

SENATE No. 1485

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 providing for safe and consensual sensitive examinations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>1/22/2025</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/4/2025</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/14/2025</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>2/19/2025</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/20/2025</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/3/2025</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>3/25/2025</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>3/28/2025</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>4/2/2025</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>4/4/2025</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>6/24/2025</i>

SENATE No. 1485

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 1485) of Joanne M. Comerford, Rebecca L. Rausch, Jason M. Lewis, Julian Cyr and other members of the Senate for legislation to prohibit nonconsensual intimate examinations of anesthetized or unconscious patients. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1333 OF 2023-2024.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**
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An Act providing for safe and consensual sensitive examinations.

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

1 Chapter 111 of the General Laws is hereby amended by inserting after section 70H the
2 following section:-

3 Section 70I. (a) For the purposes of this section, the following words shall have the
4 following meanings:

5 “Health care organization”, an organization which employs one or more health care
6 providers.

7 “Health care provider”, a physician, a student in a medical or nursing school participating
8 in a course of instruction, a person participating in a residency program or clinical training

9 program, a physician assistant, an advanced practice registered nurse or other health care
10 provider.

11 "Sensitive examination", a breast, genital, pelvic, prostate or rectal examination.

12 "Medical chaperone", a third party health care provider or trained unlicensed staff
13 member who acts as a third-party witness for a patient and the patient's health care provider
14 during a sensitive examination. A medical chaperone may observe an exam or assist with the
15 procedure, provide comfort and reassurance to the patient, assist in arranging interpreter services
16 and ensure continuing consent to the exam, treatment or procedure.

17 (b) A health care provider may not perform a sensitive examination on an anesthetized,
18 deeply sedated or unconscious patient or supervise the performance of a sensitive examination
19 on an anesthetized, deeply sedated or unconscious patient unless the patient or the patient's
20 representative has given specific informed consent in writing to the sensitive examination using
21 an authorized informed consent form; or the sensitive examination is immediately necessary for
22 diagnosis or treatment of the patient; or, in the case of an emergency or urgent care situation on
23 an unconscious patient, the sensitive examination is required for diagnostic or treatment
24 purposes.

25 (c) (1) Except in the case of an emergency or urgent care situation, a patient shall have
26 the right to request and have a medical chaperone present during a sensitive examination. A
27 health care organization shall endeavor to provide, to the greatest extent possible, a medical
28 chaperone who has the gender identity with which the patient is most comfortable.

29 (2) Before a sensitive examination, a health care provider shall provide notice to a patient
30 or the patient’s representative of the right to request and have a medical chaperone present
31 during a sensitive examination.

32 (3) The department shall promulgate regulations necessary for the implementation,
33 administration and enforcement of this subsection including, but not limited to, documentation
34 required of health care providers and organizations, requirements and procedures for providing
35 notice to patients, training requirements for chaperones and specific policies and protections for
36 patients under the age of 18 and patients who lack the capacity to give informed consent.

37 (d) The department shall prepare one or more authorized informed consent forms to be
38 used by a health care provider before performing or supervising the performance of a sensitive
39 examination on an anesthetized, deeply sedated or unconscious patient as detailed in subsection
40 (b) of this section. The form may be used in a paper or electronic format and shall be signed by
41 the patient or the patient’s representative before a sensitive examination is performed. The form
42 shall be separate from any other notice or agreement and shall clearly identify that it requests
43 consent for a sensitive examination. The form shall also clearly state the patient’s right to request
44 and have a medical chaperone present during a sensitive examination. In preparing the form, the
45 department shall consider similar forms used in other states and consult with providers, medical
46 educators and persons concerned about patient rights to autonomy.

47 (e) Actions by a health care provider not in compliance with this section shall be
48 considered inconsistent or harmful to good patient care and safety under subsection (a) of section
49 203 of chapter 111.

50 (f) The commissioner shall promulgate regulations necessary for the implementation,
51 administration and enforcement of this section.

52 SECTION 2. Subsection (b) of section 1 shall take effect no later than 60 days after the
53 effective date of this act.

54 SECTION 3. This act shall take effect no later than 1 year after the effective date of this
55 act.