are the basis of the probation; or

28                       (D) perform or refrain from performing any acts, including  
 29                       community restitution or service without compensation, that  
 30                       the board considers appropriate to the public interest or to the  
 31                       rehabilitation or treatment of the practitioner.

32               (6) Assess a fine against the practitioner in an amount not to  
 33               exceed one thousand dollars (\$1,000) for each violation listed in  
 34               section 4 of this chapter, except for a finding of incompetency due  
 35               to a physical or mental disability. When imposing a fine, the  
 36               board shall consider a practitioner's ability to pay the amount  
 37               assessed. If the practitioner fails to pay the fine within the time  
 38               specified by the board, the board may suspend the practitioner's  
 39               license without additional proceedings. However, a suspension  
 40               may not be imposed if the sole basis for the suspension is the  
 41               practitioner's inability to pay a fine.

42               (b) The board may withdraw or modify the probation under



1 subsection (a)(5) if it finds, after a hearing, that the deficiency that  
2 required disciplinary action has been remedied, or that changed  
3 circumstances warrant a modification of the order.

