

BILL ANALYSIS

C.S.H.B. 3017
By: Ramos
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the practice of performing a pelvic examination on a patient under anesthesia without the patient's explicit consent, often for purposes of training medical students. C.S.H.B. 3017 seeks to address these concerns by prohibiting certain pelvic examinations and making a violation grounds for disciplinary action by the appropriate licensing entity.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3017 amends the Health and Safety Code to prohibit a state-licensed health care practitioner from performing, or instructing any other person to perform, a pelvic examination on a patient unless:

- the patient or the patient's legally authorized representative provides informed consent for the examination;
- the examination meets the standard of care for diagnosing or treating the patient's medical condition; or
- if the patient is unconscious, the examination is required for diagnosis or treatment of the patient's medical condition.

The bill subjects a practitioner who violates that prohibition to disciplinary action by the state regulatory agency that issued a license to the practitioner, including the imposition of an administrative penalty.

C.S.H.B. 3017 amends the Occupations Code to include the performance of a pelvic examination in violation of that prohibition as a prohibited practice for a physician or an applicant for a medical license that is grounds for disciplinary action or denial of the license.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3017 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include a prohibition against nonconsensual pelvic examinations but includes provisions that instead provide a general prohibition against pelvic examinations except in certain authorized circumstances.