

CONCURRENCE IN SENATE AMENDMENTS

CSA1 Bill Id:AB 849 Author:(Soria)

As Amended Ver:September 4, 2025

Majority vote

SUMMARY

Requires, as of January 1, 2027, a provider, as defined, that offers a sensitive examination, to provide notice to patients that a medical chaperone will be made available, upon request, to observe the examination. Specifies that "provider" does not include any facility owned or operated by the Department of Corrections and Rehabilitation.

Senate Amendments

- 1) Revise the definition of sensitive examination;
- 2) Narrow the definition of provider to include only clinics, general acute care hospitals, and providers not licensed by the Department of Public Health, including imaging facilities and physician organizations;
- 3) Allow both the written and electronic notice that a chaperone will be provided upon request for sensitive ultrasounds to be provided either at a visit or in advance;
- 4) Require that if a medical chaperone is not available, the provider and chaperone to find an acceptable alternative, including but not limited to waiting without undue delay for a chaperone to become available;
- 5) Specify that chaperones shall "assist or observe" in order to conform with the definition of chaperone; and,
- 6) Make the provisions of this bill operative on January 1, 2027

COMMENTS

Sensitive Exams. According to the University of California Los Angeles Health Center (UCLA Health) any physical exam of the male or female genitals or rectum or female breasts is considered "sensitive." These include exams of the female breasts, pubic/groin region (for hernia), vulva and vagina, penis and scrotum, and rectum. UCLA Health provides medical chaperones for sensitive exams. Their job is to ensure patient and provider comfort, safety, privacy, security and dignity during these exams or procedures. The chaperone will stand in a location where they can observe what is going on and assist as needed. UCLA protocols note that persons undergoing a sensitive exam should expect: i) An explanation of the exam, including why it is needed, what the provider will do, and what it may feel like; ii) Privacy to undress; iii) A covering (gown or sheet/drape); iv) That the provider should not make sexual remarks, hints or jokes; v) and, that a patient has the right to refuse any portion of an exam or to stop it at any time.

Best Practices for Sensitive Exams. The American College Health Association (ACHA) recommends every institution have a policy regarding sensitive medical exams to protect patients' safety and minimize risk associated with the performance of these exams. It is ACHA's

recommendation that, as part of institutional policy, a chaperone be provided for every sensitive medical examination and procedure.

Medical Mistrust. Medical mistrust persists and appears to be growing. The public health literature on medical mistrust has largely focused on mistrust among Black and African American populations due to legacies of abuse and mistreatment, such as the infamous Tuskegee Syphilis Study. However, research is now emerging that explores mistrust among various populations and in varying contexts, and the literature now largely emphasizes the role of ongoing, present-day social and economic inequalities in shaping and sustaining mistrust, particularly among populations who experience health disparities. According to a 2021 article published in Behavioral Medicine, "*Whose Responsibility Is It to Dismantle Medical Mistrust? Future Directions for Researchers and Health Care Providers*," medical mistrust is associated with lower health care utilization and lower health care satisfaction and is thought to negatively affect myriad preventative health practices, particularly among people of color. These include colorectal cancer screening, mammography behaviors, and HPV vaccinations.

According to the Author

The medical sector has seen several recent high profile cases across the state of serial sexual abuse in hospitals where medical professionals have preyed on patients under the guise of providing medical care. Many hospitals utilize chaperones during sensitive examinations in an effort to protect patients, but policies can vary widely, and training of chaperones is not always to the highest standard required to protect patients. At Memorial Hospital Los Banos, an ultrasound technician allegedly abused at least ten women over the course of multiple years during sensitive examinations, with many abuses happening either during unchaperoned examinations, after the technician dismissed a chaperone, or with a chaperone present but uninvolved due to receiving no chaperone training. This bill creates a requirement that chaperones be provided for all sensitive ultrasound examinations, unless the patient (and not the technician) opts out. The bill also requires documented training of chaperones on how to identify and intervene to halt any improper actions. Through these requirements, this bill provides for patient safety in places of healing, and ensures that the relationship between patients and medical providers is one of trust and transparency during the most vulnerable and sensitive medical examinations.

Arguments in Support

SEIU California has a support if amended position on this bill and states that sensitive medical examinations, particularly those involving areas such as the pelvic, breast, and rectal regions, can leave patients feeling vulnerable. The power dynamics inherent in the patient-provider relationship, combined with the physical intimacy of such examinations, present an unfortunate risk of misconduct. SEIU notes that adding a trained medical chaperone as an impartial observer not only enhances patient safety, but also mitigates the risk of misunderstandings or unprofessional behavior during these procedures. While SEIU thinks that this measure is an important step to safeguarding patients from potential abuse, limiting the requirements to only sonographers does not provide protection to those patients who are receiving care from a physician or other provider. The terrifying stories from patients and parents who were abused by Medical Doctors raise the need for trained medical chaperons during all sensitive exams. SEIU urges the author to consider expanding the requirements under the bill to ensure that it covers exams performed by physicians as well.

Arguments in Opposition

The California Medical Association is opposed to this bill unless it is amended, noting concerns that the bill does not currently contemplate key clinical and operational considerations including the appropriate role of parents or guardians in pediatric or adolescent settings; patients lacking decision-making capacity, and the practical challenge of maintaining chaperone availability in outpatient and off-hour settings, particularly where only one sonographer is on duty.

FISCAL COMMENTS

According to the Senate Appropriations Committee, unknown ongoing costs for the California Department of Public Health (CDPH), likely hundreds of thousands, to review medical chaperone policies and investigate complaints (Licensing and Certification Program Fund).

VOTES:**ASM HEALTH: 12-1-3**

YES: Bonta, Addis, Aguiar-Curry, Arambula, Carrillo, Mark González, Krell, Patel, Celeste Rodriguez, Schiavo, Sharp-Collins, Stefani

NO: Patterson

ABS, ABST OR NV: Chen, Flora, Sanchez

ASM APPROPRIATIONS: 11-0-4

YES: Wicks, Arambula, Calderon, Caloza, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache

ABS, ABST OR NV: Sanchez, Dixon, Ta, Tangipa

ASSEMBLY FLOOR: 64-1-14

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Connolly, Davies, Elhawary, Fong, Gabriel, Garcia, Gipson, Mark González, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lee, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO: DeMaio

ABS, ABST OR NV: Castillo, Chen, Dixon, Ellis, Flora, Gallagher, Jeff Gonzalez, Hadwick, Lackey, Macedo, Patterson, Sanchez, Ta, Tangipa

UPDATED

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