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## SENATE BILL No. 90

Proposed Changes to January 9, 2026 printing by AM009001

### DIGEST OF PROPOSED AMENDMENT

Informed consent and removal of disciplinary sanctions. Provides that informed consent does not have to be separate if the examination is within the scope of care for the surgical procedure or diagnostic examination to be performed. Changes the disclosure on the informed consent to include the individual performing or supervising the examination instead of disclosing the name of both individuals. Removes language specifying that a violation is subject to disciplinary sanctions.

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1           SECTION 1. IC 25-1-9-4.2 IS ADDED TO THE INDIANA CODE  
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2026]: **Sec. 4.2. (a) A practitioner, a student in training in a  
4 medical school, an intern, a resident, a graduate student, or an  
5 individual participating in a clinical training or resident program  
6 may not perform a pelvic, prostate, or rectal examination on a  
7 sedated, anesthetized, or unconscious patient unless one (1) of the  
8 following conditions is met:**  
9           **(1) The patient, patient's guardian, or patient's health care  
10 representative (as defined in IC 16-21-12-4) provides prior  
11 written informed consent to the pelvic, prostate, or rectal  
12 examination through the notice described in subsection (b).**  
13           **(2) The performance of a pelvic, prostate, or rectal  
14 examination is within the scope of care ordered for the  
15 surgical procedure or diagnostic examination to be  
16 performed on the patient and the patient, patient's guardian,**

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- 1 or patient's health care representative has given informed  
2 consent.
- 3 (3) A medical emergency exists and the pelvic, prostate, or  
4 rectal examination is immediately necessary for diagnostic  
5 examination or treatment of the patient[, including the  
6 conducting of a rape kit].
- 7 (4) A court has ordered the performance of the pelvic,  
8 prostate, or rectal examination for the purposes of the  
9 collection of evidence.
- 10 (b) A written informed consent described in subsection (a)(1)  
11 must meet the following:
- 12 (1) Be separate from any other notice or agreement.[  
13 However, the informed consent does not have to be separate  
14 if the pelvic, prostate, or rectal examination is within the  
15 scope of care for the surgical procedure or diagnostic  
16 examination to be performed on the patient.]
- 17 (2) Specify the nature and purpose of the examination.
- 18 (3) Include a description of the procedure to be performed.
- 19 (4) State the name of the individual performing ~~and, if~~  
20 ~~applicable,~~ or supervising the examination.
- 21 (5) Disclose whether a student will be performing or  
22 observing the examination.
- 23 (6) Allow the patient, patient's guardian, or patient's health  
24 care representative to decline the examination.
- 25 (7) Allow the patient, patient's guardian, or patient's health  
26 care representative to decline allowing a student to perform  
27 or observe the examination.
- 28 (8) Include a signature line for the patient, patient's  
29 guardian, or patient's health care representative to consent  
30 or refuse to consent to an examination on a sedated,  
31 anesthetized, or unconscious patient as described in  
32 subsection (a).
- 33 The signature of consent must be obtained in order to proceed with  
34 the pelvic, prostate, or rectal examination on a sedated,  
35 anesthetized, or unconscious patient as described in subsection  
36 (a)~~(1)~~.
- 37 (c) The refusal by the patient, patient's guardian, or patient's  
38 health care representative to consent to a ~~procedure~~ in  
39 examination described in subsection (a)(1) may not affect the  
40 medical procedure for which the patient is scheduled to receive.[]
- 41 ~~[] (d) A person who violates this section is subject to~~  
42 ~~disciplinary sanctions under section 9 of this chapter.~~

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1 ~~(e)~~ Nothing in this section diminishes any other statutory  
 2 requirement for a practitioner, a student in training in a medical  
 3 school, an intern, a resident, a graduate student, or an individual  
 4 participating in a clinical training or resident program to obtain  
 5 informed consent.

6 ~~< SECTION 2. IC 25-1-9-9 IS AMENDED TO READ AS~~  
 7 ~~FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 9. (a) The board may~~  
 8 ~~impose any of the following sanctions, singly or in combination, if it~~  
 9 ~~finds that a practitioner is subject to disciplinary sanctions under~~  
 10 ~~section 4, 4.2, 5, 6, 6.7, or 6.9 of this chapter or IC 25-1-5-4:>~~

11 ~~< (1) Permanently revoke a practitioner's license:~~

12 ~~< (2) Suspend a practitioner's license:~~

13 ~~< (3) Censure a practitioner:~~

14 ~~< (4) Issue a letter of reprimand:~~

15 ~~< (5) Place a practitioner on probation status and require the~~  
 16 ~~practitioner to:~~

17 ~~< (A) report regularly to the board upon the matters that are~~  
 18 ~~the basis of probation;~~

19 ~~< (B) limit practice to those areas prescribed by the board;~~

20 ~~< (C) continue or renew professional education under a~~  
 21 ~~preceptor, or as otherwise directed or approved by the~~  
 22 ~~board, until a satisfactory degree of skill has been attained~~  
 23 ~~in those areas that are the basis of the probation; or~~

24 ~~< (D) perform or refrain from performing any acts, including~~  
 25 ~~community restitution or service without compensation, that~~  
 26 ~~the board considers appropriate to the public interest or to~~  
 27 ~~the rehabilitation or treatment of the practitioner:~~

28 ~~< (6) Assess a fine against the practitioner in an amount not to~~  
 29 ~~exceed one thousand dollars (\$1,000) for each violation listed in~~  
 30 ~~section 4 of this chapter, except for a finding of incompetency~~  
 31 ~~due to a physical or mental disability. When imposing a fine, the~~  
 32 ~~board shall consider a practitioner's ability to pay the amount~~  
 33 ~~assessed. If the practitioner fails to pay the fine within the time~~  
 34 ~~specified by the board, the board may suspend the practitioner's~~  
 35 ~~license without additional proceedings. However, a suspension~~  
 36 ~~may not be imposed if the sole basis for the suspension is the~~  
 37 ~~practitioner's inability to pay a fine:~~

38 ~~< (b) The board may withdraw or modify the probation under~~  
 39 ~~subsection (a)(5) if it finds, after a hearing, that the deficiency that~~  
 40 ~~required disciplinary action has been remedied, or that changed~~  
 41 ~~circumstances warrant a modification of the order.>~~

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