



ARIZONA STATE SENATE
Fifty-Fourth Legislature, Second Regular Session

AMENDED

FACT SHEET FOR S.B. 1027

informed consent; pelvic examinations.

Purpose

Establishes performing or supervising a pelvic examination on an anesthetized or unconscious patient without first obtaining the patient's informed consent as an act of unprofessional conduct for specified licensed health professionals, with certain exceptions.

Background

In Arizona, health professions are regulated by specific health regulatory boards who are generally tasked with verifying the qualifications of prospective licensees, licensing qualified applicants and regulating and administering disciplinary action to those health professionals under the board's purview. For example, the Arizona Medical Board (AMB) is responsible for protecting the public from unlawful, incompetent, unqualified, impaired or unprofessional practitioners of allopathic medicine through licensure, regulation and rehabilitation of the profession in Arizona. The AMB's duties include investigating and adjudicating complaints against licensed physicians and taking appropriate disciplinary or nondisciplinary action, including for acts of unprofessional conduct.

Current statute designates the following as acts of unprofessional conduct for AMB licensees: 1) violating any federal or state law, rule or regulation applicable to the practice of medicine; 2) intentionally disclosing a professional secret or a privileged communication; 3) committing false, fraudulent, deceptive or misleading advertising; 4) committing any felony or a misdemeanor that involves moral turpitude; 5) using experimental forms of diagnosis and treatment without adequate informed patient consent and without conforming to generally accepted experimental criteria; and 6) committing conduct that the AMB determines is gross malpractice, repeated malpractice or any malpractice resulting in the death of a patient (A.R.S. §§ [32-1401](#) and [32-1403](#)).

The Arizona Board of Nursing (AZBN) is responsible for regulating the nursing profession in Arizona. If the AZBN determines that a licensed or certified nurse has committed an act of unprofessional conduct, the AZBN is authorized to impose disciplinary action against the individual found to be in violation, including probation, suspension or revocation of the nurse's license or certificate. Statute specifically delineates a number of acts that are considered unprofessional conduct, including: 1) committing fraud or deceit in obtaining, attempting to obtain or renewing a license certificate; 2) committing a felony, whether or not involving moral turpitude, or a misdemeanor involving moral turpitude; 3) any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public; 4) committing an act that deceives, defrauds or harms the public; and 5) failing to report any evidence to the AZBN that a nurse or a nursing assistant may be guilty of unprofessional conduct ([A.R.S. § 32-1601](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes that it is an act of unprofessional conduct for a licensed allopathic physician, osteopathic physician, nurse practitioner or physician assistant to perform, or supervise an individual who performs, a pelvic examination on an anesthetized or unconscious patient without first obtaining the patient's informed consent to the examination, unless the examination:
 - a) is within the scope of the surgical procedure or diagnostic examination being performed on the patient for which informed consent has been obtained;
 - b) in the case of an unconscious patient, is medically necessary and required for diagnostic purposes; or
 - c) is requested by law enforcement and performed in relation to a medical or forensic interview arising out of the need to secure evidence that a person has been the victim of a dangerous crime against children.
2. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Exempts specified pelvic exams requested by law enforcement from prescribed informed consent requirements.

Senate Action

HHS 1/22/20 DPA 8-0-0

Prepared by Senate Research

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CRS/kja