

STAND. COM. REP. NO.

2967

Honolulu, Hawaii

MAR 23 2012

RE: H.B. No. 2232  
H.D. 2  
S.D. 1

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

Sir:

Your Committee on Health, to which was referred H.B.  
No. 2232, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH,"

begs leave to report as follows:

The purpose and intent of this measure is to address the circumstances under which pelvic examinations may be performed by certain health care providers and medical students on anesthetized or unconscious female patients.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, University of Hawaii, Hawaii Medical Board, Healthy Mothers Healthy Babies, Planned Parenthood of Hawaii, and three individuals.

Your Committee finds that informed consent for pelvic examinations is an issue of ethics and an important part of care. The American Congress of Obstetricians and Gynecologists and the Association of American Medical Colleges have condemned the practice of pelvic examinations on anesthetized or unconscious women as unacceptable and unethical. Your Committee also finds that while it is important for medical students to learn how to correctly perform pelvic examinations, providing all patients with the opportunity to give prior informed consent where possible is an important ethical consideration in the provision of health care.



Your Committee has amended this measure by:

- (1) Deleting extraneous legislative findings;
- (2) Specifying that the students who are subject to the requirements of this measure are students that are participating in a course of instruction, residency program, or clinical training program, rather than medical students;
- (3) Deleting the requirement that the physician, osteopathic physician, surgeon, or medical student have the patient's permission to be involved in the patient's care if the pelvic examination is already within the scope of care for the surgical procedure or diagnostic examination that is scheduled to be performed on the patient; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2232, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2232, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Health,



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JOSH GREEN, M.D., Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">HB2232, HD 2</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH, JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">9-16-12</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312         </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310         </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	/			
NISHIHARA, Clarence K. (VC)	/			
BAKER, Rosalyn H.	/			
CHUN OAKLAND, Suzanne	/			
SHIMABUKURO, Maile	/			
WAKAI, Glenn				/
SLOM, Sam				/
<b>TOTAL</b>	5	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted           <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="font-size: 1.2em; font-family: cursive; margin-top: 10px;">Clarence K. Nishihara</div>				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

**\*Only one measure per Record of Votes**