HOUSE DOCKET, NO. 3000 FILED ON: 1/16/2025

HOUSE . . . . . No. 2362

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer Balinsky Armini and Natalie M. Higgins

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to chaperones for medical exams.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jennifer Balinsky Armini	*8th Essex*	*1/16/2025*
Natalie M. Higgins	*4th Worcester*	*1/16/2025*
Rory McCarthy		*1/16/2025*
Sally P. Kerans	*13th Essex*	*2/11/2025*
James B. Eldridge	*Middlesex and Worcester*	*2/11/2025*
James K. Hawkins	*2nd Bristol*	*2/13/2025*
Michael O. Moore	*Second Worcester*	*4/1/2025*
Vanna Howard	*17th Middlesex*	*4/8/2025*
Estela A. Reyes	*4th Essex*	*4/22/2025*
Danillo A. Sena	*37th Middlesex*	*4/22/2025*

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By Representatives Armini of Marblehead and Higgins of Leominster, a petition (accompanied by bill, House, No. 2362) of Jennifer Balinsky Armini, Natalie M. Higgins and others relative to chaperones for medical exams. Public Health.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to chaperones for medical exams.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 111 of the General Laws, as most recently amended by section 21 of chapter 186 of the acts of 2024, is hereby further amended by adding the following section:-

Section 249. (a) A health care provider, as defined in section 1, shall offer a trained chaperone to be physically present for all: (i) genital and rectal examinations regardless of gender; and (ii) breast examinations for patients who identify as female.

(b) The patient shall have the choice to either accept or decline the presence of a chaperone during the examination. A health care provider shall ensure that a chaperone is available: (i) before any breast, genital or rectal examination can be performed on the patient; and (ii) to act in accordance with the patient's preference.

(c) A health care provider shall ensure that the chaperone is: (i) not a friend or relative of the patient; (ii) not a friend or relative of the person performing the medical exam; and (iii) licensed by the board of registration in medicine pursuant to section 2 of chapter 112.

(d) A chaperone during a breast, genital or rectal examination may not participate in actions that would obstruct or distract the chaperone from observing the person providing the medical examination's behavior and actions throughout the exam, procedure or clinical encounter.

(e) The presence or absence of a chaperone for all breast, genital and rectal examinations shall be documented in the patient chart.

(f) The patient may decline the presence of a chaperone for a breast, genital and rectal examination pursuant to subsection (b). If the patient declines, the person providing the medical examination may:

(i) defer the breast, genital or rectal examination if, in the person providing the medical examination’s best judgment that deferring the examination is in the best interest of the patient; or

(ii) perform the examination and document the patient's consent to proceed without the presence of a chaperone.

(g) A health care provider shall not be required under this section to offer a chaperone to be present in circumstances when it is likely that failure to examine the patient would result in significant and imminent harm to the patient, such as during a medical emergency.

(i) A health care provider shall not be required under this section to offer a chaperone if a chaperone is already present in the normal course of the medical examination.