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SEN. JACQUE'S PATIENT PRIVACY PROTECTION ACT CLEARS ASSEMBLY COMMITTEE

Bi-partisan bill requires explicit consent for pelvic exams on unconscious women for medical teaching purposes

MADISON... Hospitals would be required to protect women by obtaining their explicit written consent before medical students could perform pelvic exams on female patients who are unconscious or under anesthesia, according to legislation unanimously passed today by a State Assembly Committee. The measure passed the State Senate last fall.

State Sen. André Jacque (R-De Pere), co-author of the Patient Privacy Protection Act with State Rep. Janel Brandtjen, said the bill helps ensure compassionate practice and that the experiences and voice of the patient is respected.

“In recent years, many women have felt empowered for the first time to discuss experiences of sexual assault and harassment,” Sen. Jacque said. “The practice of trauma informed care has emerged as an essential treatment tool in clinical settings. To learn that a sensitive examination has occurred, or may have occurred, while one was unconscious and without consent, can amplify prior traumatization, leading to significant harm and disengagement from clinical care.”

Sen. Jacque said that historically, medical schools have taught pelvic exams on unconscious, sedated patients undergoing gynecological medical procedures. This practice, however, has often failed to obtain the specific, informed consent of the sedated patient.

“Female patients deserve to have their bodily integrity respected when they are unconscious and vulnerable during a medical procedure,” Sen. Jacque said. “Requiring explicit consent will not threaten medical education; the majority of patients will agree to these examinations, which will improve the system of medical education by teaching students the importance of informed consent in protecting their female patients.”

Sen. Jacque said that under the bill written informed consent would need to be obtained from a patient before any person authorized to perform pelvic examinations may perform a pelvic examination on a patient who is under general anesthesia or otherwise unconscious.

“The Patient Privacy Protection Act makes certain that all hospitals training and teaching medical students also abide by obtaining specific patient consent in these instances,” Sen. Jacque said. “Wisconsin should join 25 other states that already require explicit consent for pelvic examinations on unconscious patients for medical teaching purposes.”

Sen. Jacque said this legislation passed the Assembly Committee on Health unanimously last session with strong bi-partisan co-sponsorship by more than 30 legislators and the formal support of the Wisconsin Nurses Association, Wisconsin Coalition Against Sexual Assault, Wisconsin Alliance for Women's Health and End Domestic Abuse Wisconsin. It also reflects the stated consensus of professional medical organizations, including the American Association of Medical Colleges and the American College of Obstetricians and Gynecologists.

The Patient Protection Act must next pass the full Assembly and be signed by the Governor to become law.

Senator André Jacque represents Northeast Wisconsin's First Senate District, consisting of Door and Kewaunee Counties and portions of Brown, Calumet, Manitowoc, and Outagamie counties.