

**Committee on Public Health**  
**Bill Summary**

<b>Bill No.</b>	H2401
<b>Title:</b>	<i>An Act providing for safe and consensual sensitive examinations</i>
<b>Sponsor:</b>	Representatives Mindy Domb and Kimberly N. Ferguson
<b>Committee:</b>	Public Health
<b>Hearing Date:</b>	June 23, 2025
<b>Similar Matters:</b>	S1485
<b>Prior History:</b>	Similar to H2146 of 23-24; referred to Public Health; accompanied a new draft, H4293 (similar to current draft), and reported favorably; referred to Health Care Financing; recommended ought to pass; referred to House Ways and Means; no further action.
<b>Reporting Deadline:</b>	August 22, 2025

**Current Law:**

- **M.G.L. Chapter 111** governs public health.

**Summary:**

This bill requires health care providers to obtain written informed consent from a patient or their representative before performing or supervising the performance of a sensitive examination on a patient who is anesthetized, deeply sedated, or unconscious, and outlines requirements of DPH for the implementation of this section. It also allows patients to request and have the presence of a medical chaperone during sensitive examinations.

This bill amends M.G.L. Chapter 111 by adding a new section, 70H.

Subsection (a) provides definitions for the terms “health care organization,” “health care provider,” “sensitive examination,” and “medical chaperone.”

Subsection (b) requires a health care provider to obtain specific written informed consent from a patient or their representative before performing or supervising the performance of a sensitive examination on a patient who is anesthetized, deeply sedated, or unconscious. Exceptions to this section include cases where the examination is immediately necessary for diagnosis or treatment purposes, or in emergency situations where it is essential for the patient's care.

Subsection (c) allows patients to request and have a medical chaperone present during a sensitive examination, except in cases of emergency situations. Health care organizations must also seek a medical chaperone who has the gender identity with which the patient is most comfortable. Prior to a sensitive examination, patients or their representatives must receive notice of their right to request a medical chaperone. DPH must promulgate regulations necessary for the implementation and enforcement of this subsection, including documentation required of health

care providers, patient notification processes, training for chaperones, and specific policies to protect patients under 18 and those unable to give informed consent.

Subsection (d) requires DPH to create authorized informed consent forms for health care providers to use before conducting sensitive examinations on anesthetized, deeply sedated, or unconscious patients. These forms can be in paper or electronic format and must be signed by the patient or their representative prior to the examination.

Subsection (e) deems any action by a health care provider that does not comply with this section as inconsistent or harmful to good patient care and safety.

Subsection (f) requires the DPH Commissioner to promulgate regulations for the implementation and enforcement of this section.

SECTION 2 states that subsection (b) will take effect within 60 days after the effective date of this act.

SECTION 3 states that this act will take effect within 1 year after the effective date of this act.