Honolulu, Hawaii

April 26 , 2012

RE:

H.B. No. 2232

H.D. 2 S.D. 1 C.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2232, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to require informed consent in certain circumstances before performing pelvic examinations on female patients.

Specifically, this measure prohibits a physician, osteopathic physician, surgeon, or student participating in a course of instruction, residency program, or clinical training program from performing a pelvic examination on an anesthetized or unconscious female patient unless:

(1) The patient gives prior verbal or written informed consent to the pelvic examination;

- (2) The performance of a pelvic examination is within the scope of care for the surgical procedure or diagnostic examination scheduled to be performed on the patient; or
- (3) The patient is unconscious and the pelvic examination is required for diagnostic purposes.

It is the intent of this measure that pelvic examinations be conducted on an anesthetized female patient with the informed consent of the patient or on an unconscious female patient if the pelvic examination is required for diagnostic purposes.

Your Committee on Conference has amended this measure by clarifying the preamble to specify that:

- (1) The requirement of informed consent applies to pelvic examinations for medical, as well as training purposes; and
- (2) Informed consent ensures that the patient understands the procedure and its attendant risks and benefits and agrees to the procedure being performed.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2232, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2232, H.D. 2, S.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

M.D., Chair

CLAYTON HEE, Co-Chair

ON THE PART OF THE HOUSE

YAN 1. YAMANE, Co-Chair

GILBERT KEITH-AGARAN, 🔭 CO-Chair

Hawaii State Legislature

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 2232, HD 2, SD 1					Date/Time: 4/19/2012 3:30 pm				
The recommendation of the House and Senate managers is to pass with amendments (CD).									
☐ The Committee is reconsidering its	previ	ious de	cisio	n.					
The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	Α	WR	N	Е	House Managers	Α	WR	N	Е
GREEN, Josh, M.D., Chr.					YAMANE, Ryan I., Co-Chr.				
HEE, Clayton, Co-Chr.					KEITH-AGARAN, Gilbert S.C., Co-Chr.				
BAKER, Rosalyn H.					JORDAN, Jo				
SLOM, Sam					LEE, Marilyn B.				
					NISHIMOTO, Scott Y.				
					CHING, Corinne W.L.				
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TOTAL	4				TOTAL	15)			1
A = Aye $WR = Aye$ with Reservation				s $N = Nay$ $E = Excused$					
Senate Recommendation is:				House Recommendation is:					
Adopted Not Adopted					Adopted Not Adopted				
Senate Lead Chair's or Designee's Signature:					House Lead Chair's of Designee's Signature:				
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