



Fact Sheet Series for the 135th General Assembly

House Bill 89:

Regards intimate examination of anesthetized, unconscious patient

Sponsors: Representative Hillyer, Representative Abdullahi

Current law:

Current Ohio law does not prohibit nurses, physicians, students, or other healthcare providers from conducting an “intimate examination” on unconscious, anesthetized patients. Instead, certain medical systems, schools, or associations in Ohio may have policies in place that prohibits the use of such exams.

If passed, this legislation would:

- Prohibit certain medical professionals and students from performing or authorizing another to perform intimate examinations on an anesthetized or unconscious patient
 - Intimate examination is defined as a rectal, prostate, or pelvic examination in the bill.
 - The following would be barred from conducting or authorizing exams without “prior specific, informed consent”:
 - A physician, a physician assistant, an advanced practice registered nurse, a student enrolled in a medical school, osteopathic medical school or participant in a graduate medical education, a student enrolled in a program or course of study to become a physician assistant, a student enrolled in or pursuing an advanced practice registered nursing education program
- Prior consent for intimate exams on unconscious or anesthetized patients will not be required in the following scenarios:
 - If the exam is within the scope of the patient’s care;
 - if the patient or patient’s legal representative gives specific, informed consent;
 - if an intimate exam is required for diagnostic purposes or the patient’s medical condition.

Why this bill is important:

- A human rights framework specifically outlines unalienable rights that must be upheld for patients, including a right to bodily integrity, a right to liberty and security of person, and a right to freedom from degrading treatment.
- Informed consent to medical treatment is a fundamental protection in both medical ethics and law.
- Exams without consent can be traumatizing and detrimental to patients, or re-traumatizing to survivors of sexual violence.
 - The impact of a nonconsensual exam can be just as damaging as any other form of sexual assault.
 - Healthcare providers are typically trusted to care for patients and seek permission for treatment – nonconsensual intimate exams erode patients’ trust in providers and the healthcare system.
 - Consent for each patient, and each medical procedure, is a trauma-informed care practice.