

# FINAL BILL REPORT

## ESB 5282

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Synopsis as Enacted

**Brief Description:** Requiring informed consent for pelvic exams.

**Sponsors:** Senators Liias, Cleveland, Darneille, Short, Kuderer, Walsh, Brown, Randall, Dhingra, Rolfes, Billig, Das, Hunt, Keiser and Pedersen.

**Senate Committee on Health & Long Term Care**  
**House Committee on Health Care & Wellness**

**Background:** Informed Consent. A health care provider must obtain informed consent from a patient or the patient's representative before performing medical treatment. Informed consent is the process by which the treating health care provider discloses information to a patient or the patient's representative so the patient may make a voluntary choice to accept or refuse treatment. Informed consent generally includes a discussion of the following elements:

- the nature of the decision or procedure proposed by the provider;
- reasonable alternatives to the proposed intervention;
- the relevant risks, benefits, and uncertainties related to each alternative;
- assessment of patient understanding; and
- the acceptance of the intervention by the patient.

Uniform Disciplinary Act. The Uniform Disciplinary Act is a standardized set of procedures for enforcing laws concerning licensure and misconduct of licensed health care professionals. The Act includes the list of acts that constitute unprofessional conduct. All licensed health care professionals are subject to the Act.

**Summary:** A licensed health care provider may not perform or authorize a student practicing under their authority to perform a pelvic examination on a patient who is anesthetized or unconscious unless:

- the patient or the patient's representative provides informed consent;
- the examination is necessary for diagnostic or treatment purposes; or
- sexual assault is suspected, evidence may be collected if the patient is not capable of informed consent due to longer term medical condition, or if evidence will be lost.

A provider who violates this act is subject to discipline pursuant to the Uniform Disciplinary Act.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Votes on Final Passage:**

Senate	45	0	
House	98	0	(House amended)
Senate	49	0	(Senate concurred)

**Effective:** June 11, 2020