

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 495

**Representative Gross
Cosponsors: Representatives Carruthers, Brinkman**

A BILL

To enact section 4743.11 of the Revised Code to
require specified health care professionals to
offer their patients medical chaperones, to
establish certain mandatory reporting
requirements for health care professionals, and
to name this act the Patient Protection Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4743.11 of the Revised Code be
enacted to read as follows:

Sec. 4743.11. (A) As used in this section:

(1) "Chaperone" means a third person who, with a patient's
or patient representative's consent, is present during a medical
examination.

(2) "Health care professional" means all of the following:

(a) An advanced practice registered nurse licensed under
Chapter 4723. of the Revised Code;

(b) A physician assistant licensed under Chapter 4730. of
the Revised Code;

(c) A physician authorized to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code; 18
19
20

(d) An individual authorized to practice a limited branch of medicine under Chapter 4731. of the Revised Code; 21
22

(e) An anesthesiologist assistant licensed under Chapter 4760. of the Revised Code; 23
24

(f) An acupuncturist licensed under Chapter 4762. of the Revised Code; 25
26

(g) A radiologist assistant licensed under Chapter 4774. of the Revised Code; 27
28

(h) A genetic counselor licensed under Chapter 4778. of the Revised Code. 29
30

(3) "Intimate examination" means a medical examination of the pelvic area, genitals, rectum, breast, or prostate. 31
32

(4) "State licensing board" means the board of nursing or state medical board. 33
34

(B) Before conducting an intimate examination of a patient, a health care professional described in division (A) (2) (a), (b), or (c) of this section shall offer the patient or patient's representative a medical chaperone. 35
36
37
38

The health care professional may refuse to conduct the intimate examination if the patient or patient's representative declines to have a medical chaperone present during the examination. 39
40
41
42

(C) If a health care professional knows any of the following information regarding another health care 43
44

professional, the professional shall report that information as 45
soon as practicable to the other health care professional's 46
state licensing board: 47

(1) That the other health care professional has interacted 48
with a patient in a sexual manner or has had sexual contact with 49
a patient; 50

(2) That a patient complaint of sexual interaction or 51
sexual contact has been made against the other health care 52
professional; 53

(3) That the other health care professional routinely 54
fails to offer the professional's patients a medical chaperone 55
before conducting intimate examinations. 56

(D) If a health care professional fails to comply with any 57
of the requirements of this section, the professional may be 58
subject to discipline as described in division (B) of section 59
4723.28, 4730.25, 4731.22, 4760.13, 4762.13, 4774.14, or 4778.18 60
of the Revised Code. 61

Section 2. This act shall be known as the Patient 62
Protection Act. 63