

**SUBSTITUTE FOR
HOUSE BILL NO. 4194**

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16279.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16279. (1) A licensee or registrant shall comply with**
2 **both of the following unless 1 of the conditions described in**
3 **subsection (2) is met:**

4 **(a) He or she shall not perform an invasive bodily examination**
5 **on an anesthetized or unconscious patient.**

6 **(b) He or she shall ensure that a student who is in a health**
7 **profession training program does not perform an invasive bodily**
8 **examination on an anesthetized or unconscious patient while**
9 **performing a duty assigned in the course of training by the**

1 licensee or registrant.

2 (2) An individual described in subsection (1) may perform an
3 invasive bodily examination on an anesthetized or unconscious
4 patient if 1 of the following is met before the invasive bodily
5 examination is performed:

6 (a) The patient or the patient's authorized representative
7 provides written, informed consent to the invasive bodily
8 examination, and the invasive bodily examination is necessary for
9 preventative, diagnostic, or treatment purposes.

10 (b) The patient or the patient's authorized representative has
11 provided written, informed consent to a surgical procedure or
12 diagnostic examination to be performed on the patient, and the
13 performance of the invasive bodily examination is within the scope
14 of care ordered for the surgical procedure or diagnostic
15 examination.

16 (c) The patient is unconscious and incapable of providing
17 informed consent, and the invasive bodily examination is necessary
18 for diagnostic or treatment purposes. If an invasive bodily
19 examination is performed under this subdivision, the licensee or
20 registrant shall inform the patient of the invasive bodily
21 examination once the patient regains consciousness.

22 (d) A court has ordered the performance of the invasive bodily
23 examination for the purposes of collecting evidence.

24 (3) As used in this section, "invasive bodily examination"
25 means a pelvic, vaginal, rectal, or prostate examination.